



# Economic and Social Council

Distr.: General  
12 May 2010

Original: English

---

## Committee on Economic, Social and Cultural Rights

### Forty-fourth session

#### Summary record (partial)\* of the 5th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 5 May 2010, at 10 a.m.

*Chairperson:* Mr. Marchán Romero

## Contents

### Consideration of reports

- (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

*Fifth periodic report of Colombia* (continued)

---

\* No summary record was prepared for the rest of the meeting.

---

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

*The meeting was called to order at 10.05 a.m.*

**Consideration of reports**

**(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant** *(continued)*

*Fifth periodic report of Colombia* (continued) (E/C.12/COL/5; E/C.12/COL/Q/5 and Add.1; HRI/CORE/1/Add.56/Rev.1)

1. *At the invitation of the Chairperson, the delegation of Colombia took places at the Committee table.*

2. **Ms. Gaitán García** (Colombia) said, in response to questions posed by the Committee the previous day, that Colombia was engaged in some 11 international cooperation projects with, among others, the United States of America, Spain, the European Union, Germany, the Netherlands, Sweden, the United Nations Development Programme (UNDP), Japan, Canada, China and the United Nations Educational, Scientific and Cultural Organization (UNESCO), with total funding of US\$ 547,000. The projects related to specific aspects of the Millennium Development Goals, such as environmental protection, the fight against drug trafficking, reconciliation and good governance.

3. With regard to the question of internally displaced persons, a register had been established in 1995, when the Government had recognized the magnitude of the problem. In 2010, there were 774,994 households, totalling 3.8 million people, who were registered as internally displaced persons. The Presidential Agency for Social Action and International Cooperation pursued various strategies to deal with the situation, including by keeping a separate register for persons who were unable to present identification. The Council of State had ruled that persons unable to make a statement of identification immediately could do so at a later stage. Of those who had declared their situation, just over half were men and, of the women, nearly half were heads of household. Of all those on the register, 33.8 per cent had had a primary education and some progress had been made in improving that proportion. In 2002, only 60 per cent of children had gone to school, but the figure had risen to 85 per cent in 2009. As for health care, the comparable figures were 32 per cent in 2002 and 81 per cent in 2009. The Government had the resources available to ensure that internally displaced persons had access to health and education, but one problem was the shifting population, which made it difficult for a person to complete a formal education. The Government had made efforts to improve the situation, particularly in view of the fact that the Constitutional Court had ruled that assistance must be provided within a given time frame. To that end, Act No. 387 of 1997 laid down the provision that assistance must be paid within three months, or, exceptionally, within six months. Assistance had been requested and received by 40,000 households, which was over half of those on the register.

4. At the end of 2009, a new decree had been introduced to distribute housing to displaced persons. To date, there had been 100,000 applications for such housing. There was also a new policy on forced eviction and compensation for such eviction. The policy posed a major challenge, and would involve changes to the law and commitments on future government expenditure on land and restitution. The Government was currently receiving technical support from UNDP on pilot projects relating to land registration.

5. **Ms. Fonseca Jaramillo** (Colombia) said that the Presidential Programme for Human Rights and International Humanitarian Law, headed by the Vice-President, aimed to assist the President in protecting and coordinating action on human rights. Many of the programmes that had been described to the Committee had been led or coordinated by the Presidential Programme.

6. **Mr. Herrera** (Colombia) said that a further aspect of the human rights policy was to improve relations between various sectors of society and the Government and to resolve any problems that arose. Above all, the aim was to prevent human rights violations and increase the effectiveness of efforts to that end, which would involve civil society, the churches and NGOs. Another aim was to increase respect for human rights and international humanitarian law, with the participation of regional and local authorities. The Ministry of the Interior and Justice was working with the Presidential Programme to ensure that such action could be implemented. In the effort to ensure participation at the grass roots, action on human rights had been decentralized throughout the country.

7. **Ms. Gaitán García** (Colombia) said that integrated plans were in place at the decentralized local level, with the aim of preventing displacement in the first place and, secondly, meeting the right to health care, food, identity, family reunification, income generation, housing and land. The plans were at an early stage, but the aim was to develop them across the country, ensuring subsidiarity at every level.

8. **Ms. Ariza** (Colombia) said, with regard to the question of the reform of the mechanism used by the Government to distribute resources to various authorities, that reforms had been carried out in 2001 and 2008. Members of the Committee had expressed the concern that resources for education, health and drinking water had been reduced. That was not the case, however. Since 2001, expenditure on education had risen by 67 per cent, on health by 42 per cent and on water and sanitation by 14 per cent. One result of those spending increases was that enrolment rates in primary and secondary education had risen by 18.2 per cent and by 111 per cent for higher education.

9. A further question had been whether taxation affected the poor more than the rich. Tax collection data indicated that the poor paid less tax. Indeed, the Colombian tax system was the most progressive in the Andean Community. Further reforms were necessary, however. A survey on public expenditure in Colombia had tried to calculate who received public resources; her delegation would provide the Committee with a document showing that one programme in particular that reduced inequality in Colombian society was the one that provided subsidies to the poorer sectors of society. Higher expenditure was required on pensions and higher education, but, in general terms, it had been found that public expenditure had reduced poverty by 10.9 per cent in 2003 and by 14.4 per cent in 2008. Inequality had been reduced by 4.8 per cent as a result of public expenditure in 2003 and by 5.11 per cent in 2008. That showed that the Government had improved the targeting of its resources.

10. Regarding the federal budget for security, she clarified that of the 19.8 billion pesos spent on security in the country, 10.9 billion (55 per cent) was dedicated to non-combat activities. Those activities included health care and housing for the Armed Forces and prevention programmes carried out by the Armed Forces and the national police.

11. **Ms. Fonseca Jaramillo** (Colombia) clarified that the concept of sustainable development as used in the State party report could be defined as development that satisfied the needs of the present without jeopardizing the ability of future generations to meet their own needs. The primary source of that definition was the World Commission on Environment and Development.

12. **Ms. Ariza** (Colombia) said that the delegation would provide written clarification of how the Government provided for the participation of indigenous communities and Afro-Colombian communities in the negotiation of free trade agreements.

13. **Ms. Fonseca Jaramillo** (Colombia) said that Colombia had ratified, by Act No. 800 of 2003, the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing that Convention. In addition to ratifying those instruments and

adopting Act No. 985 of 2005 on human trafficking, the Government had implemented a new national strategy to combat human trafficking. The strategy covered the period from 2007 to 2012 and rested on four pillars: prevention through awareness-raising campaigns, support for victims, prosecution of perpetrators and international cooperation.

14. Drug trafficking and human trafficking were not directly related, and there was a separate legal framework to deal with drug trafficking. The issue of drugs couriers, or “mules”, was dealt with under that framework. Sex tourism was considered to be a form of exploitation and was classified in the same category of crimes as human trafficking. Act No. 679 of 2001 was aimed at preventing sex tourism and pornography, particularly where they involved minors.

15. **Ms. Ariza** (Colombia) said that the Office of the Attorney-General and the Office of the Ombudsman closely monitored the implementation of the Quotas Act on an annual basis. In many areas the 30 per cent quota for women’s participation in decision-making posts had been exceeded, and the Government aimed to continue increasing women’s participation.

16. **Mr. Herrera** (Colombia) explained that, according to the Civil Code, individuals must be 18 years of age or older in order to marry, unless they obtained the consent of their parents or legal guardian, in which case the minimum age was 14 for boys and 12 for girls. The age of 14 was derived from the ancient Roman legal tradition, which served as the basis for Colombia’s legal system, and was considered to be the average age at which a child reached puberty. In 2004 the Constitutional Court had ruled that such differential treatment for boys and girls was unconstitutional because it violated the right of girls to equality. In 2008 a bill had been proposed to prohibit the marriage of minors, but the bill had not been passed.

17. **Ms. Fonseca Jaramillo** (Colombia) emphasized that children were treated as bearers of rights in the new Code on Children and Adolescents, which was based on the Convention on the Rights of the Child. Children were prohibited by law from serving in the Armed Forces. In the current year, the principle of conscientious objection to obligatory military service had also been accepted. With the help of the international community, about 3,800 children had been freed from service in paramilitary groups, and the Government was working to prevent the recruitment of children to such groups; an intersectoral commission had been set up for that purpose. In December 2008 Colombia had voluntarily accepted the implementation in the State party of the monitoring and reporting mechanism on children and armed conflict referred to in Security Council resolution 1612 (2005).

18. It was not a policy of the military forces or the Government to use children as informants, although there had been isolated cases which had subsequently been investigated. The Ministry of Defence had issued a directive prohibiting the use of minors in intelligence operations.

19. Street children were supported through programmes set up in cooperation with the European Union, and shelter was provided for them in specialized institutions.

20. **Mr. Herrera** (Colombia), speaking on the subject of indigenous peoples, cited various norms in place to regulate access to traditional knowledge and genetic resources. Permits to carry out biological research on biodiversity were also regulated. The free, prior and informed consent of indigenous peoples was required before research projects could be carried out in indigenous communities and before their traditional knowledge could be used for commercial ends. Indigenous communities must also have access to the benefits and profits of any trade that made use of their traditional knowledge, and fair distribution of resources must be ensured. The question of exactly which forms of knowledge should be covered by that requirement was currently under discussion. The Government had been

working since 2006 to establish its policy on indigenous peoples, and the issue of traditional knowledge was addressed in that policy.

21. **Ms. Ariza** (Colombia) said that it was impossible for recipients of State housing subsidies to use those subsidies for anything but housing, as they did not receive the money directly. Instead, the bodies that awarded the subsidies dealt with the financial institutions responsible for granting mortgages or selling properties. Housing policy also aimed to generate income for workers in the construction industry. In that way, the workers who built subsidized housing also acquired the means to acquire their own property. At the same time, construction firms were obliged to dedicate a portion of their business resources to the construction of subsidized housing. Work was being done to improve residential districts, thus helping to create jobs and expand the urban areas available for housing. The Government aimed to ensure that housing construction took place legally and on suitably cleaned up land where drinking water was available. Only 54.7 per cent of households had had adequate housing in 1993, but that figure had climbed to 73 per cent by 2005.

22. **Ms. Fonseca Jaramillo** (Colombia) said that the freedom to work was enshrined in law. Legislation thus sought to punish persons involved in the destruction and removal of, and damage to, tools, databases, installations, equipment or raw materials. A work stoppage caused by such actions was considered an aggravating circumstance. Legislation, however, also protected freedom of association and the right of assembly and punished persons who attempted to stop or disrupt legal meetings, impede the exercise of rights set out in labour legislation, or carry out reprisals in reaction to strikes, meetings or the establishment of legitimately constituted associations.

23. **Ms. Gaviria** (Colombia) added that legislation passed in 2009 had stiffened the penalties for attempts to cause disruption or carry out reprisals.

24. Turning to the questions on health care, she said that vaccinations were carried out in urban and rural areas, including in outlying districts. Maternal mortality, meanwhile, had fallen by 10 per cent between 2002 and 2008. The State had introduced policies on preventive health care for pregnant women and adolescents. Services aimed at reducing maternal mortality had been strengthened in 34 health centres across the country and severe maternal morbidity was being monitored in 15 departments. Furthermore, 1,147 health workers from both the public and private sectors had received extra training. Free prenatal HIV testing was available and a media campaign to promote responsible sexual behaviour had been prepared. A meeting of experts in April 2009 had established the need for across-the-board improvements in maternal health care, for which the Ministry of Social Protection had released the equivalent of about US\$ 12.5 million in 2010. On the subject of nutrition, a policy of dialogue had been adopted at the State, departmental and local levels, which involved stakeholders from civil society such as international organizations and universities. The Ministry of Social Protection had also organized a round table on the subject of abortion for health experts and interested civil society stakeholders. The media had received guidance on raising awareness of sexual and reproductive health issues and the ministries of social protection and education had joined forces to educate children on that subject.

25. **Ms. Ariza** (Colombia) said that there was no discrimination against women in access to public health care or pensions. In 2009, 90 per cent of working women had been covered for health care, as compared with 85 per cent of working men, and 31.2 per cent of women paid into a pension scheme, as compared with 29.4 per cent of men.

26. **Ms. Arias Otero** (Colombia) said that education development planning between 2002 and 2010, known as the “Education Revolution”, focused on the most vulnerable sectors of society – internally displaced persons, children with special needs, ethnic minorities, Afro-Colombians and indigenous peoples. The key to the Government’s policy

on education was the provision of free education and incentives to encourage children to stay in school. To that end, schools received an extra subsidy for each pupil categorized as vulnerable. In 2009, the subsidy had been extended to secondary school pupils. In all, 5.23 million pupils, or 70 per cent of the total number enrolled, had received free education in that year. In addition, the school nutrition programme had provided 67 per cent of pupils with free meals in 2008/09. Taken together, such measures encouraged pupils to remain in school. At the same time, the Ministry of Education was trying to improve Internet connectivity, not only within its offices, which were already fully online, but also by connecting all schools to the Internet. Around 70 per cent of schools had Internet access, although only 43 per cent of schools in rural areas were connected, largely because of electricity supply problems. Schools possessed an average of one computer per 22 pupils, which contributed to their computer literacy and helped teachers, 34 per cent of whom had received training in the use of computers in the classroom.

27. **Mr. Piedrahíta** (Colombia) said that Internet access across the whole population had risen from 4.6 per cent in 2002 to 46.2 per cent in 2009. Broadband access had risen from close to zero at the beginning of the decade to 43.4 per cent. Mobile telephone penetration currently stood above 93 per cent; the figure for the two lowest quintiles of the population in income terms was nearly 77 per cent. Those developments would lead to cheaper and better services for people and were key to formalizing a broader segment of the economy.

28. **Ms. Ariza** (Colombia), responding to questions on participation in and access to cultural activities, said that in 2007 a policy had been developed to promote participation in cultural activities. The policy had placed particular emphasis on promoting the Colombian film-making industry, as well as on the importance of maintaining cultural specificities while promoting and preserving the country's cultural heritage. Efforts were being made to improve access to all aspects of cultural life. Further information on the activities of the Ministry of Culture would be submitted to the Committee in writing.

29. **Mr. Piedrahíta** (Colombia) said that Colombia's poverty line was between two and three times higher than the international poverty line set by the World Bank.

30. One of the problems with housing subsidies had been that although displaced people had received those subsidies, they had been unable to raise the rest of the money needed to purchase a house. Colombia had therefore decided to follow the example of Panama by subsidizing interest rates, in order not only to provide people with housing but also to increase public access to banking services. In 2009 a programme had been implemented whereby the State paid 5 per cent of the interest rate for homes valued at under US\$ 20,000, and 4 per cent for homes valued at between US\$ 20,000 and US\$ 40,000. The programme would be expanded to complement direct housing subsidies by improving access to credit. The inflation rate was low and the terms of loans had been eased, enabling increased access to mortgages.

31. Turning to the question of access to credit for agricultural purposes, he said that although the current programme had been abused by some wealthy landowners, the majority of the resources available under the programme had taken the form of loans, on advantageous terms, to small landholders. Such loans were not restricted to export production, and could only be granted to small- and medium-sized farms.

32. Between 30 and 40 per cent of the population was covered by the State pension system. The minimum pension was the same as the minimum wage. However, as a large number of people worked in the informal economy, the State was finding it difficult to fund their pensions. Moreover, pension payments amounted to 4 per cent of gross domestic product, but did not go to the poorest in society. A new programme had been established to

enable persons without a regular income to make periodic contributions to a pension scheme.

33. *Tutela* was a legal remedy that allowed an individual to apply for the protection of the courts in the event that they felt their fundamental rights had been violated or threatened. The *tutela* procedure had been introduced with the Constitution in 1991, and guaranteed access to justice for all.

34. Around 7 per cent of persons over the age of 15 years were illiterate. The State aimed to ensure that the current generation of school-age children were literate. A programme was in place to provide free school meals for children from poor backgrounds, in order to give poor families an incentive to keep their children in education, and more children now had access to free schooling.

35. New legislation had been adopted on science, technology and innovation, which included provisions on the appropriation of scientific knowledge. The Colombian Institute for Science and Technology had become independent in 2009, and now reported directly to the President of the Republic.

36. A system had been established for conducting a national poll on living standards. The results would be ranked according to the UNDP Human Development Index and would be used to target public spending. Information on the impact of the free trade agreement with the United States on the price of medicines would be submitted to the Committee in writing.

37. **Mr. Sadi** said that the State party should bear in mind the Committee's general comments Nos. 11, 13 and 14 when considering the rights to health care and education of internally displaced persons. He was particularly concerned that Colombia had not amended the legal provision on the minimum age for marriage. He pointed out that since international law took precedence over domestic legislation, pending the amendment of that provision, international standards on the minimum age for marriage should be applied.

38. **Ms. Barahona Riera** said that although progress had been made in bringing workers from the informal sector into the formal sector, and in increasing pension coverage, further efforts were still required. The level of absolute poverty in the State party remained very worrying.

39. **The Chairperson** thanked the delegation of Colombia for its responses to the Committee's questions, and urged the State party to consider ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights as soon as possible.

40. **Mr. Piedrahíta** (Colombia) said that his Government would submit additional information in response to the Committee's questions in writing in due course, and would endeavour to implement the Committee's recommendations.

41. *The delegation of Colombia withdrew.*

*The discussion covered in the summary record ended at 12.05 p.m.*