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البند 3 من جدول الأعمال

تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية والاجتماعية والثقافية، بما في ذلك الحق في التنمية

زيارة إلى كولومبيا

تقرير المقرر الخاص المعني بمسألة الفقر المدقع وحقوق الإنسان، أوليفيه دي شوتر*

موجز

زار المقرر الخاص المعني بمسألة الفقر المدقع وحقوق الإنسان، أوليفيه دي شوتر، كولومبيا في الفترة من 26 آب/أغسطس إلى 4 أيلول/سبتمبر 2024 بدعوة من الحكومة. وكان الغرض من هذه الزيارة هو الاطلاع على الجهود التي تبذلها كولومبيا لمكافحة الفقر وحماية حقوق الإنسان للأشخاص الذين يعيشون في فقر. وسافر المقرر الخاص إلى بوغوتا، التي زار فيها منطقة سيوداد بوليفار، ثم بوينايفنتورا وكالي وسواتشا، حيث عقد اجتماعات مع مسؤولين حكوميين محليين وإقليميين ووطنيين، ومؤسسات دولية وكيانات تابعة للأمم المتحدة، ومنظمات المجتمع المدني، وأشخاص متضررين من الفقر في المناطق الحضرية والريفية على حد سواء. كما زار مشاريع مجتمعية في بوينايفنتورا وكالي وسيوداد بوليفار وسواتشا، تسعى المجتمعات المحلية من خلالها إلى سد الثغرات الناجمة عن فشل الدولة في توفير الخدمات العامة الأساسية في مجالات مثل التعليم والحماية الاجتماعية، أو الحصول على الأراضي والمياه، وعن الفشل في حماية الفئات الأكثر ضعفاً من تهديدات الجماعات المسلحة غير الحكومية وتجار المخدرات.

وعلى الرغم من التحديات الهائلة الناجمة عن عقود من النزاع المسلح، فإن كولومبيا بصدد إحراز تقدم في مكافحة الفقر. وقد انخفض معدل فقر الدخل من 36,6 في المائة من السكان في عام 2022 إلى 33 في المائة في عام 2023، وانخفض معدل الفقر المدقع من 13,8 في المائة إلى 11,4 في المائة. ومع ذلك، لا يزال التفاوت في الدخل مرتفعاً للغاية: إذ يبلغ معامل جيني 0,53، وهي نسبة من أعلى النسب في العالم. وبالإضافة إلى ذلك، تتأثر شرائح معينة من السكان بالفقر بصورة أكبر: حيث كان 58,4 في المائة من السكان الأصليين يعيشون في فقر في عام 2023، وهو ما يزيد بنحو 50 في المائة عن المتوسط الوطني.

* يعمم موجز هذا التقرير بجميع اللغات الرسمية. أما التقرير نفسه، الوارد في مرفق هذا الموجز، فيُعَمَّم باللغة التي قُدِّم بها وباللغة الإسبانية فقط.



الرجاء إعادة الاستعمال

وعلاوة على ذلك، لا تزال الاختلافات الإقليمية كبيرة، حيث إن مقاطعات بوليفار وتشوكو ولا غواخيرا وسوكري أسوأ حالاً بكثير من غيرها. وتؤكد هذه الاختلافات أهمية ضمان أن تكون أي عملية لا مركزية، تتفد المادة 286 من دستور عام 1991، مصممة لسد الفجوة بين المناطق الريفية والحضرية، وبين المجتمعات المحلية.

ويختتم التقرير بمجموعة من التوصيات الرامية إلى معالجة التفاوتات الرئيسية بين المناطق الريفية والحضرية، وكذلك بين أفقر البلديات وأغناها في البلد. وتشمل هذه التوصيات تدابير محددة لدعم الفئات الضعيفة الأكثر عرضة للفقر، وجهوداً لمكافحة الطبقية الاجتماعية من خلال إنشاء سجل شامل للدخل (registro universal de ingresos)، وإجراءات لمساعدة ضحايا النزاعات المسلحة النازحين مع الحد من المضاربة على الأراضي. ويدعو المقرر الخاص أيضاً إلى إجراء إصلاحات تضمن تمويلاً مستداماً للتعليم العالي وزيادة فرص الحصول عليه في المناطق المهمشة تاريخياً. كما يشدد على ضرورة إجراء إصلاح زراعي شامل لتمكين مزارعي الكوكا من تحقيق مستوى معيشي لائق، إلى جانب ضمان حصول العمال غير النظاميين على أجر يكفي للعيش وضمان قدرتهم على بلوغ مستوى معيشي لائق أثناء انتقالهم إلى الاقتصاد النظامي.

تقرير المقرر الخاص المعني بمسألة الفقر المدقع وحقوق الإنسان، أوليفيه دي شوتر، عن زيارته إلى كولومبيا

I. Introduction

1. The Special Rapporteur on extreme poverty and human rights, Olivier De Schutter, visited Colombia between 26 August and 4 September 2024, at the invitation of the Government. In the course of the visit, the Special Rapporteur met with representatives of eight ministries and of the four departments of the Victims' Unit, as well as its Director. He held exchanges with the Minister of Labour and with representatives of the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Finance and Public Credit, the Ministry of Justice and Law, the Ministry of Agriculture and Rural Development, the Ministry of Health and Social Protection and the Ministry of National Education. He also met with directors of the Administrative Department of the Presidency of the Republic, the National Planning Department, the Administrative Department for Social Prosperity and the National Administrative Department of Statistics. He held meetings with members of the Constitutional Court, with the President of the Human Rights Commission at the Senate and with members of the office of the Ombudsperson.

2. The Special Rapporteur travelled to Bogotá, Buenaventura, Cali and Soacha, meeting with local, regional and national government officials, international institutions and United Nations entities, civil society organizations and people affected by poverty in both urban and rural areas. He spoke with over 150 persons living in poverty, including residents of informal settlements in Bogotá, including Buenaventura, Cali Ciudad Bolívar and Soacha. He also met with victims of the armed conflict, including internally displaced persons, as well as with the Mothers of Soacha, who had lost sons to arbitrary executions that had been falsely presented by the armed forces as killings of guerilla fighters (the "false positives"). The Special Rapporteur met with persons with disabilities, people of African descent, Indigenous Peoples, women, peasants, young leaders and LGBTIQ+ persons living in poverty and subjected to various forms of violence and segregation. In Buenaventura, he heard from representatives of the Paro Cívico, from whom he learned about the efforts of community representatives and international organizations to implement a total of 176 agreements reached since 2017 to improve delivery of public services and social investment in their communities.

3. During his visit, the Special Rapporteur witnessed first-hand many community-led projects in Buenaventura, Cali, Ciudad Bolívar and Soacha seeking to fill the gaps left by the failure of the State to provide basic public services in areas such as education, social protection or access to land and water, and the failure to protect the most vulnerable from the violence and hardship imposed by non-State armed groups and different forms of organized criminal groups, including drug traffickers.

II. Context

A. State of poverty

4. Despite the enormous challenges resulting from the legacy of armed conflict, Colombia is making progress in the fight against poverty. In order to be aligned with inflation, the income poverty line at the national level in 2023 was set at 435,375 Colombian pesos (Col\$) per month, an increase of 9.7 per cent in comparison to 2022, while the extreme poverty line was set at 218,846 pesos per month. Both measures vary, however, between urban and rural areas, and between localities, to take into account differences in the cost of living. Based on these measures, the rate of income poverty decreased from 36.6 per cent of the population in 2022 to 33 per cent in 2023 and the rate of extreme poverty decreased from 13.8 per cent to 11.4 per cent. That represents a significant improvement from only a few

years ago: in 2020, as a result of the coronavirus disease (COVID-19) pandemic, the income poverty rate at the national level reached 42.5 per cent, erasing a decade of slow but continuous reduction in poverty levels in the country. The multidimensional poverty rate has also been decreasing: from 19.1 per cent in 2018 (and 18.1 per cent in 2020, a slight increase over the preceding year due to the COVID-19 pandemic) to 12.1 per cent in 2023.¹

5. Enormous gaps remain, however. Certain segments of the population are significantly more impacted by poverty: 58.4 per cent of the Indigenous population were living in poverty in 2023, a poverty rate that is almost 50 per cent higher than that of the national average. Moreover, regional differences remain significant. The highest poverty rates are found in the departments of Bolívar, Chocó, La Guajira and Sucre. In Quibdó, the capital city of Chocó in the Pacific Region, 60 per cent of the population live in poverty and 28 per cent are in extreme poverty (in contrast, 23.7 per cent of the population were in income poverty in Bogotá and 5.1 per cent were in extreme poverty). These imbalances underscore the importance of ensuring that a decentralization process, implementing article 286 of the Constitution, is designed to bridge the gap between rural and urban areas, and between communities.

6. The proposals put forward by the Mission on Decentralization established by decree No. 1665 of 2021 should be implemented with the above objectives in mind. The proposals include establishing a form of positive discrimination for the least favoured departments and geographical areas, where poverty rates are highest and the provision of public services lowest; the ring-fencing of part of the national budget, for instance 30 per cent, for targeting efforts to close gaps between different territories; and the establishment of a new fund, the territorial economic convergence fund, which would support cross-subsidization efforts from the richest to the poorest municipalities and support territorial development efforts, including by improving infrastructure.

7. In addition, while overall poverty has gradually decreased, income inequality remains very high: the Gini coefficient is 0.53, one of the highest rates in the world.² That cannot be ignored in a general assessment of poverty, since inequalities result in unequal access to certain assets (such as land) or services (such as healthcare or education) that may perpetuate poverty and limit social mobility across generations. Because inequality is so high in the country, it is welcome that the National Development Plan 2022–2026 now tasks the National Administrative Department of Statistics with measuring wealth inequalities, including inequalities in land, financial assets and immovable property. In addition to the Gini coefficient, which is insufficiently sensitive to changes at the two extreme ends of the distribution ladder, the Palma ratio should be used, measuring inequality by dividing the share received by the richest 10 per cent of the population by the share of the poorest 40 per cent. In addition, the National Administrative Department of Statistics could be tasked with measuring social mobility, in order to inform the public debate regarding the need ensure that children from all social backgrounds have real equal opportunities.

B. Vicious cycle between armed conflict and poverty

8. Despite the peace agreement of 2016 and the dismantling of the Revolutionary Armed Forces of Colombia – People’s Army (FARC-EP), Colombia continues to be trapped in a vicious cycle linking ongoing armed conflicts to poverty.

9. The perpetuation of violence, led by non-State armed groups that have occupied the void left by the dismantling of most of the former FARC-EP groups, seriously hampers efforts towards the eradication of poverty. Nearly 10 million (9.72 million) people have been registered as victims of armed conflicts, 8.66 million of whom have been internally displaced. Of the latter over 1 million have fled violence since the 2016 peace agreement was signed. The displaced form a cohort of people living in poor housing conditions, with sometimes limited social connections and employment opportunities. They are routinely subjected to

¹ Figures provided by the Ministry of Equality and Equity and by the National Administrative Department of Statistics.

² See <https://statistics.cepal.org/portal/cepalstat/national-profile.html?theme=1&country=col&lang=en>.

extortionary money-lending practices (known as *gota a gota*), and they may have to pay high levels of rent each day, under threat of eviction from unscrupulous landlords. In the areas under the control of the armed groups, forced confinements disrupt access to work, to healthcare and to school. Entrepreneurs are forced to pay so-called *vacunas* under the threat of violence (including execution), leading the Office of the United Nations High Commissioner for Refugees to identify victims of such extortion as a specific social group facing persecution under article 1A (2) of the Convention relating to the Status of Refugees.

10. The general state of insecurity in the country also takes a serious toll on human rights defenders and on environmental rights defenders in particular. Colombia has been rated as the world's deadliest country for land and environmental rights defenders, with 79 murdered in 2023, namely 40 per cent of all cases reported by the non-governmental organization, Global Witness, and the highest annual total for any country documented by Global Witness since it began documenting cases in 2012. In addition to the gross violations of human rights resulting from such killings, the threats facing human rights defenders may lead to reduced accountability, with impacts on the fulfilment of economic and social rights.³ In addition, the delivery of public services in areas under the control of armed groups is made particularly difficult and municipal agents may not be able to register potential beneficiaries in the system for the identification of potential beneficiaries of social programmes (*sistema de identificación de potenciales beneficiarios de programas sociales*, known as Sisbén) for access to subsidized healthcare or education or to cash transfer programmes.

11. Conversely, poverty breeds violence. In the absence of other employment opportunities, children and young adults are an easy target for recruitment into armed groups. Coca farmers continue to be trapped in the illicit economy of drug production and trafficking because they have no other economically viable alternatives, thus channelling resources into the armed groups linked to drug trafficking.

12. The immediate concern should be to protect the rights of victims of forced displacement. They form a particularly disadvantaged segment: 51.4 per cent of the displaced were living in poverty in 2024 and 21.9 per cent were living in extreme poverty, compared to 34.7 per cent and 12.7 per cent in the general population; and the gap has in fact increased since 2019. Women are disproportionately affected: 53.2 per cent of displaced women are living in poverty, compared to 49.7 per cent of men.

13. While commendable efforts have been made to improve the situation of victims, the 2004 judgment of the Constitutional Court (No. T-025) remains unevenly implemented and Act No. 1448 of 2011, the Victims' Act, while providing important support through the Victims' Unit, does not address the poor living conditions of people displaced by armed conflict. The improvements provided under Act No. 2124 of 2024 provide only a partial response to those concerns.

14. For most victims of forced displacement, the priority is to obtain restitution of the properties they fled, or that their current occupation of land be legalized by their being provided with legal titles recognizing ownership. That would allow them to be protected from eviction; to mortgage their land in order to obtain credit from banks; and to demand to be better served by public utilities. In the course of his visit, the Special Rapporteur was repeatedly told how, in both rural and urban areas, displaced persons had been awaiting restitution or legalization for many years (sometimes 30 or more), while the authorities invoked environmental risks, such as flooding or landslides, to refuse titling, or explained such refusal by their unwillingness to condone illegal forms of occupation, referred to as "invasions". If such environmental risks are real, however, these groups should be provided with adequate resettlement options.⁴ With the passage of years, justifications based on the need to discourage such "invasions" lose much of their weight.

15. At the same time, a cautionary note is in order. While the Special Rapporteur is convinced, based on the large number of testimonies he heard, that legalization of their occupation of land is essential for households displaced by conflict, he also notes that titling

³ Global Witness, "Missing voices, the violent erasure of land and environmental defenders worldwide" (2023–2024 annual report).

⁴ Committee on Economic, Social and Cultural Rights, general comment No. 26, para. 24.

of land is not to be seen as a magic bullet for development and for the improvement of living conditions.⁵ Indeed, unless accompanied by other forms of support, it may have the perverse effect of encouraging the overindebtedness of beneficiaries tempted to use their property as collateral for loans. It may also encourage speculation over land, especially in rural or peri-urban areas, by so-called *terreros* buying up land to speculate on the increase in value resulting from legalization. In rural areas, titling processes should be combined with comprehensive agrarian reform, providing peasants (*campesinos*) with the full range of services and access to markets needed to earn decent livelihoods from their work. That underscores the importance of the 15-year comprehensive rural reform plans, implementing chapter 1 of the 2016 peace agreement, which, in addition to dealing with access to and formalization of land, includes programmes for roads, electricity, irrigation, health, education, work, housing, water, incentives for the peasant economy (technical assistance, commercialization and support to cooperatives) and the human right to food. Titling should serve as a means for peasant farmers to live from farming, not as an opportunity to sell off their land at an inflated price.

16. Beyond improving the protection of victims of armed conflicts, the larger challenge is to break the vicious cycle of poverty and violence. All Colombians have an interest in combating poverty and reducing inequalities, since this is a condition for lasting peace and peace will provide enormous dividends to all. Below, the Special Rapporteur suggests the priorities that could be pursued in that regard.

III. Combating social segregation and improving social mobility

A. Challenges

17. Colombia has the dubious distinction of being the country with the lowest social mobility compared to the rest of the countries of the Organization for Economic Cooperation and Development (OECD). According to OECD, it would take 11 generations or two and a half centuries, for the average Colombian raised in the bottom 10 per cent of income earners to reach the mean income level, although by that time, that person would be dead. In comparison, OECD countries on average require 4.5 generations for that gap to be bridged.⁶

18. The single most important reason for the lack of social mobility is the stratification system on which the country relies. That system essentially classifies households into various “strata”, ranging from 1 (*bajo-bajo*) to 6 (*alto*), depending on the neighbourhood in which they live. Reference is also made to an informal 0, or zero, stratum, which refers to people entirely deprived of public services as they live in informal settlements or slums. The stratification system is ostensibly intended to allow for the provision of subsidized public services to households in the lowest strata, who pay less for access to water, gas and electricity, while the better off strata pay higher prices and thus subsidize access to those services for poorer households. The cross-subsidization system initially enjoyed some level of support at both ends of the social ladder it relies on: while low-income housing blocks are provided with public services at a lower cost to households, residents of housing blocks ranked 5 or 6 live apart from the rest. The system, however, results in a perverse form of enforced social segregation. It should be abolished as soon as practically feasible.

19. First, the stratification system does not even accomplish the targeting function it was initially intended to achieve: it may happen that relatively better-off households live in impoverished areas and thus pay less, whereas low-income households may exceptionally reside in higher-income neighbourhoods, which obliges them to pay a higher price for public services. While the system discourages such situations (high-income families prefer to live surrounded by richer neighbours and low-income households will try to avoid living where expenses for utilities and rents are higher), such mistargeting may still occur.

20. Secondly, stratification is a major factor explaining the very low levels of social mobility in the country. It provides a textbook example of how poverty is perpetuated from

⁵ Ibid., para. 31 and A/65/281, paras. 15–21.

⁶ See https://www.oecd.org/en/publications/oecd-economic-surveys-colombia-2022_04bf9377-en.html.

one generation to the next,⁷ where people living in low-income housing blocks fail to build connections beyond their extended families and neighbours (all of whom, typically, will also be living on low incomes), a problem made even worse by the long commutes to work in other areas for people living in areas classified as strata 1 or 2, which deprive them of the ability to strengthen community ties and to contribute to social activities. Lack of social networks results in children raised in the lowest strata having fewer adult references to relate to, thus lowering their aspirations to pursue higher education or the most rewarding jobs.

21. Thirdly, stratification has profound political and social consequences. The better-off ranks of society do not see poverty and thus may care less about it, which may result in increased political polarization along class lines. Even more importantly, negative stereotypes about people in poverty (povertyism or *aporophobia*, as it appears in the scientific literature in the Spanish-speaking world) are perpetuated in a society in which interactions between social classes are kept to a minimum.⁸ Most rich people in Colombia know about people in poverty only through what they learn from the security guards protecting their building, from their housekeeper, or from the woman waking up early every morning to take care of their children.

22. The Special Rapporteur therefore welcomes the fact that Colombia plans to move away from social stratification towards the establishment of a universal income registry (*registro universal de ingresos*). This registry should allow all households to pay for public utilities in proportion to their contributing capacity, rather than based simply on the stratum in which they are classified, based on where they live.

23. As proposed under article 70 of the National Development Plan, decree No. 875 of 8 July 2024 launched a phased process towards implementation of the registry. That is now in an experimental phase, aimed at analysing and determining the definition of income to construct an estimation model for organizing and classifying the population within the universal income registry and to implement a number of pilot tests. In his correspondence with the Government following the country visit, the Special Rapporteur emphasized that the experimental phase would benefit enormously from the participation of people in poverty and suggested that it could provide an opportunity to road test a new methodology in that regard, which he had developed in collaboration with the International Movement ATD Fourth World.⁹ That methodology for inclusive and deliberative elaboration and evaluation of policies is aimed at ensuring that such participation is genuine, in order to allow the participation of people in poverty to contribute to improving not only the effectiveness of policies (by being informed of the lived experience of people in poverty), but also their legitimacy, as well as empowering the communities involved.¹⁰ The Special Rapporteur looks forward to further collaboration with the Government in this area.

B. Desegregating society

1. Employment

24. Significant progress has been achieved in improving the situation of workers and in reducing in-work poverty. Consistent with article 53 of the Constitution and Act No. 278 (1996), the statutory minimum wage was increased by 16 per cent in 2023 and by a further 12 per cent in 2024. It stood at Col\$1.3 million at the time of the country visit, about 200 per cent above the income poverty level, to which Col\$162,000 in transportation allowances should be added. As a result of this increase, and even taking into account the high inflation rates of recent years (the consumer price index increased by 13.25 per cent in

⁷ See A/76/177.

⁸ See A/77/157.

⁹ Letter from the Special Rapporteur on extreme poverty and human rights to the Ambassador of Colombia to the United Nations Office at Geneva and other international organizations, 19 December 2024 (INT/CV/FUL/COL/C30613).

¹⁰ More information is available from <https://www.srpoverity.org/2024/02/09/tool-for-the-inclusive-and-deliberative-elaboration-evaluation-of-policies-ideep/>.

2023, following a similar increase in the preceding year), 1.6 million people moved above the poverty line between 2022 and 2023.

25. A labour reform bill, which was awaiting approval in Congress at the time of the visit, should put an end to the institution of the *contrato sindical*, which has raised concerns from the International Labour Organization (ILO) as well as from international partners of Colombia. Indeed, the *contrato sindical*, defined in article 482 of the Labour Code as an agreement between one or more workers' unions and one or more employers, results in practice in a form of casualization of labour, as it treats workers as if they were independent contractors, thus depriving them of the full set of guarantees normally associated with the status of employee.

26. The most significant challenge facing Colombia is the weight of the informal sector. A total of 55.9 per cent of the workforce was considered to be informal, according to official data presented by the Ministry of Finance, and while the rate of informal work has slightly decreased in recent years, it remains very high, particularly in the agricultural and food service sectors. While attempts have been made in the past, particularly through Act No. 789 (2002), to make labour more flexible, in order to make formalization more attractive, such attempts have largely failed, resulting in higher rates of precarious work, without significantly increasing formalization.

27. Various programmes have been put in place under the current administration to encourage formalization. A total of 128,197 new jobs were created in 2024, more than half of which were for young workers, under the *Empleos para la Vida* programme,¹¹ which subsidizes the creation of new jobs, with higher subsidies going to the employment of persons with disabilities, of young workers, or of women; the *Campesina* programme was established in support of small farmers' access to services; the *Saber Hacer Vale* programme allows for skills acquired through practice to be recognized, thus favouring access to employment for the most vulnerable segments of the workforce, who have not been able to acquire formal qualifications; the purpose of the Full Popular programme is to provide support to small businesses by facilitating access to financial products, promoting financial education and offering solutions for different needs.

28. Consistent with ILO Recommendation on Transition from the Informal to the Formal Economy, 2015 (No. 204) and general comment No. 23 (2016) of the Committee on Economic, Social and Cultural Rights on the right to just and favourable conditions of work,¹² Colombia should be encouraged to pursue a two-track approach towards formalization. First, the human rights of informal workers should be protected, in order to avoid instances of exploitation by unscrupulous employers: health and safety at work regulations, a minimum wage, union rights and the right to equal treatment should be extended to informal workers and enforced by labour inspectorates. Second, social security should be progressively extended to informal workers.¹³ The Sisbén system, which serves to identify people in need of public support, should also be reformed in order to ensure that formalization will not immediately and automatically lead to exclusion from such support; otherwise, the threat of such exclusion may result in a strong disincentive towards formalization.

29. Formalization should also be encouraged by providing incentives to employers who choose to formalize the status of their workers, for instance by reducing the levels of social contributions during an initial period following formalization, or by making the awarding of public contracts or access to credit conditional upon formalization. The Constitutional Court could contribute to this process by ensuring that the fundamental rights of informal workers are protected. That would be consistent with its approach to healthcare, where it found that subsidized access must not result in the provision of health services that were inferior to those benefiting patients who were able to pay contributions in order to be covered by healthcare

¹¹ The programme was established through decree No. 533 (2024), implementing article 79 of the National Development Plan 2022–2026.

¹² Para. 47.

¹³ ILO Recommendation, 2015 (No. 204), para. 18.

insurance.¹⁴ Similarly, informal workers should not be less protected in their enjoyment of fundamental rights than workers who are registered as formal workers.

2. Social protection and public services

(a) Identifying people in need of support

30. Social protection in Colombia consists of a mix of non-conditional and conditional social programmes, including those managed by the Department for Social Prosperity, such as its flagship cash transfer programme, *Renta Ciudadana*. Cash transfers falling under *Renta Ciudadana* include those targeted at single-parent households with children under the age of 6 or households including persons with disabilities (*valoración del cuidado*) and transfers targeted at households in extreme poverty with children under the age of 18, (*Colombia sin hambre*).

31. Within the context of social protection, Colombia should be applauded for its recognition of the vulnerable situation of older persons, including the recently approved pension reform, which will increase coverage for those without sufficient savings. The increase in benefits through its *Colombia Mayor* programme, from Col\$80,000 to Col\$225,000, is also a step in the right direction. The Special Rapporteur was also encouraged by the launch of *Atención de Emergencias*, an adaptive cash transfer programme which provides benefits to individuals, households or communities affected by crisis situations, including environmental disasters. Given the country's high degree of vulnerability to climate-related risks, it is vital that the authorities continue to assess how to best protect individuals from the new risks resulting from climate change.

32. While the number and scope of social programmes on offer from the Department for Social Prosperity and various ministries is laudable, important challenges remain. The Special Rapporteur identifies the following two key priorities: to expand coverage and to ensure appropriate targeting.

33. Many of the beneficiaries of the country's social protection programmes, including healthcare, are identified through Sisbén. This tool, which classifies individuals into groups from A to D, with A being those in extreme poverty and D neither in poverty nor vulnerable, is based on in-person surveys that measure income, living conditions and other measures of well-being such as education and access to public services.

34. As noted by the Constitutional Court however,¹⁵ the targeting achieved through Sisbén is far from perfect, despite several reforms to the system since its inception in 1995. That continues to be the case in 2024 with the fourth version of Sisbén (Sisbén IV). Most vulnerable groups in Colombia live in rural and often extremely remote areas and, as a result, not all of those who should be in the system are included and therefore do not receive benefits. Moreover, as already noted by the Special Rapporteur in his report on the non-take-up of rights in the area of social protection,¹⁶ information on Sisbén is available only in Spanish (with the surveys also carried out in Spanish). That represents an obstacle for Indigenous Peoples whose primary language is not Spanish and risks worsening the gap between legal coverage (rights on paper) and effective coverage (rights in practice).

35. The Special Rapporteur was extremely concerned by the many stories he heard of povertyism or *aporophobia*: those relying for social protection on their classification in Sisbén are routinely confronted with negative attitudes and behaviours towards them. Just as strata have become a way to classify people, not buildings, it seems that being *sisbenizado* has become a measure of whether an individual has made the wrong choices in life, rather than needing support from the State in order to address structural inequalities that have been entrenched over centuries.

36. That is another reason why efforts within government ministries, primarily the National Planning Department, to move away from Sisbén IV and to consolidate national

¹⁴ Decision T-760/2008 on the right to health.

¹⁵ See, in particular, decision T-177-1999.

¹⁶ A/HRC/50/38, para. 45.

databases under a single registry of beneficiaries, the proposed *registro universal de ingresos*, should be encouraged. It is crucial, however, that at the same time discrimination against people in poverty is confronted head-on in Colombia, so that this new system is perceived not as State charity, but as an instrument for ensuring the human rights of all in the country.

(b) *Healthcare*

37. The country's record in extending health insurance is impressive: 98.6 per cent of the population was covered in 2023, compared to just one in six in 1990.¹⁷ Out-of-pocket spending on healthcare, at 14 per cent of total health expenditure in the country, is lower than the OECD average of 18 per cent and one of the lowest in the region.¹⁸

38. Healthcare services are provided through two regimes, contributory or subsidized. The contributory regime, through which formal workers, their employers and self-employed workers contribute 12.5 per cent of their salaries each month, provides access to a wide range of public and private healthcare services. The subsidized scheme is funded through taxes and transfers. It is designed for low-income individuals who cannot afford the contributory regime, including individuals within certain Sisbén categories, so that they can access public healthcare services.

39. A number of Constitutional Court rulings¹⁹ have confirmed that, regardless of their regime, all Colombians should have equitable access to essential healthcare. Despite this constitutional promise however, the gaps in access to and the quality of healthcare in Colombia are immense. While Bogotá can boast some of the best private hospitals in Latin America, huge swathes of the population are still unable to access even the most basic primary care services.

40. The situation is significantly worse outside the cities and particularly in geographically isolated areas, where people are often hours from a public health centre, let alone a hospital. The Special Rapporteur was informed of sick patients in rural areas travelling for hours to be picked up by an ambulance which would then spend hours gathering other patients before transporting them to hospitals lacking basic facilities, medication or specialists. When people in rural and remote regions need to travel to other regions to see a specialist, they are expected to pay out of their own pocket – an impossible sum for people who are destitute. It is unacceptable that in an upper-middle-income country such as Colombia so many cannot access healthcare or medication and that children are still dying of malnutrition.

41. A proposed bill to reform healthcare in Colombia is going through its second debate in Congress in the current legislative session. While the text had not yet been submitted at the time of the Special Rapporteur's visit, the need to expand access to health services and increase the quality of care, particularly in rural Colombia, is urgent. More equal societies have healthier populations – a message Colombia should take to heart.

(c) *Education*

42. The story of education in Colombia is one of inequality. The quality of the education that children from lower-income households receive is significantly lower than that of the education benefiting children who are better off, a gap that is particularly apparent in rural areas. That inequality shadows them for the rest of their lives, perpetuating poverty from one generation to the next.²⁰

43. Educational inequality is attributable largely to the extreme disparity in Colombia between public and private education: parents choose private schools for their children if they can afford to do so and that explains, to a large extent, the lack of sufficient investment in

¹⁷ *OECD Reviews of Health Systems: Colombia* (2016).

¹⁸ *Health at a Glance 2023: OECD Indicators*.

¹⁹ See, in particular, decision [T-760-2008](#).

²⁰ See Mauricio García Villegas and Leopoldo Fergusson, *Educación y las Clases Sociales en Colombia: Un Estudio sobre Apartheid Educativo*, (Bogotá, Dejusticia, 2021).

public education. Ninety-seven per cent of children in Colombia are in public schools,²¹ yet 97 of the 100 best schools in the country are private.²² Private schooling is increasingly the only good option in the country, yet it is an option only a tiny elite can afford.

44. The gulf in the country's educational system, both in terms of quality and access, has led to extremely poor learning outcomes for children from low-income backgrounds. In some areas, particularly those with large populations of ethnic minorities and a history of conflict, the learning poverty rate – not being able to read and understand a simple text at age 10 – exceeds 90 per cent, with public schools often lacking basic infrastructure, resources and qualified teachers.²³

45. Dropout is a major challenge facing the education system in Colombia. Enrolment in the final two grades of high school was just 48.7 per cent in 2021.²⁴ For every 100 students who do complete high school, only 39 per cent move on to higher education.²⁵ And once there, the drop-out rate is 46 per cent at university and over 50 per cent for technical courses.²⁶ Unsurprisingly, this phenomenon affects mainly those living in poverty. The higher education dropout rate is 70 per cent for students from low-income households, compared to less than 10 per cent for students from high-income households.²⁷

46. That educational apartheid between those who can afford fees and those who cannot is a major source of the perpetuation of social segregation in Colombia. Children and adolescents from different income levels simply do not come into contact with one another. Indeed, even when they do, through government concessions that place children from low-income households in private schools or on university scholarship programmes, students report an onslaught of humiliation and exclusion from their higher-income peers. That stigmatization, in addition to the fact that many students cannot pay for basic materials or transport to class, or simply have to return to work to support their families, may explain the high dropout rates reported above.

47. Despite support across the political spectrum for an urgent reform of the education system in Colombia, focused primarily on increasing funding for public education and addressing the enormous gaps in educational quality and coverage between rural and urban areas, the Government has been unable to move forward with major reforms. The draft bill presented by the Ministry of Education on 3 September 2024, which is aimed at guaranteeing sustainable funding for higher education and increasing coverage in historically excluded regions, and any future initiatives to bolster public education should be adopted as a matter of urgency.

48. Schools should be institutions that compensate for inequalities between children of different socioeconomic backgrounds, not a mirror of a highly unequal and segregated society. Investing in education from early childhood to adult learning is key to breaking the cycles that perpetuate poverty.

3. Promoting an inclusive society that values diversity

49. The Constitution enshrines the principles of equality and non-discrimination in articles 13 and 43, ensuring that all people, regardless of their status, are entitled to equal protection under the law. Article 13 establishes the principle of equality and prohibits discrimination. It asserts that all individuals are equal before the law and that discrimination based on sex, race, national or family origin, language, religion, political opinion, or any other personal or social condition or circumstance is forbidden. The country's anti-discrimination framework includes a range of institutions and legal instruments aimed at promoting equality and protecting marginalized groups.

²¹ See <https://www.dane.gov.co/index.php/estadisticas-por-tema/educacion/poblacion-escolarizada/educacion-formal>.

²² See David Forero, “¿Qué hacer en educación?”, *Fedesarollo* (June 2022).

²³ Gabriel Demombynes, “Learning poverty at the local level in Colombia”, World Bank (2023).

²⁴ National Development Plan 2022–2026 (2023).

²⁵ David Forero, “¿Qué hacer en educación?”

²⁶ *Ibid.*

²⁷ *Ibid.*

50. Practical barriers and systemic inequalities persist, however, especially for those living in poverty. The Special Rapporteur recognizes the many challenges faced in the country by people of African descent and Indigenous Peoples. However, as the Working Group of Experts on People of African Descent²⁸ and the Special Rapporteur on the rights of Indigenous Peoples have recently visited the country,²⁹ he focuses on other groups that face discrimination.

(a) *People in poverty*

51. Article 13 of the Constitution should be read in line with international human rights law. Article 2 (2) of the International Covenant on Economic, Social and Cultural Rights mentions social origin and property (in Spanish, *posición económica*) among the prohibited grounds of discrimination, alongside, inter alia, race, colour, sex, language or religion. The Committee on Economic, Social and Cultural Rights notes that: “Discrimination may cause poverty, just as poverty may cause discrimination”³⁰ and it insists that such grounds should be included in the anti-discrimination framework adopted by the States Parties to the Covenant.³¹

52. Considering the levels of negative stereotyping of people in the country, whether they are labelled *sisbenizado* or considered to belong to a low stratum, priority should be given to addressing prejudice against people living on low incomes. Article 134B of the Criminal Code (inserted under Act No. 1482 of 2011 and further amended by Act No. 1752 of 2015), currently makes it a criminal offence to discriminate against a person, group of persons, community or people on grounds of their race, ethnicity, religion, nationality, political or philosophical ideology, disability, sex or sexual orientation. The Special Rapporteur encourages the insertion of a reference to socioeconomic status in this provision. Similarly, where less favourable treatment is imposed on grounds of socioeconomic disadvantage or, in the Colombian context, on grounds of membership of a stratum, or registration among the A or B levels within the Sisbén system in fields such as employment or housing, that should be considered a violation of the principle of equal treatment.³²

(b) *Women*

53. Poverty in Colombia, as in many other countries, has a woman’s face.³³ Over 40 per cent of households headed by women³⁴ are in a situation of monetary poverty compared to one third of the households headed by men, while 16.7 per cent of women and 11.6 per cent for men were in situations of extreme poverty in 2022.³⁵ The Government is working towards addressing that gap, including through cash transfer programmes and subsidies specifically targeting single mothers.

54. Colombia has also taken steps towards acknowledging unpaid care work. Act No. 1413 of 2010 supports the care economy, ensuring that unpaid household work is included in the national accounting system and the pension reform granted additional pensions for women who have given birth to and raised children, acknowledging the lost monetary income of childbearing that often leaves women financially vulnerable.

55. Further progress can be expected in two domains. In rural areas, equal access to land can be crucial to women’s economic empowerment. While article 58 of the Constitution recognizes that men and women have equal rights in access to land ownership, men still own

²⁸ “Colombia must be accountable to people of African descent in conditions of risk and ‘resistance’, say UN experts” (24 May 2024).

²⁹ “UN expert urges Colombia to prioritise Indigenous Peoples’ rights to achieve ‘total peace’” (15 March 2024).

³⁰ E/C.12/2001/10, para. 11.

³¹ General comment No. 20 (2009), para. 37.

³² See A/77/157.

³³ See <https://www.dane.gov.co/files/operaciones/ECV/bol-ECV-2023.pdf> (in Spanish).

³⁴ Ibid. Female-led households constitute 45.4 per cent of households according to the National Administrative Department of Statistics – a percentage that is increasing each year.

³⁵ See <https://www.dane.gov.co/files/operaciones/PM/cp-PMEnfoqueDiferencial-2022.pdf> (in Spanish).

64 per cent of rural land in Colombia, while women own only 36 per cent.³⁶ The comprehensive agrarian reform envisaged under chapter 1 of the 2016 peace agreement should therefore include a strong gender dimension.

56. Finally, levels of gender-based violence remain high in the country. A 2021 survey carried out by the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) found that 6 out of 10 Colombian women had experienced gender-based violence,³⁷ a reality that is especially common in rural areas affected by armed conflict.³⁸ As the levels of poverty are higher and the levels of public services provided are lower in those areas, it is important that the State expand its outreach in terms of services and especially psychosocial support and easier access to health facilities in rural areas. The Special Rapporteur therefore welcomes the fact that, recognizing the importance of this challenge, the National Development Plan includes more than 40 measures with an explicit gender focus, including combating gender-based violence.

57. Given the differentiated impacts of gender and poverty mentioned above, the Special Rapporteur is encouraged by the establishment of the Ministry of Equality and Equity. While he notes that, in its judgment C-161 of 2024, the Constitutional Court called the Ministry unconstitutional due to its organizational structure,³⁹ he is confident that this can be remedied and that the Ministry can be re-established in conditions that comply with the requirements of the Constitution.

(c) *Persons with disabilities*

58. Disability is a major source of social exclusion in Colombia and significantly increases the risk of poverty. According to the National Administrative Department of Statistics, in 2020, out of 1,487,354 households with at least one person with a disability, 70 per cent were in strata 1 and 2.⁴⁰ Act No. 1618 of 2013 protects the rights of persons with disabilities and Act No. 2297 of 2023 aims to establish effective and timely measures for the benefit of persons with disabilities and their carers or personal assistants under a human rights and biopsychosocial approach. Under that legislation, incentives are provided for training, access to employment, entrepreneurship, income generation and healthcare.

59. The instruments used to ensure the full inclusion of persons with disabilities face one major limitation, however: that in order to have access to certain specific forms of support, certification as a person with a disability is required. According to information provided by the Ministry of Health and Social Protection, an accumulated total of 381,044 persons had accredited disability status as at 15 August 2024. However, that number is far less than the estimate by the National Administrative Department of Statistics in 2020 of 1,784,372 persons with disabilities in Colombia.⁴¹

60. The Special Rapporteur regrets that the full realization of rights for persons with disabilities is hindered owing to the lack of updated, consistent and disaggregated data on the population living with disabilities and to the small percentage of certificates issued and included to date in the Registry of Localization and Characterization of Persons with Disabilities. That is even more the case for persons with disabilities living in poverty. The Special Rapporteur met with persons with disabilities living in poverty who had waited for years to obtain their certification. Due to their socioeconomic status and the lack of public services in their neighbourhood, including accessible transportation, the certification process was particularly burdensome and entailed significant delays.

³⁶ UN-Women and National Administrative Department of Statistics, *Propiedad Rural en Colombia. Un Análisis con Perspectiva de Género e Integración de Fuentes de Datos*, (2022), available from https://www.dane.gov.co/files/investigaciones/notas-estadisticas/jul_2022_nota_estadistica_propiedad_rural.pdf

³⁷ See “[Measuring the shadow pandemic: violence against women during COVID-19](#). Colombia country report”.

³⁸ ACAPS “Colombia: GBV cases and response gaps” (2023), available at <https://www.acaps.org/en/countries/archives/detail/colombia-gbv-cases-and-response-gaps>.

³⁹ See <https://www.corteconstitucional.gov.co/Relatoria/2024/C-161-24.htm> (in Spanish).

⁴⁰ “Panorama general de la discapacidad en Colombia” (November 2020).

⁴¹ Ibid.

61. In that regard, the Special Rapporteur emphasizes the need to ensure that public spaces, transportation, digital platforms and assistive technologies are accessible for persons with disabilities, as outlined in Act No. 1618 of 2013, including those living in low-income communities; that targeted social services are provided, including financial assistance and access to assistive devices; and that policies that enhance the participation of persons with disabilities in all aspects of life, including inclusive education and employment, are promoted.

(d) *Peasants*

62. Peasants are acknowledged in article 64 of the Constitution and the 2016 peace agreement includes commitments to comprehensive agrarian reform. In 2023, Colombia also endorsed the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas. However, peasants continue to face discrimination in Colombia. The recognition of peasant rights under the Constitution creates the basis for a framework for the promotion and protection of rights that should ensure the fulfilment of the State's obligations and commitments to the peasantry. It can serve as a basis for overcoming the multiple vulnerabilities that peasants face, such as land dispossession and violence perpetrated by non-State armed groups and corporations, which have resulted in millions of peasants being displaced from rural areas to informal settlements and peripheral areas in the cities. Peasants also face a lack of access to support programmes in rural areas; the result of years of a vacuum in terms of access to services such as healthcare, education, transport, credit and technology, as well as to social services.

(e) *Youth*

63. Young people living in poverty in Colombia, in both urban and rural areas, often face barriers to education, employment and social inclusion. They are also more vulnerable to violence and exploitation, including drug trafficking and gang violence.

64. Despite the programmes put in place by the Ministry of Labour, such as *Empleos para la Vida*, created under decree 533 of 2024, which incentivizes the hiring of young people, or *Renta Joven*, which provides for monetary and social transfers to support access to higher education and insertion into the labour market, those living in low-income neighbourhoods continue to face difficulties in accessing the formal labour market. During his visit, the Special Rapporteur met with youth organizations and learned about youth-led initiatives that promote social change and community engagement. Those organizations were working with young people in low-income neighbourhoods to address mental health and substance abuse and prevent violence. Such community-based prevention programmes and support service initiatives would benefit greatly from further support from local and national authorities.

4. Mobilizing resources

65. None of the policies outlined above will be achievable unless the broader macroeconomic framework is improved and the fiscal space expanded. That is particularly the case since Colombia adopted a fiscal rule (initially under Act No. 1473 of 2011, now complemented by Act No. 2155 of 2021) limiting the debt to gross domestic product (GDP) ratio to 55 per cent.

66. That “golden rule” is highly contestable from the point of view of human rights, since it could result in making it impossible to mobilize sufficient domestic resources to adequately finance public services and social protection.⁴² As long as the rule stands, however, it should be seen as an encouragement to adopt taxation reforms that increase progressivity, in order to allow for the adequate mobilization of domestic resources for the full realization of economic and social rights. Indeed, tax revenues as a percentage of the country's GDP stand at 19.7 per cent, which is lower than the average both in the Latin American and Caribbean region (21.5 per cent) and among OECD countries (34 per cent). Many high-income individuals are subject to effective tax rates on their incomes that are lower than the statutory

⁴² Dejusticia and others, *Principles for Human Rights in Fiscal Policy* (2021), para. 3.3, [A/HRC/40/57](#) and Human Rights Council resolution 40/8.

tax rate, since much of their income comes from dividends and occasional gains rather than work, and a higher proportion of tax revenues are from consumption taxes, which reduces progressivity.⁴³

67. The tax reform introduced by Act No. 2277 of 2022 is an important step in the right direction, improving progressivity, which is consistent with article 363 of the Constitution. A number of deductions and exemptions benefiting high-income earners have been eliminated; the income tax rates they are subject to have been increased; and a permanent wealth tax has been introduced. However, the reform does not reduce dependency on indirect taxes and thus fails to address a major obstacle to achieving a more progressive taxation system. Although higher taxes on ultra-processed foods and sweetened beverages have proven health benefits, reducing overweight and obesity rates, especially among the poorest segments of society,⁴⁴ other consumption taxes, raised on food or other essential consumer items, have the most impact on low-income groups.

68. Moreover, an important component of the fiscal reform, contained in article 19 of Act No. 2277, removing the possibility for companies in the extractive industry to deduct the royalties they pay (as a compensation for the use of non-renewable resources) from their taxable income, was struck down by the Constitutional Court.⁴⁵ That judgment was made on grounds that eminent jurists find highly contestable. The State may indeed choose to define taxable income on a basis different than the net balance between income and costs, whether it uses this prerogative in favour of the taxpayer (as when exemptions are granted to encourage certain activities), or whether it does so in a way that disadvantages the taxpayer (to discourage certain activities). In this case, it would not appear unreasonable or disproportionate to use the taxation power to discourage the exploitation of non-renewable resources that are considered to belong to the State (in accordance with article 332 of the Constitution).⁴⁶ Whatever the reasons for that judgment, the loss in public revenue is considerable, estimated at Col\$6.8 billion annually, the equivalent of the budget of the Department for Social Prosperity. That is deeply concerning.

IV. Drug policy

69. The implementation of the 2016 peace agreement includes a commitment to comprehensive agrarian reform and to encouraging coca growers to move away from coca cultivation. In the outcome document of the thirtieth special session of the General Assembly entitled “Our joint commitment to effectively addressing and countering the world drug problem”, the Assembly refers to “comprehensive and sustainable alternative development programmes, including, as appropriate, preventive alternative development, as an essential part of successful prevention and crop control strategies to increase the positive outcome of such programmes”.⁴⁷ The social and environmental costs of a policy seeking to eradicate illicit crop production only through a law enforcement approach are indeed considerable, since such a policy leads to the militarization of society and provides considerable revenues to armed groups, fuelling the cycle of violence. The fact that 200,000 hectares of land are currently being used to cultivate coca leaves provides a clear example of the failure of such an approach.

70. Crop substitution will only succeed if farmers are supported to shift to agroecological practices, allowing them to comply with environmental regulations in the areas in which they operate, and if they are provided with truly viable alternatives, which include access to markets and fair prices for their produce, as well as logistical facilities for the processing of agricultural products at the local level and access to inputs. In other terms, if illicit crop

⁴³ OECD and others, *Revenue Statistics in Latin America and the Caribbean 2024*, table 4.1 and L.J. Garay Salamanca and J.E. Espitia Zamora, *Dinamica de las Desigualdades en Colombia* (Ediciones Desde Abajo, 2019), p. 112.

⁴⁴ A/HRC/19/59, para. 39.

⁴⁵ See decision C-489/23.

⁴⁶ Rodrigo Uprimny, “La sentencia de la corte sobre las regalías: Un regalo judicial”, *La Silla Vacía*, 4 December 2023.

⁴⁷ Annex, para. 7 (e).

production is seen as a problem, comprehensive agrarian reform and food sovereignty provide the best answers.

71. Moving beyond the medium-term objective of encouraging crop substitution, the long-term objective should be to encourage a global dialogue involving the countries producing illicit crops, the countries where the end users are located and the countries of transit, to assess the impacts of the current international approach to drug control and explore whether alternatives, grounded in human rights, could be encouraged instead. The new drug policy launched in 2023, which is aimed at such an assessment, could provide a source of inspiration in that regard.

V. Refugees and migrants

72. Since the economic collapse in the Bolivarian Republic of Venezuela in 2014, Colombia has received almost 3 million Venezuelan refugees and migrants (the official number was 2,857,528 at the beginning of 2024).⁴⁸ Of the total 7.7 million refugees who have left the Bolivarian Republic of Venezuela, Colombia is therefore hosting almost 40 per cent,⁴⁹ making it the host of the third largest population of refugees and migrants in the world.⁵⁰

73. Over 70 per cent of Venezuelan migrants in Colombia are covered by a temporary protection statute (*estatuto temporal de protección para migrantes Venezolanos*) and provided with a temporary protection permit (*permiso por protección temporal*), which grants access to healthcare, education, financial services and, crucially, the right to work. Those rights are granted for 10 years, with the possibility of applying for permanent residency during that period, when all requirements are met.⁵¹

74. The open-door policy for Venezuelan migrants and the strong efforts of the Government of Colombia to legalize and provide services and opportunities for them is a remarkable example of international solidarity and it has been rightfully described by the United Nations High Commissioner for Refugees as “an extraordinary example of humanity, commitment towards human rights, and pragmatism”.⁵² It is therefore particularly disappointing and a major source of concern that, since 24 November 2023, it is no longer possible to apply for a temporary protection permit and that access to this status is open only to the Venezuelan migrants who arrived in Colombia before 31 January 2021, if arriving irregularly, and 28 May 2023 if arriving legally.⁵³ That change leaves almost half a million Venezuelans as irregular migrants in Colombia.

75. Any refugee (including Venezuelans) can apply for refugee status in Colombia and, if the status is granted, receive access to basic services such as healthcare and the right to take up formal work.⁵⁴ For the duration of the application process, a *salvoconducto* will be granted, providing the right to stay in Colombia and the possibility of applying for healthcare. That temporary status, however, does not allow access to employment. The Special Rapporteur welcomes Constitutional Court ruling T-056/2024, adopted on 26 February 2024, concluding that Venezuelan migrants no longer have to have their temporary protection permits cancelled if they apply for refugee status. However, most refugees and asylum-seekers are still left without the possibility of taking up formal work, as this ruling had not been fully implemented at the time of the Special Rapporteur’s visit, and as the

⁴⁸ See Observatorio de Migraciones, Migrantes y Movilidad Humana, “Informe de migrantes venezolanos(os) en Colombia”, (June 2024).

⁴⁹ See <https://www.unhcr.org/emergencies/venezuela-situation>.

⁵⁰ See <https://reporting.unhcr.org/operational/situations/colombia-situation>.

⁵¹ See “Informe de migrantes venezolanos(os) en Colombia” (June 2024). The permit is a significant improvement on the status that was initially created to handle the influx of Venezuelan migrants and only granted the above-mentioned rights for two years.

⁵² See <https://www.unhcr.org/uk/news/news-releases/statement-un-high-commissioner-refugees-colombias-new-temporary-protection>.

⁵³ See <https://help.unhcr.org/colombia/regularizacion-para-personas-venezolanas/>.

⁵⁴ See <https://help.unhcr.org/colombia/solicitando-la-condicion-de-refugiado/que-pasa-una-vez-aplico/>.

judgment was adopted after access to temporary protection status had been significantly limited.

76. That is a violation of the International Covenant on Economic, Social and Cultural Rights. As noted by the Committee on Economic, Social and Cultural Rights: “Although States parties to the Covenant should accommodate refugees and migrant inflows commensurate with the extent of the maximum resources available, they would not, in principle, be justified in restricting the enjoyment of the essential content of the Covenant rights on the basis of a lack of resources, even when confronted with a sudden and quantitatively significant flow of refugees.”⁵⁵ That includes the right to work. By allowing refugees to seek and take up employment, Colombia would reduce the dependency of Venezuelan refugees on public charity or on informal and exploitative work.

77. Even before the dismantling of the temporary protection permit regime, the extensive coverage of the permit had not prevented Venezuelan migrants from experiencing hardship. A survey conducted by the National Administrative Department of Statistics in 2023 found that 60.1 per cent of Venezuelan migrants faced difficulties in buying food. The vast majority (82.3 per cent) ascribed that to insufficient monetary funds.⁵⁶ Indeed, according to the World Food Programme, 1.3 million migrants in Colombia (including but not limited to Venezuelan refugees) are food insecure.⁵⁷ Of the nearly 600,000 Venezuelan migrants who live in Bogotá,⁵⁸ 62.2 per cent live in monetary poverty and 20.8 per cent in extreme poverty, about three times higher than the percentage for the rest of the population in the capital.⁵⁹ Women Venezuelan migrants fare significantly worse. The monetary poverty rate is 7 per cent higher for women than for men,⁶⁰ 66.3 per cent of Venezuelan migrant households headed by women experience poverty, with 25.4 per cent experiencing extreme poverty, a rate much higher than for male-led households.⁶¹ An additional barrier is that although holders of temporary protection permits have the right to open a bank account, banks are reluctant to let them do so, especially since the cost of verification of the identity of a permit holder has been raised from Col\$300 to Col\$1,400 (in comparison, the cost is Col\$90 for a Colombian with a national identity document). The economic insecurity they face also puts Venezuelan and other migrants in Colombia at high risk of being recruited by armed groups and subjected to violence, including sexual violence, and exploitation.⁶²

78. In May 2024, the Government announced plans to regularize the situation of 600,000 additional migrants. The Special Rapporteur commends the Government for this announcement. He encourages the Government to provide information to migrants on how to obtain regularization and the implementation plan. He further recommends that the Government guarantee the right of asylum-seekers to take up work and provide migrants in vulnerable situations, such as female-headed households, with the support necessary to escape poverty.

VI. Conclusions and recommendations

79. **The Special Rapporteur commends the Government of Colombia for the significant progress already achieved in combating poverty. He sets out below priority areas and recommendations.**

⁵⁵ E/C.12/2017/1, para. 10.

⁵⁶ See <https://microdatos.dane.gov.co/index.php/catalog/799> (in Spanish).

⁵⁷ See World Food Programme, “Food security and nutrition assessment for migrants and host communities”, (2023).

⁵⁸ See Observatorio de Migraciones, Migrantes y Movilidad Humana, “Informe de migrantes venezolanos(os) en Colombia”, (June 2024).

⁵⁹ Bogotá Cómo Vamos, “Integración socioeconómica de la población migrante en Bogotá (2024), available from <https://bogotacomovamos.org/proyectos/#migracion>.

⁶⁰ See <https://www.dane.gov.co/files/operaciones/PM/cp-PMEnfoqueDiferencial-2022.pdf> (in Spanish).

⁶¹ See https://www.dane.gov.co/files/investigaciones/condiciones_vida/pobreza/2021/Presentacion-pobreza-monetaria-con-enfoque-diferencial.pdf (in Spanish).

⁶² See *Bitácora Migratoria* “Después de tres años y un exitoso proceso de regularización migratoria los desafíos continúan” (June 2024).

80. In order to bridge the gaps between rural and urban areas and between the poorest and the richest municipalities, particularly in areas such as access to healthcare and education, consideration should be given to the proposals put forward by the Mission on Decentralization, including positively discriminating in favour of the areas with the highest poverty rates and underserved by public services, by increasing budgetary commitments dedicated to closing these gaps.

81. Specific measures should also be adopted in support of the groups most at risk of poverty. In addition to strengthening the anti-discrimination framework to prohibit discrimination on grounds of social origin or socioeconomic disadvantage, Colombia should pursue gender equality by improving access to land for women and combating gender-based violence; facilitate access to certification for persons with disabilities, while at the same time moving towards universal design for more inclusive service provision in areas such as transportation, access to public spaces and public buildings, and digital services; accelerate implementation of the provisions of the 2016 peace agreement on agrarian reform (going beyond redistribution of land) and improve the protection of peasants against dispossession by armed groups or by large landowners; increase the level of support going to organizations supporting young people's access to employment; and take further measures to allow access to work for migrants and refugees, including for Venezuelan refugees, and regularize undocumented migrants.

82. The lack of social mobility is a major challenge facing Colombia. The National Administrative Department of Statistics should be tasked with measuring social mobility, as well as the evolution of wealth inequalities, including inequalities in land, financial assets and immovable property. In order to break the perpetuation of poverty from one generation to the next, the stratification system should be gradually abandoned and replaced by the establishment of a universal income registry (*registro universal de ingresos*), in order to better target support to low-income households and subsidize the access of such households to public services. This should be done through a participatory method, based on the tool for inclusive and deliberative elaboration and evaluation of policies, in order to build on the experience of people in poverty and ensure that the new universal income registry responds to their concerns. The introduction of the universal income registry should also lead to a move away from the current system for the identification of potential beneficiaries of social programmes Sisbén, which is still imperfect as an instrument for targeting households in need of social protection, despite having gone through a number of reforms.

83. In addition to the stratification system, the lack of social mobility also has its source in the huge disparities in access to quality education between those who can afford fees and those who cannot. Proposed reforms to guarantee sustainable funding for higher education and to increase coverage in historically excluded regions should be seen as priorities.

84. Almost 10 million people have been internally displaced as a result of the armed conflict and, because of the continued activities of armed groups in certain areas, forced displacements are still occurring, feeding the vicious cycle between violence and poverty. The priority should be to provide displaced persons with legal titles recognizing their ownership of the land they occupy, although such titling will only be effective in reducing poverty if combined with other measures to provide support to the displaced victims of armed conflict and to combat speculation over land.

85. Coca farmers are also victims of the armed conflict when they work under the control and threats of armed groups. While crop substitution is generally favoured to help them switch to other sources of revenue, that solution is only viable if comprehensive agrarian reform is implemented, to allow them to achieve a decent standard of living.

86. Recent reforms have gone a long way towards combating in-work poverty. However, ensuring that informal workers earn a living wage and can achieve an adequate standard of living remains a challenge and efforts in support of the transition from the informal to the formal economy should be pursued further. To that effect, informal workers should be protected through labour legislation under the supervision

of labour inspectorates and social security should be progressively extended to informal workers; the mere registration of an informal worker should not automatically lead to the removal of that worker from social support targeting low-income households under the Sisbén system and, during a transition period, employers should be given incentives to formalize the status of workers.
