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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 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 (E/C.12/1/Add.74), as well as their contribution to the drafting of the report (E/C.12/COL/5).\*
2. Please provide additional information on the national human rights institution and whether it complies with the Paris Principles. Please indicate whether the institution has any authority in matters of economic, social and cultural rights and give examples of the case law in this area. Please also indicate whether the institution has sufficient resources to function properly.

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\* The paragraph numbers mentioned in parentheses in this document refer to the paragraphs of the State party report (E/C.12/COL/5).

3. 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. Please also supply information on how economic free trade agreements concluded by the State party affect the enjoyment of economic, social and cultural rights by the Colombian population, in particular women.
4. Please describe the State party's policy regarding the conversion of protected areas into investment or economic areas and indicate the adverse effects of this conversion on the enjoyment of economic, social and cultural rights by indigenous peoples.
5. Please indicate whether the current transitional justice process mainstreams economic, social and cultural rights.

### **III. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (Arts. 1-5)**

#### **Article 1**

6. Please indicate what steps the State party has taken to ensure that indigenous communities take part in decision-making that affects them, in particular to consult them and obtain their free consent prior to implementing any project for the exploitation of forests, land or subsoil and for any public policy. Please also indicate whether consultations of this kind have ever been held and whether the free consent of indigenous communities has been sought in the process of taking decisions affecting their rights. If so, please give examples. Lastly, please indicate whether the State party has taken steps to set up bodies for the purpose of consulting representatives of indigenous communities regarding the grant of lands to indigenous populations and to ensure the protection in law and in practice of their land titles against resource development and exploitation projects which might affect them.
7. Please indicate the steps that the State party has taken on forest and biodiversity conservation and their results.

#### **Article 2**

8. Please indicate the effectiveness of the specific anti-discrimination measures taken by the State party in order to ensure that the rights set out in the Covenant may be enjoyed by all in conditions of equality, in particular Afro-Colombians, indigenous peoples and displaced persons, for example with regard to social integration and improved quality of life (paras. 219-228).
9. Please also indicate what the impact has been of measures taken to eliminate discrimination against persons with disabilities, facilitate their socialization (paras. 191-209) and promote their rights.

#### **Article 3**

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 senior administration and decision-making

bodies, in order to achieve the objectives set out in the Quotas Act. Please also indicate what methods are used to follow up implementation of the Act, and how effective they have been (para. 260 (e)). Lastly, please indicate what practical effects this law has had and give examples.

11. Please indicate what practical measures the State party has taken in such areas as social equality, income, employment and access to health care and education to counter the growing general impoverishment of women, especially indigenous and internally displaced women and women of African descent. Please indicate the impact of 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 allocate resources and adopt special programmes to ensure the protection of internally displaced women against the risk of violence and sexual and economic exploitation. Please also indicate the measures taken to prevent the forced recruitment of their children by armed groups and the persecution of these women on account of their membership of women's organizations, and to guarantee their economic, social and cultural rights.

#### **IV. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (Arts. 6-15)**

##### **Article 6**

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

14. Please provide 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.

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

16. Please indicate what steps have been taken to prevent the use of discriminatory criteria with regard to access to employment, in particular for peoples of African descent, indigenous peoples, underprivileged persons and rural populations, in order to give effect to the Employment Act.

17. Please also indicate 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.

18. Please give a detailed description of the technical and vocational training programmes the State party has undertaken and explain 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.

### **Article 7**

19. Please give information on measures the State party has taken to guarantee equal pay for equal work and to eliminate pay disparities between men and women. Please also give details of how the principle enshrined in article 143 of the Labour Code is applied or followed up and of any results the State party has achieved (paras. 348-352).

20. Please indicate which mechanisms the State party has established 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 Standing Committee has achieved with regard to offering sufficient remuneration to enable workers to enjoy a decent standard of living (para. 356).

### **Article 8**

21. Please give details of any restrictions on the right to form or join trade unions, and on the right to strike. Please provide information on the institutional arrangements governing collective bargaining.

### **Article 9**

22. Please provide additional information on practical measures aiming to ensure that subsidies benefit the most disadvantaged, in order to guarantee equality in health care.

### **Article 10**

23. Please 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 (paras. 542-545).

24. Please provide up-to-date information on the continuing consequences and effects of the armed conflict, in particular on women and children who have suffered excessive physical, sexual or psychological violence used as a strategy of war. Please detail the specific measures taken by the State party to investigate cases of sexual violence and prosecute the perpetrators, and to ensure economic and social rehabilitation of the victims, in particular persons in remote and inaccessible areas and displaced persons.

25. Please give details of the impact of the specific measures adopted by the State party to combat child labour, including its worst forms.

26. 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 criminal prosecutions have been initiated against the traffickers, the number of convictions which have resulted and the sentences passed. Lastly, please indicate whether the State party has organized any training courses for police officers in order to prevent human trafficking.

27. Please provide information on the results of the practical and specific measures taken by the State party to prevent and deal with the question of street children. Please also provide up-to-date statistics, disaggregated by age and city.

### **Article 11**

28. Please provide up-to-date information on the true situation of persons displaced by armed violence in terms of their enjoyment of economic, social and cultural rights. Please also provide details of the scope of such programmes as the Protracted Relief and Recovery Operation (PRRO), in particular in remote areas, as well as any measures that the State party has taken to guarantee the right to housing of displaced persons and their access to basic services without discrimination.
29. Please provide up-to-date information on the steps taken by the State party to introduce genuine land reform. Please also provide information on the benefits of these steps, in particular for disadvantaged, marginalized and rural populations (paras. 731 and 732).
30. Please provide additional information on steps taken by the State party to address access to sufficient drinking water by the population, and sufficient and adequate sanitation, in particular in rural areas.
31. 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 peoples, and what steps have been taken to promote their participation in preparing this strategy. Please also indicate what steps have been taken to avoid discrimination in the allocation of housing subsidies and social housing, and in access to home ownership. Lastly, please indicate the steps taken by the State party to prevent forced evictions.
32. Please provide statistics on homeless persons and the use of dwellings unfit for habitation.

### **Article 12**

33. Please indicate the State party's progress in achieving universal access to primary health care by 2010 for those in categories 1, 2 and 3 in the Beneficiary Identification System (SISBEN) (para. 768).
34. Please provide up-to-date information on the results of the various sexual and reproductive health measures taken by the State party (paras. 799-802), including on sexually transmitted infections and HIV/AIDS.

### **Articles 13 and 14**

35. Please provide information on the implementation of the constitutional guarantee of free, compulsory and inclusive education without discrimination.
36. Please indicate whether the State party intends to adopt: (a) new measures to improve the quality of education (paras. 855-860) and to ensure literacy among young people and adults; and (b) specific measures to promote 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.
37. 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 (paras. 850-851),

especially among girls in rural areas and indigenous children. Please also indicate what other measures the State party intends to take to diminish the persistent problem of school dropouts in Colombia.

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

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

40. 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, in terms of human and financial resources.

### **Article 15**

41. Please give details of steps taken to promote participation in and access to cultural life for all the population, especially in communities, and in rural areas in particular.

42. 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 conditions conducive to the preservation, promotion, expression and dissemination of their identity, history, culture, language, traditions and customs.

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