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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-seventh session

SUMMARY RECORD OF THE 64th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 14 November 2001, at 3 p.m.

Chairperson: Ms. BONOAN-DANDAN

CONTENTS

CONSIDERATION OF REPORTS (continued)

- (a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE
WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Fourth periodic report of Colombia (continued)

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS (agenda item 6) (continued)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE
WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Fourth periodic report of Colombia (continued) (E/C.12/4/Add.6;
E/C.12/CA/COL/1; E/C.12/Q/COL/2; HRI/CORE/1/Add.56/Rev.1; written
replies by the Government of Colombia to the list of issues (document without a
symbol))

1. At the invitation of the Chairperson, Mr. Castro (Colombia) resumed his place at the Committee table.

Articles 2-3 of the Covenant (continued)

2. Mr. CASTRO (Colombia) said that programmes for children affected by the armed conflict were based on psychosocial adjustment and re-socialization. In parallel with the physical reconstruction of the country the Government was reconstituting the social fabric, with the focus on children, who were seen as priceless human capital. Accordingly, social reconstruction was a high priority in the National Development Plan 1998-2002, the thrust of which was to promote peace and development.

3. As to whether Colombia took account of its obligations under the Covenant in its negotiations with international financial institutions, he recalled that in 1999 the Government had signed an agreement with the International Monetary Fund (IMF) on a structural adjustment programme. The principal aim of the National Development Plan was to reduce the budget deficit from 5.4 per cent of GDP in 1999 to 1.5 per cent in 2002, which would require an increase in State revenues and control over public expenditure. That effort to stabilize public finances had been considered a necessary precondition for the attainment of an economic growth rate of 4 per cent per annum from 2002 on, a prerequisite for job creation so as to bring the unemployment rate below 10 per cent. However, attainment of those objectives would entail a possibly heavy social cost, which was why the Government had asked IMF, under the Plan, to allocate resources for the most vulnerable groups, in particular children, the elderly and women heads of household. Resources for those purposes, some \$900 million over four years, had made it possible to establish a social support network based on job creation, direct subsidies for the poorest families, and a job skills programme for young people aged 17 to 25.

4. There was no doubt that Colombia was going through a serious economic and social crisis, but the outlook was not as gloomy as some maintained. Thus, macroeconomic indices indicated a possible growth rate of 4 per cent for 2002, which would allow the Government to establish suitable conditions for the attainment of the rights enshrined in the Covenant. The Constitution granted indigenous communities autonomy within their territory and guaranteed protection of their culture. However, there were some problems, and even conflicts with indigenous groups such as the U'was, as a result of the exploitation of petroleum in their territory. The Government was seeking to resolve such disputes through legal means, including

by bringing them before the competent international authorities. It was aware that the legitimate desire to exploit the country's natural resources for the benefit of all must not infringe on the rights of indigenous peoples recognized under the Constitution.

Articles 6-9 of the Covenant

5. Mr. RIEDEL acknowledged that the State party, in its written replies, had described the deplorable situation of the social security system with unusual frankness and in great detail. Nevertheless, he regretted the lack of information on specific measures taken by the Government to correct the deficiencies. He would also have welcomed more information on the lack of protection for independent workers and workers in the informal sector with regard to health in the workplace.

6. Mr. TEXIER noted that employment had become more precarious and that unemployment had worsened among the young, women and the more disadvantaged. He asked what specific measures the Government had taken to combat unemployment. In view of the crisis, was the minimum wage still adequate to allow a worker and his family to live decently? What was the Government doing to reduce the wage gap between men and women, reportedly in the order of 25 per cent?

7. With regard to article 8, he welcomed the adoption of Act No. 584, which had reformed the Labour Code and deleted provisions that contravened International Labour Organization standards. Other provisions, including those governing special economic zones and prohibiting trade unions from taking part in collective negotiations, should also be rescinded. However, by far the most disquieting issue was the personal safety of workers in general and of trade union members in particular. According to the International Confederation of Free Trade Unions (ICFTU) 80 per cent of killings of trade unionists throughout the world occurred in Colombia. In view of that sorry record, he asked what the Government was doing to protect trade union members, who some members of the military accused of belonging to subversive groups, thus marking them out for assassination.

8. Mr. WIMER ZAMBRANO asked why the Colombian Government, concerned as it was by economic and social development, had not signed or ratified a number of International Labour Organization conventions, in particular Convention No. 102 concerning Minimum Standards of Social Security, and Convention No. 118 concerning Equality of Treatment of Nationals and Non-Nationals in Social Security.

9. Mr. CEAUSU noted that the report (E/C.12/4/Add.6, para. 193) indicated that the coverage of basic health services was deficient, especially for the poorest and most vulnerable sector of the population, and that 21 per cent of sick people did not attend health services for lack of money or medical coverage. That information, which had emerged from the 1997 Quality of Life Survey, raised questions regarding the fate of sick people in need of urgent medical treatment who had neither money nor medical insurance. He asked whether they were admitted to hospital or sent home.

10. Mr. CASTRO (Colombia) said that there had been a significant increase in the percentage of the population covered by the social security system, especially in rural areas, where coverage had increased from 7 per cent to 48 per cent between 1993 and 1997, since the implementation of Act No. 100 of 1993. The greatest increase had occurred among the poorest population groups. Similarly, the percentage of patients with access to the health system had increased, particularly among the most disadvantaged. The Act also prohibited insurance carriers from screening applicants on the basis of health risk or state of health.

11. Solidarity funds had been established in the context of the social security system to subsidize the contributions of needy individuals to the sickness benefit and retirement pension regimes. The unemployment rate, which had stood at 20 per cent in 2000, was due not only to the economic crisis but also to the entry into the workforce of more young people and women. The increase in unemployment had resulted in the emergence of underpaid jobs and work in the informal sector.

12. The Government did not have authority to determine the minimum wage. The Constitution and other legislation, in particular the Labour Code, defined the means of determining the minimum wage, in consultation with trade union organizations. In real terms the minimum wage could not and had not decreased; its purchasing power had in fact increased since inflation had fallen dramatically over the past five years. The Government had proposed limiting increases in civil service pay in 2000 and 2001 because of budgetary difficulties. However, the Constitutional Court had found in favour of the civil service, thus compelling the State to pay salary increases retroactively.

13. With regard to security and the right to life, the Government was implementing programmes to protect not only trade union leaders, but also politicians, deputies, local representatives and members of non-governmental organizations. The Ministry of the Interior had established a special fund for the protection of people whose lives were threatened.

14. With respect to the non-ratification of conventions, he noted that the provisions of those instruments were in general consistent with the policies of successive Governments and that many of them had already been incorporated into domestic legislation. Nevertheless there was a need to ratify a number of conventions or to bring domestic legislation into line with their provisions.

15. Mr. TEXIER asked who was responsible for the assassinations of trade unionists and political leaders and how many convictions there had been in such cases. There were indications from certain sources that the investigations conducted did not give satisfactory results in most cases and were not always supported by the police and armed forces, which created a disquieting climate of impunity.

16. Mr. CASTRO (Colombia) said that impunity often resulted from shortcomings in the system of justice, themselves due to the armed conflict. Nevertheless, over the reporting period, the Government had made a significant investment in modernizing the system of justice: in 1991 and in 1994 the budget had almost doubled. New offices, such as the Human Rights Unit within the Office of the Procurator-General and the human rights observatories, had been established to strengthen the system of administration of justice.

Articles 10-14 of the Covenant

17. Mr. MARTYNOV asked whether there had been changes in the infant mortality rate in view of the objective included in the National Development Plan 1994-1998 of reducing the rate by 15 per cent. He also wished to know what steps had been taken by the Government to end work by children and teenagers, especially in dangerous fields of work. Lastly, he asked what measures had been taken to correct inequalities in wealth.

18. Mr. RIEDEL asked what measures had been taken by the Government on behalf of the disadvantaged in urban and rural areas in view of the privatization of medical services and the reduced expenditure by the Government on health. He also wished to know why child vaccination programmes had been reduced. The provisions of the Covenant on the right to health should be directly applicable, particularly since the Constitution did not explicitly recognize that right. He asked what the results were of the measures taken by the Government to provide sex education and information on reproductive health. He also enquired about government policy on care for the mentally ill, whose numbers had increased substantially in the wake of the armed conflict. In view of the concentration of medical personnel in the major cities, he asked for details of the steps being taken by the Government to guarantee equal access to health care for all Colombians. Lastly, he welcomed government policy on HIV/AIDS and other sexually transmitted diseases, and asked what provisions had been adopted to guarantee access by the sick to the drugs needed for their treatment. He asked whether Colombia had sought international technical assistance in that regard.

19. Ms. BARAHONA-RIERA asked for clarification of the measures taken by the State party to ensure respect for the rights of displaced persons. She also asked the Government to take account of the deterioration in the status of women, particularly with regard to health, protection against violence and education.

20. Mr. MARCHÁN ROMERO said that several sources indicated that primary education was no longer free in Colombia. He asked what had become of the efforts made by the Government to ensure for all the right to free primary education in accordance with the recommendation made by the Committee in its 1995 report (E/C.12/1995/12, para. 26). What measures had been taken by the Government to tackle the problem of the three million children unable to attend school?

21. Mr. AHMED said that there could be no enjoyment of economic, social and cultural rights if public order and the rule of law were not respected. He asked what measures had been taken by the Government to combat the widespread violence, promote social justice and speed up agrarian reform, and what the outcome had been.

22. Mr. WIMER ZIMBRANO asked what level of subsidies was paid to private universities. Was distance learning widespread, and how was it perceived by the population?

23. Mr. CEAUSU asked for information and data on agrarian reform. Was there a register of farms? How many agricultural labourers worked the land without holding title and how many

were awaiting land grants? The Committee had received reports that agricultural labourers had been chased off their land by oil companies, and he wished to know whether those reports were true. If so, what steps had the Government taken to remedy the situation?

24. Mr. HUNT said that pursuant to paragraph 9 of the Dakar Framework for Action on Education for All, all States were to formulate education for all plans. He asked whether Colombia intended to do so. In its fourth periodic report (A/C.12/4/Add.6, para. 369) the State party recognized the lack of relevance of the content of school curricula. He asked what was being done to amend the curricula. In that regard he wondered whether the Government might seek support from UNESCO.

25. Mr. TEXIER said that the provisions of the 1991 Constitution on school fees contravened article 13 of the Covenant which provided, inter alia, that education should be free. The Government should review the relevant provisions. With regard to “community mothers”, he asked whether there was any change in their situation and in particular whether the Government had regularized their employment status by classifying them as salaried workers, in accordance with the recommendations made by the Committee in connection with the third periodic report (E/C.12/1995/12).

26. Mr. SINGH (United Nations Educational, Scientific and Cultural Organization) asked whether the Government intended to ratify the UNESCO Convention against Discrimination in Education.

27. Mr. CASTRO (Colombia), said that the problem of children working was of great concern to his Government. A national plan of action had been adopted to phase out work by children. The objectives of the plan were to: establish a national information system on working children, and strengthen the capacity of public agencies to assess the extent of the phenomenon and its causes and intervene in the event of violations of labour legislation in an effort to discourage harmful practices with regard to working children. In addition the Government had established a programme of direct subsidies for families to compensate for loss of income as a result of the economic crisis and thus prevent families from compelling their children to work. As a result of those measures the number of children aged 12 to 17 who were working had fallen by 22 per cent between 1988 and 1998.

28. With regard to land distribution, in 1994 the Government had adopted legislation aimed at promoting access to land, improving agricultural practices through the provision of technical assistance and providing local populations with the resources to negotiate the purchase of land from owners in areas covered by the agrarian reform. In addition the Government had undertaken to improve the lands of indigenous populations and promote their access to land.

29. With regard to the health system, it was incorrect to speak of privatization of hospitals and health care. The extensive reform of the health sector by the Government had led to the establishment of two systems: one private, the other public. Several public hospitals were going through a financial crisis and the Government had had to intervene to improve the allocation of public resources and rationalize the network of public hospitals, which had had the effect of

reducing the numbers of hospital staff. The Government was aware that the reform had had a negative impact on the national vaccination programme inasmuch as it had sought to decentralize health services without clearly defining the responsibilities of the State, departments and municipalities. There had thus been a conflict of responsibility which had slowed implementation of the vaccination programme.

30. With respect to higher education, the percentage of the State budget allocated to that sector had increased, as had student enrolment. The main problems related to the poor quality of instruction in certain institutions and shortcomings in technical education. With regard to the education sector in general, the Government had formulated a national education plan, and any assistance from such organizations as UNESCO was welcome. Basic education was free, families were not required to pay school fees, but only meet the cost of supplies. It was difficult for displaced populations to have access to education, as it was to health services. The authorities were endeavouring to take measures to allow children to receive ongoing schooling.

31. It was a fact that a large percentage of the population did not hold title to the land it occupied or worked. To rectify that situation the Government had adopted a certain number of land legalization measures under different programmes, such as the Colombia Plan or the presidential programme on land title. Recognition of title was essential for the agricultural labourers who now made a living from illegal crops such as coca but wished to change activity to obtain loans legally. In Putumayo, the main coca-producing region, the Government was implementing a programme for the voluntary eradication of illicit crops and granting of property title. Of the approximately 37,000 families living off illicit crops, 5,000 to 6,000 did not hold title. The status of 3,000 of them was in the process of being regularized, and the status of the remaining families would be dealt with in a second phase.

32. With respect to the situation of “community mothers”, in which connection the Committee had formulated recommendations in its 1995 final observations on the third periodic report (E/C.12/1995/12), he recalled that the aim of the Government, in establishing that programme, had been to set up “community homes”, at which women possessing the necessary skills and vocation would, in return for remuneration, take care of children who were at serious risk and whose mothers must work to support their families. However the programme had developed to such an extent that it had come to be viewed more as a programme for the employment of women than for the assistance of children. In accordance with the Committee’s recommendations, the Government had regularized the status of community mothers. In particular, it had brought them under the system of social security so that they now received sickness and maternity benefits. Currently they numbered some 87,000. If the Government were to develop the system further, the attendant expense would put a severe strain on the child assistance budget. In order to refocus on programmes to assist children and since it was desirable for children to remain with their own mothers, the Government had launched a programme of assistance to the poorest families: mothers who would need to work to support their families received assistance allowing them to stay at home to take care of their children or work part time.

33. The incidence of HIV/AIDS was falling and the Government was making every effort to combat the epidemic through prevention, early detection and care of those affected. While much remained to be done, Colombia was one of the leading countries in Latin America in terms of combating AIDS.

34. Mr. TEXIER said that it was his understanding that some displaced families had been required to pay school fees at primary schools. Further to the “guardianship actions” that they had brought before the courts, it appeared that according to some judges, families should pay such fees, since it was provided for under the Constitution, whereas others, availing themselves of article 13 of the Covenant, had reached a different conclusion. Was it to be concluded that enrolment in primary school was thus not necessarily free?

35. Further, he drew attention to information contained in a study carried out by a doctor of social security coverage, information which seemed not to be consistent with that provided by the delegation. According to the study, in 1993 with the introduction of the new social security regime, 50.7 per cent of the population had been affiliated with the scheme, and 49.3 per cent had not. In 1998, 40 per cent of the population had not been covered by the social security system, a figure which had increased to 46.3 per cent by 2000. The figures seemed to contradict the assertion that the 1993 reform had resulted in an increase in the number of the poor covered by the social security system.

36. Mr. MARCHÁN ROMERO asked what the consequences were for the indigenous population of the internal armed conflict and the resultant population displacement. Was the Government taking steps to maintain the culture of the population groups concerned and promote their resettlement in other areas where they were compelled to leave their original territory? Further, what influence did the central Government have in regions occupied by the armed forces and guerrilla groups? Were the authorities encouraging the return of displaced populations to their original lands?

37. Mr. CASTRO (Colombia) said that public primary education was free and that families were not obliged to pay school fees. It was, however, true that certain families displaced as a result of the internal armed conflict had encountered problems linked to the general difficulty faced by displaced populations in getting access to basic social services and education. The Government was making every effort to facilitate such access. With regard to social security coverage, there was no contradiction between the figures given by the delegation and those referred to by Mr. Texier. Coverage had increased from 21 per cent to 57 per cent, so that currently approximately 43 per cent of the population was not covered by the social security regime. As stated, there had been a fall in coverage between 1997 and 2000 owing to the economic crisis.

38. Indigenous populations suffered from the internal armed conflict, as did all Colombians. The situation was all the more difficult as the conflict was far from static. The State was present throughout the national territory, even though its presence was tenuous in some regions. That was why the authorities were making every effort to strengthen institutions and assert peace. The principle of the autonomy of indigenous populations in their lands had not been called into

question, even in the so-called “demilitarized zone”, which was not permanent. The State looked favourably on the return of displaced populations to their original lands to the extent that they wished to return and their security could be assured. Assistance was provided if they returned to their place of origin; somewhat larger amounts were provided if they settled elsewhere.

39. The CHAIRPERSON thanked the delegation for its cooperation. At the end of its session the Committee would transmit its final observations on its consideration of the fourth periodic report to the Permanent Mission. She trusted that the fifth periodic report would contain information on the measures taken by the Government to implement the Committee’s recommendations and suggestions.

The meeting rose at 5.55 p.m.