

Distr.
GENERAL

E/C.12/COL/Q/5/CRP.1
26 May 2009

ENGLISH
Original: FRENCH

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Pre-sessional working group
Geneva, 25-29 May 2009

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**List of issues to be taken up in connection with the consideration of the
fifth periodic report of Colombia, concerning articles 1 to 15 of the
International Covenant on Economic, Social and Cultural Rights
(E/C.12/COL/5)**

**I. GENERAL FRAMEWORK WITHIN WHICH
THE COVENANT IS IMPLEMENTED**

1. Please provide additional information on measures taken by the State party to increase awareness of the provisions of the Covenant among the public at large and, in particular, among judges, teachers, police officers and other public authorities.
2. Please indicate whether the State party takes account of its obligations under the Covenant when entering into bilateral and multilateral trade agreements and deciding its policies in this respect.
3. Please describe the State party's policy regarding the conversion of protected areas into investment or economic areas and indicate the effects of this conversion on the enjoyment of economic, social and cultural rights by indigenous peoples.

4. Please indicate the part played by the Ombudsman and non-governmental organizations in the implementation of recommendations made to the State party by the Committee on Economic, Social and Cultural Rights.

II. FOLLOW-UP TO THE COMMITTEE'S PREVIOUS OBSERVATIONS

5. Please indicate what efforts the State has made to put an end to the armed conflict through political negotiations.

6. Please indicate how and when the State party intends to ratify Convention No. 102 of the International Labour Organization.

III. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 1

7. Please indicate what steps the State party has taken to ensure that indigenous peoples take part in the decisions that affect them, especially to consult them and obtain their consent prior to implementing any project for the exploitation of forests, land or subsoil under public policy. Please indicate also whether such consultations have already been held and whether their consent has already been sought in taking decisions affecting their rights. If so, please give examples. Please indicate, lastly, whether the State party has taken steps to set up bodies for the purpose of consulting representatives of these communities regarding the grant of lands to indigenous populations, as well as of ensuring the protection in law and in practice of the land titles of indigenous communities against resource development and exploitation projects which might affect them.

Article 2 - Non-discrimination

8. Please indicate whether the specific anti-discrimination measures taken by the State party, particularly with regard to social integration, in order to ensure that the rights set out in the Covenant may be enjoyed by all in conditions of equality, especially Afro-Colombians, indigenous peoples and displaced persons, have been effective. Please also indicate what the impact has been of measures taken to eliminate discrimination against and facilitate the socialization of persons with disabilities. (paragraphs 191-209 of the report).

9. Please indicate what steps have been taken to combat the use of discriminating criteria with regard to access to employment, particularly for peoples of African descent, indigenous peoples, underprivileged persons and rural populations, in order to give practical effect to the “Employment Act”. Please indicate also what steps the State party has taken to ensure that no inquiry is made into the social origins of job seekers, and to forbid discrimination in job advertisements.

Article 3 - Equal rights of men and women

10. Please indicate what practical measures the State party has introduced, such as training programmes, to increase the representation of women, especially those of African descent and those belonging to indigenous communities, in political bodies, Parliament, the judicial system, senior administration and decision-making bodies, in order to achieve the objectives set out in the Quotas Act. Please indicate also what methods are used to follow up implementation of the Quotas Act, and how effective they have been (paragraph 260 (e) of the report). Please indicate what practical effects this law has had and give examples.

11. Please indicate what concrete measures the State party has taken to counter the growing general impoverishment of women, especially indigenous and internally displaced women, from the points of view of social equality, income, employment, access to health care and education. Please indicate the impact produced by measures taken in this respect under the 2002-2006 and 2007-2010 national development plans.

12. Please indicate what measures the State party intends to take in order to give effect to Order No. 092 of 14 April 2008, in which the Constitutional Court ordered the State party to undertake specific measures and programmes to ensure the protection of internally displaced women against the risk of violence and sexual exploitation, economic exploitation, the forced recruitment of their children by armed groups, or being persecuted on account of belonging to women’s organizations, in order to guarantee their economic, social and cultural rights.

IV. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

Article 6 - Right to work

13. Please provide additional information on the concrete measures the State has taken to reduce unemployment, especially among young people, women, ethnic minorities, displaced persons and rural populations, and the effects of such measures.

14. Please provide further information on the size of the informal economy, and please indicate what policies, programmes and mechanisms the State party has introduced to ensure that persons working in the informal sector, especially women, have access to basic services and social protection. What steps have been taken to enable such workers to emerge from the underground economy? Please also supply information on the socio-economic effects produced on Colombian women by economic free trade agreements, and the policies pursued by the State party to offset such effects.

15. Please indicate what legal steps the State party has taken to protect employees against wrongful dismissal and to improve their job security, particularly in the case of the most vulnerable.

16. Please give a detailed description of whatever technical and vocational training programmes the State party has undertaken, and indicate to what extent these programmes have opened up opportunities for young people and disadvantaged or marginalized persons in particular to enter or re-enter the labour market. Please indicate also what practical impact these programmes have had, especially from the point of view of re-entering the labour market.

17. Please indicate what steps have been taken to ensure the implementation in practice of legislation on harassment in the workplace.

Article 7 - Right to just and favourable conditions of work

18. Please indicate what measures have been taken to legalize the situation of “community mothers” with respect to employment, by considering them as workers so that they are entitled to the legal minimum wage.

19. Please give details of measures taken to guarantee equal pay for equal work, and to eliminate pay disparities between men and women that still persist, despite article 143 of the Substantive Labour Code. Please also give details of how the principle enshrined in that article of the Labour Code is applied and followed up, and, in the event, of what results the State party has achieved (para. 350). Please also give details of the implementation of section 15 of Act No. 50 of 1990 amending the Substantive Labour Code, which excludes from remuneration, by arrangement with the employer, certain profits, benefits or emoluments, either regular or occasional, in cash or in kind, thereby giving rise to pay discrimination between men and women; as well as measures that the State party has taken or intends to take to remedy that situation.

20. Please indicate what legislative or administrative measures the State party has taken to revalue the legal minimum wage, in order to ensure a decent standard of living for workers and their families. Please also indicate what results the Tripartite Permanent Committee has achieved with regard to offering sufficient remuneration to enable workers to enjoy a decent standard of living (paragraph 358 of the report).

Article 8 - Trade union rights

21. Please indicate what additional concrete measures the State party has taken to prevent murders, assassinations, executions, threats and other forms of violence against trade union leaders. Please indicate also what impact and results were achieved with the protection programme introduced by the State party to guarantee the security of trade union leaders (paragraphs 365-367 of the report).

22. Please give details of the impact of the State party's public policy to combat impunity in cases of violence committed against trade union leaders, particularly with regard to improving investigations, prosecutions and the protection of victims. In this respect, please supply details of the number of cases giving rise to investigations, prosecutions, convictions and sentences passed against those responsible. Please give details also of the number of times compensation was awarded to victims or their beneficiaries.

23. Please indicate what measures have been taken by the State party to guarantee enjoyment in practice of the right freely to form or join trade unions, and in particular whether any restrictions apply to the registration of new trade unions. Please give details as well of the legislative provisions enabling migrant workers to form or join trade unions, and whether they are entitled to join the executive bodies of trade unions in the State party.

24. Please indicate what measures have been taken by the State party to guarantee the right to strike for all workers and to restrict this right only with respect to the provision of really essential services (paragraph 360 of the report). Please supply details of the enjoyment by all workers of their right to collective bargaining. Please indicate also whether this right is subject to any restrictions and what types of workers are affected.

Article 9 - Right to social security

25. Please indicate what additional measures the State party intends to take to achieve complete social security coverage of the population in practice, especially of vulnerable individuals such as displaced persons, through non-contributory schemes or otherwise. Please also explain what steps the State party intends to take to ratify Convention No. 102 of the International Labour Organization.

26. Please provide additional information to explain why people belonging to the subsidy scheme encounter more difficulty in accessing health care or receive lower-quality health care. Please also indicate what the State party has done to prevent health-care providers from discriminating in this way against persons covered by the subsidy scheme, including internally displaced persons.

27. Please indicate to what extent non-nationals can receive income support, access to health care and family support under non-contributory schemes.

Article 10 - Protection of the family, mothers and children

28. Please explain the impact of the various measures adopted by the State party to shield families from poverty, including improving the quality of life for children. How does the State judge the success of these plans and strategies? Please provide up-to-date disaggregated statistical data in this respect.

29. Please indicate what the effect has been of the steps taken by the State party to improve the living conditions of “community mothers”, especially as regards access to social services and housing.
30. Please provide details of the efforts made by the State party to prohibit altogether, in both law and practice, the corporal punishment of children in any setting, including the family.
31. Please provide additional information concerning the steps taken by the State party to eliminate family violence, especially violence of any kind against women, and to address its underlying causes and enable women to gain access to justice. Please also give details of the impact, in terms of reducing violence, of the *Haz Paz* programme aimed at preventing and dealing with violence and restoring family unity (paragraphs 542-545 of the report). Please also explain what steps the State party has taken to strengthen protection against sexual violence.
32. Please give details of the impact of the specific measures adopted by the State to combat child labour, including its worst forms. Please also indicate what steps have been taken to prosecute and punish those responsible.
33. Please describe the specific measures implemented by the State party to combat human trafficking. Please provide statistical data on human trafficking, disaggregated by sex and country of origin, and indicate how many prosecutions have been initiated against the traffickers, the number of convictions which have resulted, and the sentences passed. Please indicate whether the State party has organized any training courses for police officers in the prevention of human trafficking.
34. Please add to the information given in the report (paras. 598-600) about the specific practical measures taken by the State to prevent and deal with the question of street children, especially by taking them off the street, and to support their families. Please also provide up-to-date figures for the numbers of street children, disaggregated by age and city.

Article 11 - Right to an adequate standard of living

35. Please indicate what specific practical measures have been taken by the State party to combat poverty and improve conditions for vulnerable and marginalized people, especially women and children, including indigenous and internally displaced persons, peasants and

Afro-Colombian communities, so as to ensure enjoyment of their economic, social and cultural rights. Please also illustrate the practical effects of these measures with up-to-date disaggregated statistics. Please indicate what steps the State has taken to implement the Constitutional Court's decision T-025 of 2004, which underlined the shortcomings of the social assistance policy towards displaced persons, especially children and adolescents and the indigenous and Afro-Colombian communities.

36. Please provide additional information concerning the steps taken by the State party to adopt a genuine agrarian reform resolutely addressing the problems of poverty and income disparities in rural areas, given that results in this regard are still very disappointing (paragraphs 730 and 731 of the report).

37. Please provide additional information about the steps taken by the State party to overcome the problem of malnutrition affecting part of the population (paras. 680-682), especially children and vulnerable groups. Please also provide details of the impact of the various programmes introduced by the State party to achieve food security and combat malnutrition, such as the breakfast programme for children and the programme to combat hunger in the capital district (paras. 640-643 and 666-679). Please also provide up-to-date disaggregated statistics showing the impact of these measures.

38. Please indicate what steps the State party has taken to disseminate the principles of sound nutrition, especially among the most disadvantaged and vulnerable groups in the population. Please also indicate what effect these measures have had in terms of improving nutrition.

39. Please explain what consideration is given, in the national housing strategy, to the circumstances of the most disadvantaged sectors of the population, especially indigenous and Afro-Colombian people, and what steps have been taken to bring about their participation in preparing this strategy. Please also indicate what steps have been taken to avoid discrimination in the grant of housing subsidies, the allocation of social housing or access to home ownership.

40. Please indicate what steps the State party has taken to prevent the use of dwellings unfit for occupation, in which 10.4 per cent of Colombia's people live (paragraphs 753-755 of the report). Please provide additional detailed disaggregated data on this subject.

41. Please indicate what steps have been taken by the State to ensure access for all, and especially for the most vulnerable groups, to healthy homes equipped with sanitation, and to avoid inappropriate rates of occupation (paragraphs 756-758 of the report). Please also provide up-to-date disaggregated data in this respect.

**Article 12 - Right to the highest attainable standard
of physical and mental health**

42. Please provide details of the results of the various health strategies described in the report (paras. 797-808) and indicate whether universal access to primary health care will actually be achieved by 2010 for those in SISBN categories 1, 2 and 3 (para. 767).

43. Please provide additional information about the measures which the State party intends to take to avoid discrimination in access to health care, and about the quality of health care the public can expect to receive through the various health insurance schemes, especially in the case of underprivileged groups and people living in rural areas. Please also provide recent figures for public funding of non-contributory social security schemes to enable disadvantaged people to gain access to better quality health services.

44. Please indicate what steps the State party has taken to protect women from deaths related to illegal abortion, which is a frequent cause of mortality, especially among young girls. In this connection, please indicate what legislative and administrative measures the State party intends to take to give effect to the Constitutional Court's decision C-355 of 2006, defining the conditions under which an abortion is not regarded as illegal.

45. In addition to the information provided in paragraph 807 of the report, please indicate what the results and impact have been of the national policy for sexual and reproductive health implemented between 2002 and 2006, especially as regards the reduction of maternal mortality, the prevalence of sexually transmitted disease and HIV/AIDS and access to better health care, especially for young people, displaced persons and other vulnerable groups. Please also provide up-to-date disaggregated data in this respect.

46. Please indicate what results the State party has achieved through its 2004-2007 intersectoral plan on HIV/AIDS. Please describe the situation of persons affected by HIV/AIDS and the assistance the Government is giving them, such as making medicines available at

affordable prices and facilitating the organization of support groups and associations to help them. Please indicate how these persons are protected from discrimination, in law and in practice, especially as regards employment, marriage, residence and the use of public facilities and services.

47. Please indicate what steps the State party has taken to reduce the very high rates of maternal mortality (paras. 822-824), especially among victims of violence, indigenous groups and rural dwellers, and the campaigns undertaken to encourage women to attend maternity clinics.

Articles 13 and 14 - Right to education

48. Please indicate what measures the State party has taken to ensure that public education is free of charge, so as to avoid discrimination and arbitrary dues or exclusions from school. Please indicate also what steps the State party intends to take to ratify the UNESCO Convention Against Discrimination in Education.

49. Please give details of the impact of the measures taken by the State to improve the quality of education (paragraphs 853-860 of the report), to improve literacy among young people and adults, and of the specific measures taken to improve access to education for children belonging to indigenous groups, internally displaced people, those of Afro-Colombian origin, and children with disabilities. Please provide recent disaggregated data on this question.

50. Please indicate what the effect has been of the specific measures and programmes introduced by the State party to reduce the high rate of school dropouts (paragraphs 850-851 of the report), especially among girls in rural areas and indigenous children. Please indicate also what other measures the State party intends to take to combat the persistence of school dropouts in Colombia, as well as on the steps the State party intends to take to prevent school dropouts due to indirect costs, especially among disadvantaged people.

51. Please indicate what measures the State party has taken to protect school premises from occupation by armed groups and the consequent interruption of classes.

52. Please indicate what steps the State party has taken to prevent the exclusion from school of pregnant girls.

53. Please indicate what measures the State party intends to take to draw up a genuine national strategy for the education of children in Colombia. Please also state what funds and resources will be devoted by the State party to reducing inequalities between the private and the public sectors in education.

Article 15 - Cultural rights

54. Please give details of the institutional structure serving to promote participation in and access to cultural life for all the population, especially in communities, including in rural areas and disadvantaged urban areas. Please indicate what steps have been taken to ensure access for as many people as possible to cultural goods, institutions and activities such as concerts, cinema, theatre and sporting events, and their participation in all of these.

55. Please describe the measures taken by the State party to protect cultural diversity, disseminate knowledge of the cultural heritage of ethnic and linguistic minorities and of indigenous groups, and create favourable conditions for them to preserve, promote, express and disseminate their identity, history, culture, language, traditions and customs.
