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Committee on Economic, Social and Cultural Rights

Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights

Sixth periodic reports of States parties due in 2015

Colombia*

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Contents

	<i>Page</i>
General	3
1. Article 1: Right to self-determination.....	3
2. Article 2: Obligations of the State, principles of progressiveness and non-discrimination	5
3. Article 3: Equal rights of men and women	6
4. Article 4: Conditions for limiting the rights set forth in the Covenant.....	8
5. Article 5: Principles for interpreting the rights set forth in the Covenant.....	8
6. Article 6: Right to work	8
7. Article 7: Right to just and favourable conditions of work	13
8. Article 8: Right to form or join trade unions, freedom of association and the right to strike	17
9. Article 9: Right to social security	19
10. Article 10: Right to protection and assistance to the family	20
11. Article 11: Right to an adequate standard of living	25
A. Right to the continuous improvement of living conditions	25
B. Right to adequate food.....	26
C. Right to water	28
D. Right to adequate housing.....	30
12. Article 12: Right to health.....	32
13. Article 13: Right to education	36
14. Article 14: Right to education	40
15. Article 15: Cultural rights	40
Annexes**	

** The annexes to the present report are available for consultation in the secretariat. They are also available from the website of the Committee on Economic, Social and Cultural Rights.

General

1. The International Covenant on Economic, Social and Cultural Rights was ratified by Colombia on 29 October 1969, following its approval by Congress through Act No. 74 of 1968, and entered into force in accordance with the provisions of the Covenant on 3 January 1976.
2. Colombia submitted its fifth periodic report on the implementation of the Covenant on 22 January 2008 (E/C.12/COL/5).
3. This sixth periodic report, which Colombia submits for consideration by the Committee, reflects the progress made and the challenges faced in order to guarantee and protect the rights set out in the Covenant during the period from 2010 to 2015.
4. This report has been prepared in keeping with the compilation of guidelines on the specific documents to be submitted by States parties under articles 16 and 17 of the Covenant, which are contained in document E/C.12/2008/2 and General Assembly resolution A/RES/68/268.
5. The amounts of economic resources referred to throughout the report are expressed in Colombian pesos (COP). As at 31 December 2014, the representative market exchange rate of the Colombian peso against the United States dollar (USD) was Col\$ 2,392.46 to US\$ 1.

1. Article 1 Right to self-determination

1.1 Application of the right to self-determination¹

6. Article 9 of the Constitution of 1991 (hereinafter referred to as the Constitution) recognizes the right to self-determination of peoples as one of the foundations of the international relations of Colombia; article 3 of the Constitution provides that “Sovereignty resides exclusively in the people, from whom public power emanates. The people shall exercise it directly or through their representatives.” The mechanisms providing the Colombian people with the means for democratic participation in public affairs are: the vote, plebiscites, referendums, consultation of the people, open council meetings, legislative initiatives and the revocation of mandates.
7. The indigenous and Afro-Colombian communities also enjoy the fundamental right to self-determination, which is evidence of the State’s recognition of the ethnic and cultural diversity of these peoples. The Constitution, national laws and various decisions of the Constitutional Court have promoted the exercise of this right.²

1.2 Recognition and protection of indigenous communities’ property rights

8. Colombia recognizes and protects the property rights of indigenous communities over the lands that they occupy or use for their livelihood; according to article 63 of the Constitution, “(...) the communal lands of ethnic groups, reserves, (...) are inalienable, imprescriptible and not subject to seizure”.

¹ See the seventh periodic report of Colombia on the implementation of the International Covenant on Civil and Political Rights.

² Article 320 of the Constitution; Constitutional Court: Decision C-882/2011, Decision T-823/2012 and Decision T-049/2013.

9. Act No. 160 of 1994, which was adopted in accordance with the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), establishes the duty of the Government to provide indigenous peoples with land and to examine the relevant land titles to determine the legal existence of reserves, for which purpose it lays down the procedures for establishing, expanding, clearing and restructuring indigenous reserves. The adoption of Decree No. 2333 of 2014 led to the introduction of mechanisms to guarantee the effective protection and legal security of lands and territories occupied or owned by indigenous peoples.

10. The Constitutional Court has also stipulated that: “the right of indigenous communities to collective ownership of the territory that they have traditionally occupied requires preferential constitutional protection, as this right is essential for the preservation of the culture and spiritual values of these peoples, as well as for guaranteeing their physical survival and recognition as a culturally distinct group”.³

11. Thus, according to the last census conducted in Colombia (2005), the indigenous population stands at 1,392,623 persons belonging to 87 different peoples, who represent some 3.4 per cent of the total population and whose reserves occupy 29.84 per cent of the national territory, which is equivalent to 34 million hectares of land.

1.3 Prior consultation with indigenous and local communities

12. The Directorate for Prior Consultation of the Ministry of the Interior is responsible for coordinating policies to promote the participation of citizens and ethnic minorities and guarantees due process in the practical application of the fundamental right to prior consultation for ethnic communities present in areas affected by projects, building work or other activities.

13. Presidential Directive No. 10 of 2013 sets out a guide for prior consultation with ethnic communities on the implementation of projects, building work or other activities, which is used as a tool for inter-institutional coordination to achieve administrative efficiency and good governance.

14. The Constitutional Court has ruled that prior consultation is obligatory when the measures to be adopted are likely to specifically affect indigenous communities as such but not when the proposed measures apply uniformly to the Colombian population as a whole.⁴

15. Between 20 July 2014 and 31 May 2015, the Directorate for Prior Consultation issued 1,565 certificates on the presence or absence of ethnic communities in areas affected by projects, building work or other activities. The presence of ethnic communities was attested by 212 certificates and their absence by 1,353 certificates. The greatest number of certificates were issued in respect of the mining, infrastructure and energy sectors (27, 19 and 16 per cent, respectively).

16. From the second half of 2014 until May 2015, it took, on average, 13.19 working days to issue certificates on the presence or absence of ethnic communities.

17. During the same period, 794 agreements with ethnic communities were protocolized (664 with indigenous communities and 130 with Afro-descendant and Raizal communities). Agreements were finalized in 776 cases, but this proved impossible in 18 cases. Thus, the performance indicator for prior consultation stood at 97.73 per cent.

18. The National Development Plan 2014-2018 makes reference to the need to conclude prior consultation agreements with ethnic communities in the areas of competitiveness and strategic infrastructure, social mobility, rural development and security, and justice and

³ Constitutional Court: Decision T-009/2013.

⁴ Constitutional Court: Decision C-030/2008.

democracy for peacebuilding, so as to ensure that these communities are included in future consultation processes.

2. Article 2 Obligations of the State, principles of progressiveness and non-discrimination

2.1 Measures to combat discrimination⁵

19. Act No. 1482 of 2011, which criminalizes acts of racism or discrimination and harassment based on race, religion, political ideology or national, ethnic or cultural origin was adopted with a view to eliminating racism and discrimination. The penalties for the perpetrators of such crimes have been set at between 12 and 36 months in prison. Act No. 1752 of 2015 introduced criminal penalties for discrimination against persons with disabilities.

20. The Attorney General's Office is conducting 181 investigations into acts of racism or discrimination and harassment based on race, religion, political ideology or national, ethnic or cultural origin, 106 of which concern racial discrimination. Two investigations are at the trial stage and one conviction has been secured.

21. Furthermore, the Observatory on Discrimination and Racism was created by Resolution No. 1154 of 2012 of the Ministry of the Interior for the purpose of collecting information and analysing, documenting and monitoring the dynamics and practices of racism and discrimination in Colombia in order to support the development of policies, strategies and programmes. From 2012 to the present, 45 complaints of discrimination have been received directly for advice and follow-up to the relevant administrative and/or judicial procedures.

2.2 Equal enjoyment of rights by all persons

22. Guaranteeing the right to equality has been a priority for the State over the last 15 years. The National Development Plan 2010-2014 and the current plan, entitled "All together for a new country" for the period 2014-2018, coincide in their vision that "Colombia shall be a country that promotes comprehensive human development, where every socioeconomic development objective centres on building a society that provides opportunities for all".

23. In order to achieve this objective, actions and programmes are being carried out to:

- Eradicate extreme poverty by 2024 and reduce moderate poverty (see article 11).
- Reduce gaps in population income (see articles 6 and 7).
- Reduce gaps in the provision of quality services in the fields of health, education, public services, infrastructure and connectivity at the national and local levels (see articles 12, 13 and 14).
- Promote the inclusive economic development of the country and its regions (see article 15).

⁵ See the combined fourth and fifth periodic reports of Colombia to the Committee on the Elimination of Racial Discrimination, submitted in August 2015.

2.3 Enjoyment by non-nationals of the economic rights enshrined in the Covenant

24. Article 100 of the Constitution provides that foreign nationals shall enjoy the same civil rights as are accorded to Colombians. However, in accordance with the law and for reasons of public order, these rights may be restricted.

3. Article 3 Equal rights of men and women

3.1 Elimination of direct and indirect gender-based discrimination

25. The national public policy on gender equality became a reality in 2013 following the adoption of National Economic and Social Policy Council (Conpes) paper 161, which sets out the action plan for closing the inequality gap for the period 2013-2016, with a budget of 3.5 billion pesos. The guidelines for this public policy were formulated by means of a participatory process that took the form of a dialogue with national women's networks and organizations from across the country and from various sectors. The policy has six main action lines covering the various forms of discrimination that affect women:

Peacebuilding and cultural transformation	Ensuring women's economic independence and fostering a work-life balance	Promoting women's participation in power-wielding and decision-making bodies
Differential approach to rights in the health-care system	Differential approach to rights in the education system	Comprehensive plan to guarantee women a life free from violence

26. Pursuant to Act No. 1257 of 2008, implementation of the comprehensive plan to guarantee women a life free from violence has been ongoing since 2014. The plan has facilitated the adoption of measures in the areas of justice and impunity, institution-building and mainstreaming of a gender perspective in public policy.

27. National Economic and Social Council (Conpes) paper 3784, adopted in 2013, sets out public policy guidelines to prevent risks and to protect and safeguard the rights of women victims of armed conflict. In addition to the relevant decisions handed down by the Constitutional Court⁶ and the provisions relating to the differential approach to gender of Act No. 1448 of 2011, the guidelines take account of the different stages of a woman's life cycle, her sexual orientation and gender identity, as well as her national origin and area of residence. A budget of 3.3 billion pesos has been allocated for the implementation of Conpes 3784.

28. The gender mainstreaming strategy directed by the Presidential Advisory Office on Gender Equality has made it possible to visualize the construction of a national gender system in the medium term as part of a State policy enabling the principles of equality and non-discrimination to be effectively realized.

29. Decree No. 1480 of 2014, by which 25 May was declared to be the national day for the dignity of women victims of sexual violence in the armed conflict, in order to recognize the courage, efforts and resilience of thousands of women in that situation, was

⁶ Constitutional Court: Orders 092/2008 and 098/2013 for enforcement of Decision T-025/2004.

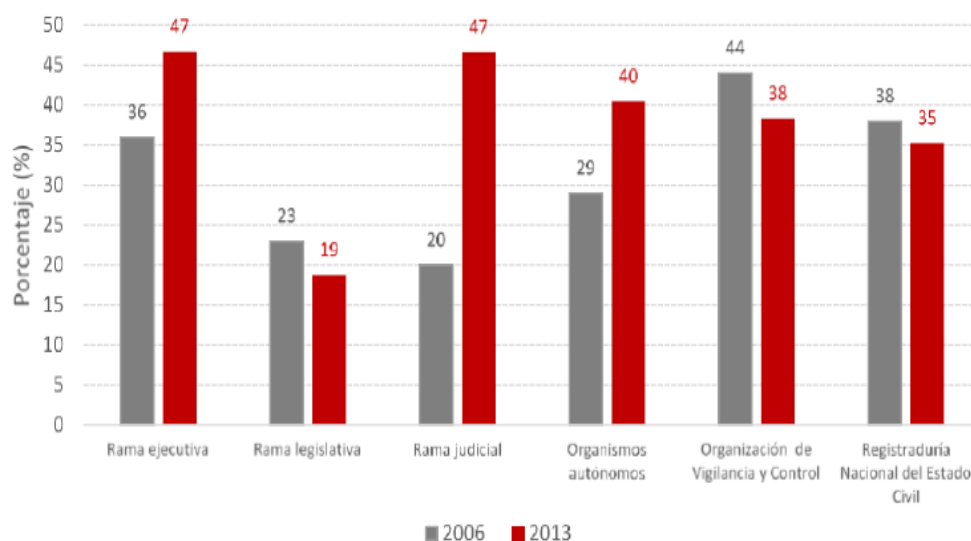
promulgated as part of the policy on comprehensive support and reparation for the victims of the armed conflict.

30. Similarly, Act No. 1719 of 2014 introduces measures to ensure access to justice for victims of sexual violence, particularly in the context of the armed conflict. The measures are intended to give priority attention to the needs of women and child victims in Colombia.

31. Colombia, through the adoption of public policies for the elimination of discrimination against women, has made significant progress in promoting the inclusion of women in the labour market, increasing their access to education and health-care services, and improving their living conditions in general. (see articles 6, 7, 12, 13 and 14.)

32. With regard to women's representation in positions of power during the periods 1991-1994 and 2014-2018, the proportion of women occupying a seat in the Senate has increased by 15.3 per cent, while the proportion of women in the House of Representatives has increased by 11.3 per cent. Women's representation in the judicial branch and the autonomous agencies has also grown significantly. Both the executive and judicial branches had attained a high rate of compliance with Act No. 581 of 2000 by 2013.

Rate of compliance with Act No. 581/2000 at the national level for the period 2006-2013



Source: Administrative Department of the Civil Service.

3.2 Gender Equality Act

33. Colombia also adopted Act No. 1257 of 2008, pursuant to which four implementing decrees were also adopted in 2011, namely Decree No. 4798/2011 on education, Decree No. 4463/2011 on employment, Decree No. 4799/2011 on justice and Decree No. 4796/2011 on health. (see Annex 1)

34. The committee responsible for monitoring the implementation of Act No. 1257 of 2008, which was formed in 2011, is a forum made up of representatives of the Counsel General's Office, the Ombudsman's Office, the Presidential Advisory Office on Gender Equality and representatives of women's organizations. The committee has held 30 sessions and has taken steps to ensure the accountability of the ministries responsible for the implementation of the Act and its regulatory decrees, with the direct participation of the ministers concerned and of mayors and governors at the local level.

4. Article 4
Conditions for limiting the rights set forth in the Covenant (see section 3.2 of the common core document of Colombia)

5. Article 5
Principles for interpreting the rights set forth in the Covenant (see section 3.1 of the common core document of Colombia)

6. Article 6
Right to work

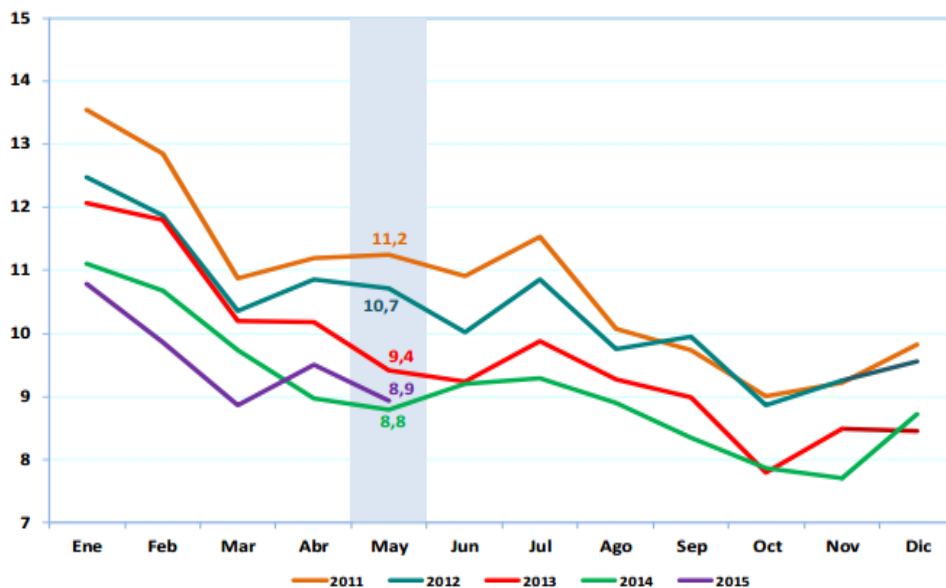
6.1 Measures adopted to reduce unemployment

6.1.1 Promotion of full productive employment

35. The last four years have seen the creation of 2.5 million jobs, a significant reduction in informal employment and an unemployment rate that each month continues to reach historic lows ever since the practice of recording monthly figures was introduced 14 years ago.

36. According to the general integrated household survey,⁷ in May 2015, the unemployment rate stood at 8.9 per cent and the employment rate was the highest that it had been for 15 years at 58.8 per cent. Over the last 12 months, the unemployment rate has been in single figures for 21 consecutive periods, standing at 9 per cent for the last period. The unemployment rate in populated areas and in sparsely populated rural areas for the March to May 2015 rolling quarter stood at 5.1 per cent, which is the lowest rate recorded in the last 15 years.

Unemployment rate. National monthly total 2011-2015



⁷ Compiles information on employment, as well as on the general characteristics of the population such as sex, age, marital status, level of education and sources of income.

37. Recent institutional reforms include the creation of the special administrative unit of the Public Employment Service, which is provided for in article 26 of Act No. 1636 of 2013. The unit, which is attached to the Ministry of Labour, was created to administer the Public Employment Service and its network of service providers.⁸ Approximately 700 billion pesos have been invested since it entered into operation.

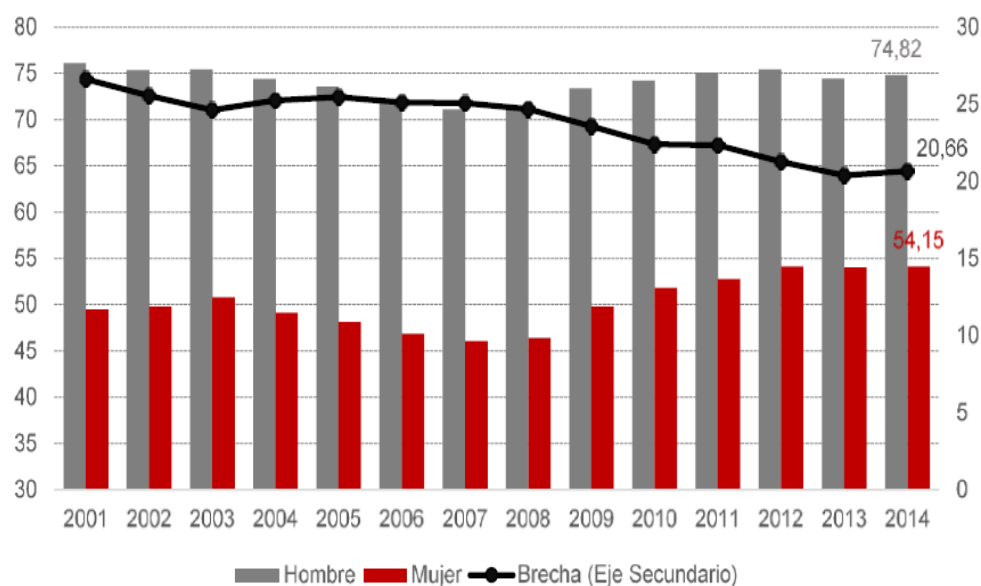
38. The Public Employment Service seeks to help workers find employment suited to their profile and employers to hire workers according to their needs. In 2014, the service helped 270,000 people to find work, 44 per cent of them women and 56 per cent men. There are currently close to 470,000 persons registered on the Redempleo platform,⁹ of whom 56 per cent are women and 44 per cent men. In age group terms, most of those registered (43.9 per cent) are young persons (under 28 years of age) and 11 per cent are aged over 45.

Employment for women

39. Women's participation in the labour market has increased in recent years. The participation rate of women stood at 46.4 per cent in 2008 and at 54.2 per cent in 2014. The participation gap between women and men has been closing steadily in recent years, falling from 26.6 per cent in 2001 to 20.7 per cent in 2013. The increase in women's participation in the labour market is chiefly attributable to demographic, cultural, institutional and economic changes, such as the greater accumulation of women's human capital.

40. There are more Colombian women than Colombian men participating in the labour market associated with community, social and personal services, financial intermediation and trade, and hotels and restaurants.

Participation in the labour market (Global rates and gender gap)



Source: National Department of Statistics (DANE), Ongoing Survey of Households — General Integrated Household Survey (ECH-GEIH).

⁸ Comprising the National Training Service, municipal authorities, governorates, family allowance funds, private agencies and job centres (universities).

⁹ Virtual platform of the Public Employment Service.

41. Among the most significant measures adopted to promote women's employment is the roll-out in 2012 of the Programme for Gender Equity in Employment,¹⁰ the aim of which is to promote equality and non-discrimination on the basis of gender in the workplace and to create greater employment opportunities for women as a means of ensuring their well-being and development. The activities carried out under the Programme include:

- The programme of comprehensive rural and urban employment paths for victims of the armed conflict, which aims to improve their employability and encourage them to enter self-employment. It is estimated that 49.6 per cent of those participating in the programme will be women.
- The adoption of Act No. 1525 of 2012, which approves the ILO Domestic Workers Convention, 2011 (No. 189), and of Decree No. 721 of 2013, which regulates the participation of domestic workers in the family allowance system.
- Mapping of ways to mainstream manicurists into the formal economy.
- Campaigns with the National Training Service to promote training without gender labels.
- Implementation of the Strategic Plan to Prevent Sexual and Workplace Harassment.
- The roll-out of a programme for certifying gender equality management systems known as EQUIPARES, the seal of employment equity. This certification demonstrates that private companies apply principles of equality and employment equity in regard to recruitment and selection procedures, remuneration and salaries, training, promotion and career development, work environment and health, prevention of sexual and workplace harassment, gender-sensitive communication and work-life balance.

Employment for young people

42. In January 2015, the youth unemployment figure in Colombia stood at 15 per cent. In order to improve the conditions of access to employment for this group, Colombia has adopted the following legislative measures:

- Act No. 375 of 1997, which aims to create the necessary conditions for young people to exercise their rights fully.
- Statutory Act No. 1622 of 2013, the purpose of which is to develop mechanisms to promote employment and good working conditions for young people by strengthening the National Youth System.
- Act No. 1429 of 2010, which establishes an incentive scheme to reduce income tax for companies that hire young people aged 18 to 28.

43. Moreover, National Economic and Social Policy Council (Conpes) paper 173 of 2014 established the need to develop strategies to facilitate the school-to-work transition. The most noteworthy programmes to promote youth employment in Colombia are:

- The "40,000 First Jobs" Programme, created by Resolution No. 347 of 2015 of the Ministry of Labour, which is intended for young school-leavers. An investment of some 300 billion pesos is expected to be made during its initial phase.
- The transport for employment programme, which awards grants of up to 24,000 pesos to cover the transport costs of persons who must travel to companies in order

¹⁰ Decree No. 4463/2011, article 3.2.

to attend an interview. A total of 43,000 grants are available to the Colombian population.

- The Talent for Employment Programme, which offers 13,000 job skills training courses for persons aged between 18 and 45; these are high-school diploma validation courses and courses in computer use and personal finances, which have been identified as essential for finding employment.

6.1.2 Rehiring of workers and measures to assist unemployed persons

44. Act No. 1636 of 2013 created the unemployment protection mechanism to coordinate and implement a comprehensive system of active and passive policies to mitigate the impact of unemployment on workers, and to facilitate the reintegration of unemployed persons into the labour market in a dignified, permanent and formal manner that will lead to an improvement in their quality of life.

Unemployment protection mechanism

- Public Employment Service. Job search facility.
- Training in basic skills and specific job skills, provided by the National Training Service, family allowance funds and certified vocational training institutions, to guarantee unemployed persons an opportunity to retrain.
- Solidarity fund for the promotion of access to employment and the protection of unemployed persons. A fund that grants benefits to unemployed persons who meet the access requirements.
- Redundancy accounts for workers. A limited, voluntary fund intended to provide workers with an income during periods of unemployment.

45. In 2014, 92,895 million pesos were spent on the implementation of the mechanism and, in 2015, a budget of approximately 550,000 million pesos was allocated to that end. In 2014, 40,343 people benefited from the unemployment insurance and more than 74,000 people received training as part of the training and education strategy.

6.1.3 Measures to combat informal employment

46. Colombia has striven to ensure that its employment formalization policy¹¹ benefits those who have fewer opportunities to enter into the formal economy. Act No. 1429 of 2010 is the most significant legislative measure adopted for the benefit of undeclared workers and is intended to: (i) formalize companies that are currently operating in the informal sector, (ii) generate more formal jobs, and (iii) increase the income of informal workers, disadvantaged unemployed persons and small business owners.

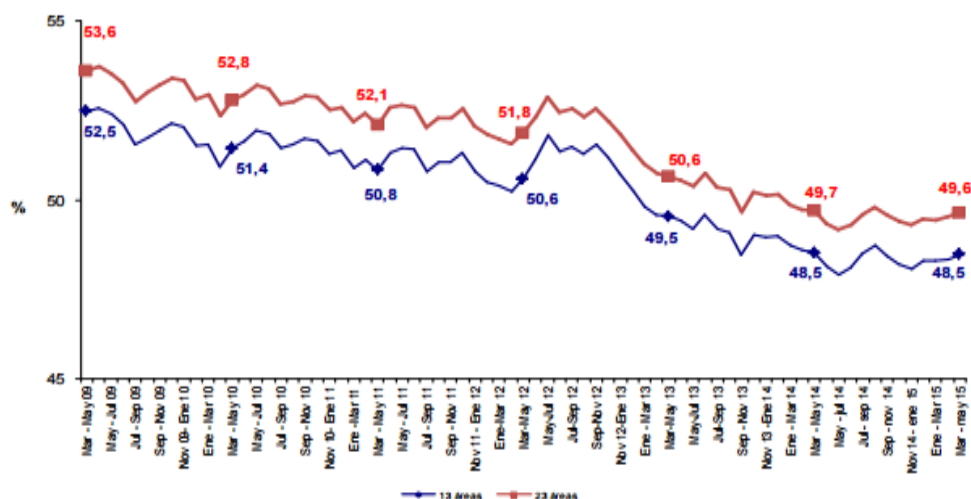
47. The beneficiaries of the Act are previously informal companies, certain population groups, such as young persons under 28 years of age, displaced persons, reintegrated persons and persons with disabilities, female heads of household belonging to levels 1 and 2 of the Social Programme Beneficiary Selection System, women aged over 40 who had not held an employment contract the previous year, and workers who earn less than 1.5 times the current statutory minimum monthly wage and who are paying social security contributions for the first time.

48. The informal employment rate decreased from 67.8 per cent in the second quarter of 2010 to 62.3 per cent in the same period in 2014, which amounted to an 8.1 per cent decline.

¹¹ Implies participation and retention of workers in the social security system.

Since 2012, there has not been a single period in which the informal employment rate has increased compared with the previous year.

Proportion of the population employed in the informal sector. Total in 13 cities and 23 areas. Rolling quarter March-May 2009-2015



49. The trend in the proportion of persons under 28 years of age in employment following the implementation of the Act is shown below:¹²

Year	No. of jobs
2011	1 380 303
2012	1 627 413
2013	1 557 881
2014	1 881 982

50. In the four-year period from 2010 to 2014, 1,673,257 workers have been formalized, of whom 76,024 are domestic workers,¹³ 60,000 are “community mothers”,¹⁴ 220,000 are taxi drivers,¹⁵ and 92,217 are part-time workers.¹⁶

51. Furthermore, pursuant to Act No. 1562 of 2012, all Colombian and foreign dependent workers bound by a written or verbal employment contract and public officials must be affiliated to the general occupational hazard system.

52. As to public sector workers, Decree No. 1376 of 2014 regulated the structuring mechanisms for staff performing temporary jobs and the agreements for formalizing employment in government social institutions at the national and local levels.

¹² Integrated Contribution Payment System. Ministry of Labour.

¹³ Decree No. 721/2013 on the participation of domestic workers in the family allowance system. According to the Office of the Superintendent for Family Benefits, as at 30 December 2014, 89,122 domestic workers were affiliated to a family allowance fund.

¹⁴ Decree No. 289/2014 on the employment relationship of “community mothers” with the administrative bodies of the community welfare centres programme.

¹⁵ Decree No. 1047/2014. The informal employment rate in this sector stands at 87.7 per cent.

¹⁶ Decree No. 2616/2013 on the financial and operational system governing the affiliation of dependent workers who work for periods of less than one month with the pension, occupational hazard and family benefit systems.

53. In addition, the Government created the National Network for the Formalization of Employment by Decree No. 567 of 2014, for the purpose of coordinating the activities of the different bodies working towards that goal so as to bring more workers into the formal economy.

54. The adoption of Act No. 1413 of 2010 facilitated the inclusion of the care economy, consisting of unpaid domestic work, in the system of national accounts, in order to measure the contribution made by women to the country's economic and social development.

6.1.4 Legal safeguards to protect workers against unlawful dismissal. (see annex 2)

6.1.5 Technical and vocational training programmes to facilitate entry or re-entry into the labour market

55. Over the period 2010-2014, there was a 79 per cent increase in the enrolment rate for academic programmes, by level of instruction. (see Annex 2)

56. When it comes to choosing a profession, Colombian students prefer courses on business administration, public accounting and law. In 2014, a total of 2,010,756 undergraduate students enrolled in such courses. However, in recent years, there has been increased demand for technical and technology-based courses, such as technology in business management and technology in accounting and finance, which are mainly offered by the National Training Service. These courses account for 34.3 per cent of the total enrolments in higher education. (see Annex 2)

57. Forty-nine per cent of students following technical, vocational and technology-based courses belong to families whose income oscillates between one and two times the current statutory minimum monthly wage. According to figures compiled by the higher education accreditation system, as at 31 March 2015, there were some 10,765 courses being offered by higher education institutes, 2,265 of which are technical, vocational and technology-based courses. (see Annex 2)

7. Article 7 Right to just and favourable conditions of work

7.1 National minimum wage

58. Article 8 of Act No. 278 of 1996 provides that the national minimum wage should be set no later than 15 December each year by the Standing Committee on Labour and Wage Policy Consultation.¹⁷ Should it prove impossible to reach an agreement on the amount of the national minimum wage, "the party or parties who disagree are obliged to explain the reasons for their reservations in writing within 48 hours. The parties must then study those reservations and take a position on them within the next 48 hours. The Committee shall meet once again to seek a consensus on the basis of the facts submitted, before 30 December.

59. When it is clear that a consensus on the amount of the minimum wage will not be reached, the amount shall be determined by the Government by 30 December at the latest, using as parameters the inflation target for the following year set by the Board of the Central Bank, the level of productivity set by the tripartite committee on productivity, which is coordinated by the Ministry of Labour, the contribution of salaries to the national income, the increase in the gross domestic product and the consumer price index."

¹⁷ Composed of representatives of the Government, trade unions and trade union confederations.

60. In addition to the aforementioned parameters, the Constitutional Court has stipulated that the Government, when determining the national minimum wage, must take into account at the same level, with the same implications as in previous years, and as a matter of priority, the special constitutional protection of employment (article 25 of the Constitution) and the need to maintain a flexible basic living wage (article 53 of the Constitution); the social function of enterprises (article 333 of the Constitution) and the constitutional objectives of the management of the economy, which is the responsibility of the State (article 334 of the Constitution), one of which is to “ensure that all persons, especially those with a low income, have access to basic goods and services”.¹⁸

61. In accordance with the aforementioned regulations, this single mechanism for setting the national minimum wage in Colombia may or may not be used in a concerted manner but, in either case, the national minimum wage will always be promulgated by decree. From 2010 to 2015, the minimum wage increased by 20 per cent. (see Annex 3)

62. The minimum wage applies to all workers in the urban and rural sectors throughout the national territory without distinction of any kind. According to the general integrated household survey, 5,463,829 workers earn more than the minimum wage, accounting for 45.5 per cent of the total number of salaried employees. In addition, 1,238,485 workers earn the minimum wage, accounting for 24 per cent of the total number of salaried employees in the country.

7.1.1 Indexation system based on cost of living

63. The consumer price index measures changes in the average cost of a basket of goods and services that is representative of the final consumption of households (see Annex 3), which is expressed in relation to a base period, the results of which are analysed according to group, subgroup and type of expense, living expenses and income level. The percentage change in the consumer price index between two periods of time represents the level of inflation over that period. The consumer price index for Colombia is calculated on a monthly basis by the National Department of Statistics.

64. As mentioned previously, the growth in the consumer price index is one of the variables that the Government must take into account when setting the minimum wage. In 2014, the variation in the consumer price index stood at 3.66 per cent. (see Annex 3)

7.2 Working conditions for all workers

7.2.1 Maximum duration of a standard working day in Colombia. Supplementary work and overtime

65. The maximum duration of a regular working day in Colombia is eight hours, amounting to 48 hours per week, regardless of the sector concerned. The maximum duration of a working day for those workers bound by an employment contract and governed by the provisions relating to the private sector is regulated by daily and weekly work requirements. However, it is not possible for a worker to have a working day of 12 or 24 hours with 12 or 24 hours of rest, even if both parties agree to such an arrangement.

66. When a service has to be provided 24 hours a day and seven days a week, the employer must ensure that his or her needs are covered by one of the different working days provided for in the legislation in force, without exception.

67. Article 159 of the Substantive Labour Code defines additional or overtime work as that “which exceeds the duration of a regular working day or, in any case, the maximum

¹⁸ Constitutional Court: Decision C-815/1999.

legal duration of a regular working day". The remuneration for additional or overtime work should be based on the rates set out in article 168 of the Code:

	<i>Rate</i>
Night work	35 per cent on top of the rate payable for day work
Overtime day work	25 per cent on top of the rate payable for day work
Overtime night work	75 per cent on top of the rate payable for day work

68. It is not possible to compensate overtime work with time off, as overtime is part of a worker's wage and is therefore taken into account for the payment of social benefits.

69. Notwithstanding the fact that Colombian workers are entitled to Sundays off and paid public holidays, in accordance with article 179 of the Substantive Labour Code, work performed on Sundays and public holidays shall be remunerated with an overtime premium of 75 per cent of the regular wage payable in proportion to the number of hours worked.

7.2.2 Paid and unpaid leave and measures taken to reconcile professional, family and personal life

70. As a means of reconciling professional and personal life, Colombian legislation requires companies to grant workers paid leave, which should not entail deductions from their salary or the requirement for them to perform work during the period in question, and which should enable them to combine their work schedule with a series of tasks and activities that are family-related or of an educational, judicial or administrative nature in the area of their personal life.

71. Compulsory leave requirements include:

- (i) exercise of the right to vote;
- (ii) a confirmed family emergency;
- (iii) performance of official duties on a temporary basis;
- (iv) performance of trade union-related duties;
- (v) attendance at the funeral of a partner or colleague;
- (vi) compassionate leave for the death of a spouse, long-term partner or a family member up to the second degree of blood relationship, the first degree of affinity and the first degree of civil relationship;
- (vii) medical incapacity;
- (viii) maternity or paternity leave (see article 10).

72. For situations not covered by labour legislation, the employer must decide whether to permit the absence and determine the salary deductions to be made, depending on the length of the leave requested. In any case, the employer and the worker may agree on other types of leave not provided for in the labour legislation. Any company that prohibits workers from taking paid leave in the aforementioned situations may be made subject to fines or other penalties by the Ministry of Labour, depending on the seriousness of the offence and for as long as it continues.

73. Furthermore, Act No. 1221 of 2008 was adopted with the aim of promoting and regulating telework as an instrument for generating employment and self-employment

through the use of information and telecommunication technologies, and created the national network for the promotion of teleworking.

7.3 Application of the principle of equal pay for work of equal value

74. Act No. 1496 of 2011 introduced the principle of “equal pay for work of equal value” in the Substantive Labour Code, which provides that any differential treatment in respect of wages or remuneration shall be presumed to be unjustified until the employer explains the objective differentiating factors applied. The Act contains provisions on factors affecting salary assessment and requires companies to keep a register of worker profiles and the allocation of posts disaggregated by sex, function and remuneration. It also empowers the Ministry of Labour to audit companies and penalize those that fail to comply with the Act.

75. Between 2007 and 2011, the female workforce increased by 14.6 per cent, while the male workforce increased by 5.6 per cent. The former may be attributed in part to the improvements achieved in education and vocational training, which have led to an increase in the skilled female workforce. Between 2002 and 2013, the gender gap in average monthly income increased by 3.8 per cent, from 17.6 per cent in 2000 to 21.4 per cent in 2013. (see Annex 3)

7.4 Legislation on sexual harassment in the workplace

76. In this regard, reference should be made to the formulation of the Strategic Plan to Prevent Sexual and Workplace Harassment, which has three main components:

- An opinion poll on sexual harassment in the workplace.

The poll was conducted during the second half of 2014 and is representative of the 13 metropolitan areas of Colombia. The aim of the study was to obtain input for developing a policy to combat sexual harassment.

- The introduction of care services for victims of sexual harassment in cooperation with the Attorney General’s Office.

The provision of training for labour inspectors at the local level by means of a gender equality module that includes case studies, in order to prevent revictimization.

77. Act No. 1257 of 2008 introduced the offence of sexual harassment, which is characterized as a form of sexual abuse. The relevant article prescribes a prison sentence of 1 to 3 years for anyone who “for his or her own or another’s benefit, by taking advantage of his or her manifest superiority or relationship of authority or power, age, sex or social, employment, family or economic position, harasses, persecutes or intimidates another person physically or verbally for non-consensual sexual purposes”. The Attorney General’s Office is currently investigating more than 8,000 complaints.

7.5 Safety and healthy conditions in the workplace

78. The general occupational hazard system is defined as the group of public bodies, regulations and procedures intended to warn, protect and assist workers faced with the effects of diseases and accidents that may occur during or as a result of the work that they perform. Act No. 1562 of 2012 modified the general occupational hazard system and introduced additional provisions relating to occupational health.

79. The adoption of the aforementioned Act has led to a 33 per cent increase in affiliation to the system, which means that 2.2 million new workers became affiliated between 2010 and 2014. The Government has established adequate regulations in this area. (see Annex 3)

80. To date, 14,000 workers have benefited from awareness-raising and preventive activities targeting vulnerable workers in sectors with a high accident rate. Moreover, 50,300 children and 3,680 teachers have received self-care training. (see Annex 3)

81. A special commission of occupational safety inspectors has also been established, which is tasked with preventing and raising awareness of occupational hazards, ensuring strict compliance with the regulations on preventing workplace accidents and occupational diseases, and ensuring compliance with the regulations governing occupational health and industrial safety.

8. Article 8 Right to form or join trade unions, freedom of association and the right to strike

8.1 Workers' right to form or join trade unions, and their independence

82. Article 39 of the Constitution stipulates: "Workers and employers have the right to form trade unions or associations without interference by the State. Registration of their founding charter will automatically confer legal recognition. Article 353 of the Substantive Labour Code states that "employers and workers shall have the right to freedom of association for the defence of their interests and to form professional associations or trade unions; the latter shall be entitled to unite or federate among themselves". It also provides that "workers and employers shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without prior authorization (...)".

83. Basic requirements for forming a trade union or joining an existing one are: (i) the willingness on the part of workers to join together in a trade union, and (ii) a minimum number of 25 persons for its formation or maintenance.¹⁹ Twenty trade unions are needed to form a national federation and 10 to form a regional or local one .

84. Article 361 of the Substantive Labour Code stipulates that a trade union is formally established by way of a founding assembly and a charter (*acta de fundación*) that should include: the date, place and time; number of participants; details of the agenda; decisions adopted by the assembly; and, if appropriate, approval of the union's articles of association and appointment of the executive committee. The charter must be signed by all founding members. The requirements for joining an existing trade union are those set forth in the articles of association of the union chosen by the worker.²⁰

85. Freedom of association and trade union freedom are not absolute. As was stated by the Constitutional Court in its Decision C-617/08: "the operation of trade union organizations must be in accordance with the law and, as a result, legal restrictions may be imposed on these rights insofar as they are necessary, minimal, indispensable and proportional to the objective pursued in order to safeguard national security, public order, health or morals, the rights and duties of others and, in general, achieve any purpose deemed of essential value (...)".

¹⁹ Article 359 of the Constitution

²⁰ Resolution No. 810/2014 of the Ministry of Labour regulates the procedure for registering trade unions.

<i>Trade unions established 2010-2013</i>	
2010-2011	536
2012-2013	971 (48 % more)
Total	1 327

86. Article 39 of the Constitution stipulates that members of the public security forces shall not have the right to join or form unions.

87. In order to protect freedom of association, Colombia passed Act No. 1453 of 2011, which establishes the penalty of imprisonment for anyone who engages in acts or behaviour that infringe on the freedom of association, such as preventing or disrupting a lawful meeting or the exercise of the rights conferred by labour laws, or takes reprisals against a lawful strike, meeting or assembly.

88. Since its establishment, the National Protection Unit has protected the life of trade union leaders who are threatened as a consequence of their work. Since 2011, it has offered protection schemes to over 2,000 persons and in 2014 alone allocated resources in the amount of 36,223 million pesos for this purpose. In the period 2010-2014, 106 trade unionists were assassinated. However, between 2010 and 2014 the murder rate dropped by nearly 50 per cent.

89. In 2008, an International Labour Organization subunit was set up within the Human Rights and International Humanitarian Law Unit of the Attorney General's Office and assigned more than 160 additional prosecutors specialized in crimes committed against trade unionists. Close to 100 officers of the National Police deal exclusively with the investigation of such crimes. This has contributed to a significant decrease in murders of trade union members.

90. In the context of the implementation of Act No. 1448 of 2011 active steps²¹ have been taken to move forward a process of collective redress for trade union victims of the armed conflict, pursuant to the State's obligation to ascertain and disseminate the truth about anti-union violence, paying tribute to the memory of the victims and offering non-repetition guarantees. In April 2014, a high-level committee on collective reparation for the trade union movement was established.

8.2 Collective bargaining mechanisms

91. The Constitution guarantees the right to collective bargaining for the purpose of regulating labour relations;²² the Collective Convention, the Collective Pact and the Collective Agreement (see Annex 4) were established as collective bargaining mechanisms.

8.3 Right to strike

92. Article 56 of the Constitution guarantees the right to strike, except for essential public services defined in the law. Article 429 of the Substantive Labour Code defines the right to strike as "the temporary and peaceful collective suspension of work for economic or occupational purposes (...) as a legitimate means of exerting pressure to improve working conditions".

²¹ This process began with the holding of the national meeting on collective reparations for the trade union movement in 2013.

²² Article 55.

9. Right to social security (art. 9)

9.1 Universal social security coverage²³

93. For detailed information on the Comprehensive Social Security System please see Annex 5.

94. Colombia has 22 million workers, 7.7 million of whom contribute and save actively under one of the General System of Contributions (SGP) schemes, and there are 1,977,773 pensioners. (see Annex 5)

95. The Colombian pensions administrator, Colpensiones,²⁴ became operational by virtue of Decree No. 2011 of 2012. It is responsible for managing the defined-benefit average premium plan (*régimen de prima media con prestación definida*); special allowances assigned to it by law; and the savings scheme of periodic allowances (*Sistema de Ahorro de Beneficios Económicos Periódicos*). Colpensiones addressed the structural backlog in the average premium plan caused by the accumulation of thousands of requests left unanswered by the Social Security Institute.

96. Programmes designed to guarantee the right to social security for people working in the informal economy and the most vulnerable segments of society.

97. Periodic allowances (*Beneficios Económicos Periódicos*). Adopted by virtue of Decree No. 0604 of 2013, this is a voluntary old-age savings scheme for Colombians belonging to categories 1 and 2 of the Social Programme Beneficiary Selection System (SISBEN) (see Annex 5) who are unable to contribute to a pension scheme or who, having done so, were unable to collect their pension once they reached retirement age. The Government grants a subsidy amounting to 20 per cent of accrued contributions. As at 30 June 2014, 4,293 citizens had joined the scheme.

98. *Colombia Mayor* is a programme designed to protect elderly persons who are indigent or living in extreme poverty on the basis of an allowance. The number of recipients under the programme rose from 428,000 in August 2010 to more than 1,273,660 in September 2014, an increase of 264 per cent.

9.2 Minimum amounts of social benefits, including pensions, established by law

99. Act No. 100 of 1993 provides that the minimum amount of old-age or retirement pension must be no less than the current statutory minimum monthly wage. Article 14 of the Act stipulates that, in order for pensions to maintain their purchasing power: "(...) they shall be automatically adjusted annually on 1 January of each year, in accordance with the percentage variations in the consumer price index (CPI) calculated by the National Department of Statistics (DANE) for the preceding year". Monthly pensions that are equivalent to the current statutory minimum monthly wage "shall be adjusted automatically by the same percentage amount as each increase in this wage introduced by the Government".

100. Act No. 797 of 2003 also stipulates that the contribution base limit for pensions under the average premium plan shall be 25 current statutory minimum monthly wage units for public and private sector workers, and where monthly earnings exceed 25 current statutory minimum monthly wage units, the contribution base shall be regulated by the

²³ Colombia's Comprehensive Social Security System comprises pension, health and occupational hazards systems. For the health system, see art. 12; for the occupational hazards system, see arts. 7 and 8; for the pension system, see art. 9.

²⁴ Established by virtue of Act No. 1151/2007 as administrator of the defined-benefit average premium plan.

National Government and may be as high as 45 current statutory minimum monthly wage units in order to guarantee pensions up to 25 units. In Decision C-258/13, the Constitutional Court ruled that as of 1 July 2013, and without any need for reassessment, pensions paid with public funds may not exceed the ceiling of 25 current statutory minimum monthly wage units.

9.3 Non-contributory social assistance allowances for disadvantaged and marginalized individuals and families that are not covered by contributory schemes (see art. 12)

101. The Subsidized Health Plan opens the right to health for the country's poor and vulnerable populations. The territorial entities are responsible for correctly operating its processes by identifying and enrolling target populations; for investment, procurement and monitoring the use of financial resources for the scheme; and for follow-up and monitoring of beneficiaries' effective access to the services commissioned by the subsidized health insurance providers.

102. Through this Plan, the country's poorest sectors that are unable to pay have access to health services by means of a State subsidy. Among the beneficiaries there are persons belonging to SISBEN categories 1 and 2 and special priority groups such as displaced persons; abandoned children under the responsibility of the Colombian Family Welfare Institute; minors extricated from the armed conflict; indigenous communities; elderly persons in welfare centres; the migrant rural population; persons in the witness protection programme; indigent persons and gypsies (Roma), among others.

103. As at 30 June 2015, 23,279,612 persons were enrolled in the Subsidized Plan.

9.4 Right to a pension for men and women

104. The requirements that both men and women must meet to qualify for a pension are set out in article 33 of Act No. 100 of 1993, as amended by article 9 of Act No. 797 of 2003, which states:

105. "In order to qualify for an old-age pension, a member must fulfil the following conditions: (i) be at least 55 years old in the case of women and 60 years old in the case of men; (ii) as of 1 January 2014, the minimum age will rise to 57 for women and 62 for men; (iii) have contributed for at least 1,000 weeks over any period; (iv) as of 1 January 2005, the minimum number of weeks of contributions will increase by 50 and, from 1 January 2006, it will increase by 25 each year until it reaches 1,300 in 2015."

106. The contribution period and the amount of the pension are the same for men and women.

10. Article 10 Right to protection and assistance to the family

10.1 Protection of the right to enter into marriage with full and free consent and to establish a family

107. The Constitution defines the family as the fundamental unit of society, constituted by natural or legal ties, on the basis of the freely made decision of a man and a woman to enter into marriage or by their responsible commitment to form a family. The Civil Code²⁵ stipulates that: "A marriage contract is constituted and effected by the free and mutual consent of the parties, expressed before an authorized official, in accordance with the form,

²⁵ Civil Code, art. 115.

vows and requirements established in this Code, and shall be void of civil or political effects if concluded in breach of said form, vows and requirements.”

10.2 Social services for families and equal opportunities for all families

108. The adoption of Act No. 1361 of 2009 strengthened and guaranteed the comprehensive development of families and led to 15 May being declared National Family Day. Pursuant to the Act, the Ministry of Health formulated the National Family Strengthening and Support Policy 2013-2023 with a view to developing the capacities of families and forging democratic ties within them as collective rights holders. Key actions include:

- The establishment, through Act No. 1404 of 2010, of the school programme for mothers and fathers in preschool, primary and middle school educational institutions.
- The establishment, pursuant to Act No. 1580 of 2012, of a family allowance whereby recipients can qualify for the old-age allowance under both pension schemes through the contributions of their spouses or permanent partners.
- The establishment, through Act No. 1432 of 2011, of the family housing grant for families who are victims of catastrophes or natural disasters.

109. The Colombian Family Welfare Institute has rolled out the Family Welfare Programme designed to develop training and support for families, especially those living in situations of vulnerability and poverty, with a view to caring for children and strengthening emotional bonds. The programme has benefited 541,854 families:

	<i>2011-2014 (cumulative)</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>
Number of families benefiting from the Family Welfare Programme		106 041	229 812	398 117	541 854

110. The Ethnic Territories Welfare Programme supports the initiatives of indigenous, black, Afro-Colombian, Roma, Raizal and Palenquero communities that promote well-being, coexistence and the development of families through actions to consolidate and restore their cultural traditions and values and nutritional self-sufficiency. Measures have also been taken to ensure the full enjoyment of the rights of persons with disabilities, to foster and strengthen the human development of persons with disabilities, by increasing their capacities and those of their families and carers, and creating equal opportunities for development and participation in all spheres of life.²⁶

10.3 Maternity and paternity leave

111. The adoption of Act No. 1468 of 2011 expanded the various benefits previously granted to biological and adoptive mothers, extended paternity leave and expressly set out the duties of employers and pregnant workers regarding the approval and taking of maternity leave. The Act introduced the following provisions:

- Extension of maternity leave to 14 weeks.
- Extension of paternity leave to eight working days.

²⁶ National Economic and Social Policy Council paper 166/2013 on the National Policy on Disability and Social Inclusion, adopted pursuant to Act No. 1618/2013.

- In the event of the mother's death, the unused maternity leave is transferred to the father.
- In the event of a multiple birth, maternity leave is extended by an additional two weeks.
- In the event of premature birth, the mother is entitled to 14 weeks' paid leave, in addition to the period between the actual date of birth and full term.
- Adoptive mothers and fathers are entitled to the same guarantees for the protection of maternity as the biological mother.

10.4 Protection and assistance measures for children and young persons

112. Children's rights are considered fundamental under the Constitution and, in order to protect these rights, the Intersectoral Commission on Early Childhood²⁷ was set up to implement the Comprehensive National Early Childhood Strategy "From birth for life", which consists of policies, programmes, projects, actions and services targeting early childhood that are designed to provide comprehensive assistance in order to realize the rights of children from birth to age 5. Under the Strategy, 1,040,351 children receive early childhood education, 936,734 traditional households identified by the Colombian Family Welfare Institute receive assistance and 587,347 children benefit from the breakfast programme.

<i>Scheme</i>	<i>Number of child beneficiaries</i>
Contributory	1 781 441
Subsidized	2 193 819
Exemption	106 060
Total	4 081 320

113. As at 27 November 2014, 4,081,320 children were registered in the General Health and Social Security System as a result of the Strategy.

"Welfare for Generations" programme

<i>Year</i>	<i>National investment (millions of Col\$)</i>	<i>National coverage</i>	<i>Municipalities</i>
2012	26 385 000	195 009	727
2013	44 377 000	210 825	808
2014	49 695 000	199 954	852
2015	54 752 604 000	197 350	983

Source: Colombian Family Welfare Institute — Planning Directorate.

114. The Colombian Family Welfare Institute introduced the Welfare for Generations programme to guarantee rights and prevent rights violations by empowering children and promoting the co-responsibility of families and society.

115. In 2013, the Strategy on the Promotion of Pro-social Behaviour among children aged 3 to 6 and their families was implemented in 41 municipalities where there was a risk of child recruitment, reaching a total of 4,800 families in 15 departments countrywide. In

²⁷ Established by Decree No. 4875/2011.

2014, the Strategy covered 3,600 families in 41 municipalities of 10 departments, in areas at high risk of child recruitment.

<i>Coverage of the Youth in Action Programme 2013-2014</i>	
Members	98 385
Graduates	8 615
Total number of young persons involved	107 000

Source: Social Prosperity Department — Report to Congress 2013-2014.

116. The Youth in Action Programme has been under way since 2013 with the goal of improving vocational training and encouraging young people living in situations of poverty and vulnerability to take part through a conditional cash transfer scheme.

Protection against child labour and various forms of violence and exploitation

117. The Children and Adolescents' Code²⁸ sets the minimum working age at 15 and requires adolescents between the ages of 15 and 17 to have the authorization of the labour inspectorate or, failing that, of the family welfare office or the mayor.²⁹ In order to prevent and respond to cases of child labour, the authorities monitor the situation on an ongoing basis through the child labour module under the general integrated household survey, which is conducted annually by the National Department of Statistics.

118. In the last quarter of 2014, the child labour rate was 9.3 per cent, down 0.4 percentage points from 2013 (9.7 per cent) and 0.9 percentage points from 2012.

119. For detailed information on how child labour was measured during the period 2012-2014 and the steps taken by the State to protect children from child labour and various forms of violence and exploitation, such as the forced recruitment of minors, see Annex 6.

10.5 Current legislation and mechanisms for the protection of the economic, social and cultural rights of older persons

120. Act No. 1251 of 2008 is intended to protect, promote, restore and defend the rights of older persons; guide policies that take account of the ageing process, government plans and programmes, civil society and the family; and regulate institutions that provide care and comprehensive development services to older persons.

121. There are institutions that provide assistance to older persons under two modalities: (i) residential centres for older persons, which provide permanent or temporary accommodation; and (ii) living centres, or day centres, which provide services during the day only.

122. Acts No. 1276 of 2009 and No. 1315 of 2009 were adopted to regulate the services provided by comprehensive care centres for older persons. The Ministry of Health is currently conducting public consultations on Colombia's Ageing and Old-Age Policy 2014-2024.

²⁸ Act No. 1068/2006.

²⁹ On an exceptional basis, children under 15 can be authorized to engage in paid activities of an artistic, cultural, recreational or sports nature, but under no circumstances can they be authorized to do so for more than 14 hours per week or later than 6 p.m.

10.6 Economic and social rights of asylum seekers and their families and legislation and mechanisms on family reunification for migrants (see Annex 6)**10.7 Domestic violence**

123. There are administrative, civil and criminal provisions on domestic violence.

124. Between 2009 and 2014, the Attorney General's Office registered 86,645 cases of domestic violence. (see Annex 6)

125. Regarding the types of domestic violence in Colombia, violence against children ranks third (13.7 per cent) behind spousal abuse (64.33 per cent) and abuse by other relatives (20.11 per cent). In 2014, 10,402 judgments were handed down in cases of violence against children.³⁰ (see Annex 6)

126. The Attorney General's Office has set up Care Centres for Victims of Domestic Violence as special units providing appropriate and timely psychological, social, legal, medico-legal and investigative assistance to persons affected by domestic violence, thereby promoting recovery and establishing prevention mechanisms.

10.8 Human trafficking and the anti-trafficking action plan

127. Act No. 599 of 2000 states: "Anyone who detains, transports, harbours or receives a person within the national territory or abroad for the purpose of exploitation shall be liable to a term of imprisonment of 13 to 23 years and a fine of 800 to 1,500 times the statutory minimum monthly wage."

128. Between 1 January and 23 December 2014, the Attorney General's Office received 20 complaints of transnational trafficking, which are now in the active investigation phase. Five individuals were convicted over the same period. In 2014, there were two convictions for the offence of internal trafficking following guilty pleas, one in a trial begun in 2013 in which the sentence was 104 months' imprisonment and the other in a trial begun in 2014 in which the sentence was 120 months' imprisonment.

129. The Inter-Agency Committee to Combat Trafficking in Human Beings³¹ is responsible for formulating recommendations regarding the prosecution of the offence of trafficking in persons and for building State capacity in this area. It has frequently dealt with individual cases of alleged trafficking at its meetings and, in follow-up, urged its constituent bodies to fulfil their constitutional duty to protect victims.

130. The Ombudsman's Office and the Counsel General's Office also follow up on trafficking cases. The former, as the lead agency of the National Public Defender System, is responsible for the technical defence of victims and alleged offenders alike, while the latter safeguards the rights of society and heads the Public Legal Service.

131. The Comprehensive National Strategy to Combat Trafficking in Persons³² gives shape to the relevant public policy and includes in its lines of action the following focus areas for State efforts against trafficking in persons: coordination and sustainability; prevention; protection and assistance; investigation and legal proceedings; international cooperation; knowledge management; and follow-up and assessment.

³⁰ Data from the report *Forensis, datos para la vida 2014*, National Institute of Forensic Medicine and Science.

³¹ Established pursuant to Act No. 985/2005.

³² Decree No. 4786/2008.

11. Article 11 Right to an adequate standard of living

A. Right to the continuous improvement of living conditions

11.1 Methodology used to measure poverty in Colombia (see Annex 7)

132. Colombia has had data on multidimensional poverty since 2010, which reveal that the country has made significant progress in this area. According to figures of the National Department of Statistics, in 2014 the multidimensional poverty rate was 21.9 per cent, down 8.5 per cent compared with 2010; in other words, 3.4 million people overcame poverty during that period. Last year, the multidimensional poverty rate in rural areas was 2.9 times that of urban areas.



133. The main challenges relate to educational attainment and informal employment. Despite significant improvement over the past four years, the respective figures in 2014 remained very high at 50.7 per cent and 76.8 per cent of households.

134. The various indicators on equality and poverty reduction have registered positive trends in the last five years: moderate poverty, as measured by income, fell from 37.2 per cent in 2010 to 28.5 per cent in 2014 (-8.7 per cent); extreme poverty, as measured by income, decreased from 12.3 per cent to 8.1 per cent (-4.2 per cent); the poverty rate, as measured by the multidimensional poverty index, dropped by 8.5 percentage points, from 30.4 per cent to 21.9 per cent; and the Gini coefficient declined from 0.56 to 0.538 (see Annex 7).

135. These positive trends mean that 2.4 million people overcame poverty and 1.5 million overcame extreme poverty. For the first time in the country's modern history, the extreme poverty rate is in single digits.

11.2 National Plan on the Elimination of Poverty

136. Pursuant to Decree No. 1455 of 2011, the Social Inclusion and Reconciliation Sector was set up under the aegis of the Department for Social Prosperity whose objective is to improve the well-being of the most vulnerable members of the population and victims of violence and to promote the strengthening and integration of target territories. The Sector is made up of the National Agency for the Eradication of Extreme Poverty, the Comprehensive Victim Support and Reparation Unit, the Special Administrative Unit for

Territorial Consolidation, the Colombian Family Welfare Institute and the Historical Memory Centre.

137. The Department for Social Prosperity is helping to reduce multidimensional poverty through programmes such as More Families in Action, Families on their Land and Income for Prosperity, which have benefited more than 2.6 million families countrywide (see Annex 7).

138. The National Agency for the Eradication of Extreme Poverty is the government entity responsible for implementing the United Network Strategy,³³ designed to improve the living conditions of households with a view to overcoming extreme poverty. In order to guarantee that a family overcomes extreme poverty and improves its standard of living, it must achieve 45 basic family goals. A total of 10,107,683 basic goals have been processed among the population subject to family and community assistance, of which 2,334,721 were processed in 2012, 4,384,756 in 2013 and 3,388,206 in 2014.

139. Under the Strategy, there are more than 10,000 social co-managers tasked with identifying eligible households and managing their access to available services, guiding families towards enhanced capacity, identifying their needs, encouraging them to develop their life plan and promoting actions aimed at non-violence and the production of human and social capital.

140. In the four years between 2010 and 2014, United Network has provided assistance to 1,469,839 families.

141. The Strategy takes a differentiated approach to indicators related to the life cycle, ethnicity, gender and disability. For disaggregated data on the target population as at 31 December 2014, see Annex 7.

B. Right to adequate food

11.3 Measures to ensure the availability of food

142. Pursuant to National Economic and Social Policy Council paper 113/2008, the Government adopted the National Food Security and Nutrition Policy, which defines food and nutritional security as “the sufficient and stable supply of food and the timely and continuous access to and consumption of sufficient, good quality and safe food by all persons, under conditions conducive to its proper biological use, in order to lead a healthy and active life.” The National Food Security and Nutrition Policy is being implemented through:

- The establishment of the Intersectoral Food and Nutritional Security Commission.
- The National Food Security and Nutrition Plan 2012-2019.
- The establishment of the National Food Security and Nutrition Observatory.

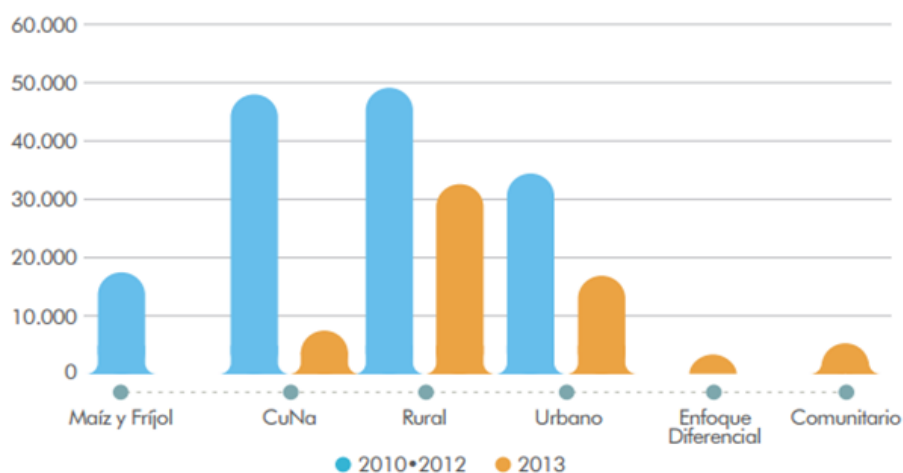
143. In Colombia, 14.9 per cent of households are in a situation of food insecurity (moderate to severe). In response, various programmes have been implemented with a view to ensuring the availability of affordable and good quality food.

144. For example, the Department for Social Prosperity has a technical subdivision on food and nutritional security responsible for implementing the Food Security Network

³³ The Strategy coordinates the efforts of 33 national entities, 32 departments, 1,102 municipalities and more than 50 private sector strategic partners (businesses and non-profit foundations), social innovators and representatives of the third sector and international cooperation (official and unofficial sources).

Programme (ReSA).³⁴ The programme is designed to improve access to and consumption of food by the most vulnerable families through the production of food for self-consumption, the promotion of healthy food habits and the use of local foods and products with a view to reducing hunger and improving food security in the country.

Atención de Red de Seguridad Alimentaria 2010-2014



Fuente: Dirección de Programas Especiales. Mayo 31 de 2014

145. The Iraca Programme is intended to generate income, improve food security and strengthen the organization of indigenous and Afro-Colombian communities that live in collective territories. It benefits 10,000 families from 252 vulnerable indigenous and Afro-Colombian communities across 26 municipalities and 12 departments.

11.4 The spread of know-how regarding nutritional principles and healthy diets (see Annex 7)

11.5 Promotion of equal access to food, land, credit, natural resources and food production technology

Access to food (see article 11)

146. *Access to land.* Act No. 1448 of 2011 provides for the right of victims of the armed conflict to have their land returned to them if it had been expropriated or abandoned because of the armed conflict. Pursuant to the Act, the Land Restitution Unit was established to manage the Registry of Expropriated or Forcibly Abandoned Land, compile information on expropriation and represent victims before the land courts. The courts can rule to restore victims' right to recover their land and to return to their area of residence.

147. As at 30 December 2014, victims had filed 72,623 requests with the Land Restitution Unit to register land that had been abandoned or expropriated. Under the individual rights restitution process (farming communities), more than 16,000 restitution requests have been resolved. The decisions of the specialized restitution courts relate to more than 13,000 people who can once again enjoy their property, covering close to 100,000 hectares.

³⁴ Participating families receive assistance through the Programme's various lines of action focused on rural or urban settings, native culinary arts, ethnicity and community food security.

148. The Land Restitution Unit has submitted to the restitution courts the cases of 17 ethnic communities, representing the land rights of some 8,417 families with regard to 264,478.46 hectares of land. On 23 September 2014, the land restitution court of Antioquia issued a restitution decision on ethnic grounds in favour of the Embera Katío indigenous community in the Río Andágueda reserve, Chocó Department, pursuant to which the community's land of 50,000 hectares was restored to it, benefiting 1,718 families, or over 8,000 people.

149. In addition, in order to formalize and clarify land tenure in Colombia, the Programme for the Legalization of Rural Property Rights³⁵ was implemented with a view to giving full ownership rights to those using or informally occupying rural land. Under the Programme, 27 technical legalization groups have been set up and have received 36,500 legalization applications on which it has conducted technical and legal studies, drawn up plans and carried out mediation in an effort to reach agreements that would facilitate the regularization of private land ownership. Some 1,200 land titles were issued under the Programme between 2010 and 2014.

150. The Colombia Rural Development Institute has also set up special procedures to provide land to indigenous and Afro-Colombian communities. In the 2010-2014 period, 785,114,000 pesos were spent on purchasing and/or allocating land.

151. *Access to credit in the rural areas.* In order to provide credit in rural areas, the Government supports various programmes, including the Agricultural Finance Fund (FINAGRO) agricultural loan, the special line of credit, the rural capitalization incentive, the Banco Agrario agricultural loan, microcredit schemes, the microfinancing scheme of the Banco Agrario, the Agricultural Guarantee Fund and other special credit programmes defined within the purview of the National Agricultural Credit Commission. (see Annex 7)

152. *Access to technology.* The National Agenda for Agricultural Science, Technology and Innovation, which can be found on www.siembra.gov.co, contains the compilation of prioritized technology requests for each of the production chains. Noteworthy research and development projects include: the National Seed Plan, which is designed to build capacity and skills in technology-based companies and associations of producers in vulnerable situations through teaching and technology transfers; and the Technical Assistance System for Agriculture, which targets small and medium-scale producers and was set up under Act No. 607 of 2000 to shore up municipal technical assistance units.

C. Right to water

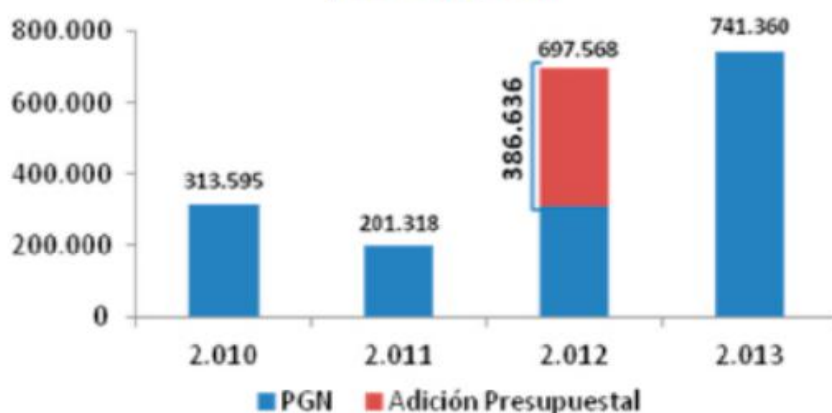
11.6 Measures to ensure adequate access to water and the water quality control system

153. According to data from the general integrated household survey, 2.7 per cent of the population in major towns and 27.2 per cent in rural areas do not have running water in their homes. However, in the 2010-2014 period, the Ministry of Housing invested 4 billion pesos in projects carried out in 500 municipalities in all 32 departments to fund water and sewer networks, toilets and irrigation.

³⁵ Resolution No. 452/2010 of the Ministry of Agriculture.

Asignación de Presupuesto General de la Nación*

(millones de pesos)



Fuente: MVCT

154. In the 2011-2013 period, a record high annual average of 552,000 million pesos of the general national budget was allocated to increasing drinking water and basic sanitation coverage.

155. National Economic and Social Policy Council paper 3810/2014 defines the policy on the provision of drinking water and basic sanitation in rural areas with a view to promoting access to water-supply and sewerage services through solutions tailored to a given area. It also addresses the regulatory framework for public utilities to ensure that all persons have a constant supply of good quality water.³⁶

156. The Ministry of Housing has developed a series of programmes intended to ensure adequate access to water, including departmental water plans, the Get in Touch with Water programme, the rural water and sanitation supply programme, the Water Culture programme, the Everyone for the Pacific programme and the Spill Clean-up programme, which have benefited more than 5 million people (see Annex 7).

157. *Water quality.* Colombia has set up the Water Resources Information System to structure data on the country's water sources and users and to compile the results of water quality control activities and of plans and strategies designed by the environmental authorities to address water problems in their regions and preserve the resource. The national water resources monitoring network has been fully operational since 2010.

158. Under the system for the protection and control of the quality of water for human consumption,³⁷ measures have been developed to ensure basic sanitation, thereby minimizing health hazards associated with environmental risk factors (physical, chemical and microbial) that might be released into natural water sources that feed the systems supplying water for human consumption. Some of the basic tools for ensuring that water is fit for human consumption are: the Water Quality Risk Index, the Municipal Water Supply Risk Index and the Water Quality Risk Map.³⁸

³⁶ Decrees Nos. 1484/2014, 3050/2013, 2667/2012, 1350/2012, 1040/2012 and 4924/2011 and Resolutions Nos. 16/2015, 154/2014, 169/2013 and 494/2012.

³⁷ Decree No. 1575/2007.

³⁸ Regulated by Resolution No. 4716/2010.

159. The National Intersectoral Technical Commission on Environmental Health³⁹ and the 30 Territorial Councils on Environmental Health are the decision-making mechanisms that coordinate intersectoral management at the territorial level. The Drinking Water Quality Control Subsystem is also involved as the compiler of the water quality control data submitted by all the departmental health authorities gathered through their inspection, monitoring and control activities throughout the country.

160. The Ten-Year Public Health Plan 2012-2021 includes a dimension on environmental health, which consists of components on healthy habitat and health situations that are linked to environmental factors.

11.7 Education on the hygienic use of water, the protection of water sources and methods for minimizing water wastage

161. The National Policy on the Comprehensive Management of Water Resources was adopted in 2010 and contains the objectives, strategies, targets, indicators and lines of action on the management of water resources in Colombia for a 12-year period. The goal is to improve the quality and minimize contamination of water resources by combating the causes and sources of contamination.

162. Under this policy, the National Training Plan on the Comprehensive Management of Water Resources has been implemented in conjunction with actors involved in decision-making on the reduction of contamination, water distribution and the management of related risks.

D. Right to adequate housing

11.8 Overview of access to adequate housing in Colombia

163. The Ministry of Housing, the National Planning Department and the National Department of Statistics have estimated the housing deficit on the basis of data from the general integrated household survey of 2012, which show constant improvement: the housing deficit affected approximately 16.4 per cent of urban households in 2012, compared with 27 per cent in 2005 (see Annex 7). The main reduction is observed at the quantitative level, with a decline of roughly 5.5 per cent of households, compared with a 10.9 per cent deficit in qualitative terms.

164. While the number of urban dwellings rose by 21.8 per cent, the deficit decreased by 25.7 per cent. The quantitative deficit fell from 12.56 per cent to 5.54 per cent, signifying a reduction of 46.3 per cent. In 2012, the quantitative deficit affected only 554,087 households. The qualitative deficit has shrunk by 7.8 per cent since 2005, meaning that in 2012 an estimated 1,093,066 urban dwellings have some type of qualitative defect.

11.9 Measures to guarantee access to adequate housing with legal security of tenure

165. Colombia has adopted a number of legislative and administrative measures to facilitate access to priority and social housing, including:

166. Act No. 1537 of 2012, which lays down the powers, responsibilities and functions of the national and regional entities and provides for the involvement of the private sector in the development of social and priority housing for low-income families.

167. Act No. 1607 of 2012, which promotes the development of priority housing programmes co-financed by the State and the Social Housing Funds, whose contributions

³⁹ Established pursuant to Decree No. 2972/2010.

are channelled through the family allowance funds to the National Housing Fund endowments.

168. In order to address the quantitative and qualitative housing deficit, housing programmes for low-income households and programmes to improve the urban habitat are being rolled out, including: the 100,000 Free Homes programme, the Interest Rate Hedging programme (FRECH), the Homes for Savers programme (VIPA) (see Annex 7), family housing subsidies and the voluntary contractual savings credit.

169. The 100,000 Free Homes programme has a budget of 4.2 billion pesos to develop 281 projects in 226 municipalities across 29 departments. As at 15 June 2014, 158,923 persons have obtained a place to live of their own.

170. The FRECH II and VIPA programmes will benefit more than 222,000 families, who will be granted special terms in order to purchase their homes. As at July 2014, the various family housing subsidy programmes have helped meet the housing needs of 113,334 displaced persons, 22,742 households affected by the winter flooding and 27,922 households affiliated with the United Network of the National Agency for the Eradication of Extreme Poverty (see Annex 7).

Accessible and habitable housing for persons with special needs

171. In keeping with article 2 of Act No. 1537 of 2012, preferential access to housing projects will be granted to: (a) persons covered by State social programmes designed to overcome extreme poverty or persons living in extreme poverty; (b) displaced persons; (c) persons adversely affected by a natural disaster, public catastrophe or emergency; and/or (d) persons living in an area of high unmitigable risk.

11.10 Measures to ensure secure housing

172. Decrees Nos. 1160 of 2010 and 0900 of 2012, as well as the Subsidy Regulations and the Project Design Guide, stipulate that land on which housing projects are built must have a certificate issued by the competent territorial entity demonstrating that the land is being used in accordance with the Basic Territorial Management Plan and that it is not located in a high-risk area.

11.11 Forced eviction and displacement

173. As a result of the internal armed conflict, there were 6,300,422 displaced persons in Colombia on 1 July 2015. In 2014, 43.4 per cent of displaced households received emergency humanitarian assistance in the form of accommodation, food and a survival kit. According to the 2013-2014 Survey on the Effective Enjoyment of Rights, 52.8 per cent of displaced households were given accommodation and 67.5 per cent received food and hygiene products under the component on transitional humanitarian aid. The framework of assistance, care and comprehensive reparation for victims of the armed conflict, as laid down in Act No. 1448 of 2011, enumerates the assistance and care measures designed to guarantee that forcibly displaced persons can exercise their rights. The specific measures to safeguard this group's right to decent housing and the right of victims of the armed conflict to recover expropriated land have already been discussed under this article.

174. In Colombia, eviction is a measure to restore tenure of illegally occupied property. Accordingly, there is a procedure for physically recovering illegally seized property while preventing those who breached the law from deriving any advantage from their actions. Regarding this type of procedure, the Constitutional Court has established that: "... in cases involving particularly vulnerable individuals, such as displaced persons, female or male heads of families, children, older persons, terminally ill persons and persons officially

recognized as living in extreme poverty. Any authority whose duty it is to carry out a forced eviction is required to respect due process in legal and administrative procedures alike.”⁴⁰

12. Article 12 Right to health

12.1 National health policy and national health system

175. As noted in the section of this report concerning article 9, the General Health and Social Security System is part of the Comprehensive Social Security System. The General Health and Social Security System ensures the provision of comprehensive health care through two plans: (i) the contributory health plan and (ii) the subsidized health plan.⁴¹ The membership rate of the General Health and Social Security System in Colombia, at 96 per cent, is almost universal (see Annex 8).

176. In recent years the following measures have been taken:

- By Act No. 1438 of 2011 the General Health and Social Security System was strengthened on the basis of a health service provision model focused on the well-being of the user. This was achieved by consolidating the Compulsory Health Plan for all residents, making insurance universal and guaranteeing the provision of benefits everywhere in the country.
- By Statutory Act No. 1751 of 2015, the right to health was enshrined as a fundamental right, which is autonomous, and inalienable, individually and collectively. The Act makes it mandatory to provide emergency services; and makes it a State policy to control prices for the active ingredients of medicines.⁴²
- By Resolution No. 1841 of 2013 the public health plan for 2012-2021 was adopted⁴³ with the aim of: (1) moving towards guaranteeing the effective enjoyment of the right to health; (2) improving the living conditions that affect health and reducing the existing burden of disease; and (3) maintaining zero tolerance with regard to mortality, morbidity and avoidable disablement.
- By Decree 859 of 2014 the Intersectoral Public Health Commission was created to coordinate and monitor the development of the Ten-Year Public Health Plan.

12.2 Measures adopted to ensure the affordability of health services

177. In order to ensure the affordability of health services for the entire population, especially the most vulnerable persons, between 2010 and 2014 the Government:

- Consolidated the benefit plans (under the Compulsory Health Plan), which give all persons access to the same health services, regardless of the plan to which they are affiliated.
- Established the conditions for ensuring that all persons can access health insurance in any part of the national territory (health insurance portability).⁴⁴

⁴⁰ Decision No. T-264/12.

⁴¹ See article 9.

⁴² Which may not, in any case, exceed the international reference price in accordance with the methodology defined by the National Government.

⁴³ Established in Act No. 1438/2011 and in the Act on the National Development Plan 2010-2014. Its design was organized by the Ministry of Health, with the participation of 153,397 Colombians.

⁴⁴ Decree No.1683/2013.

- Regulated mobility between different plans for persons affiliated to the General Health and Social Security System in categories I and II of the Social Programme Beneficiary Selection System (SISBEN), so that changes in their socioeconomic condition will not affect their continued health insurance coverage.⁴⁵
- Resolution No. 5521 of 2013 updated the Compulsory Health Plan which covers 478 different medications, including those provided for in special public health programmes and programmes on chronic non-communicable diseases, being one of the plans with the broadest coverage in the region.

178. Colombia has enacted laws to regulate the health care provided to priority groups such as older persons (Act No. 1251 of 2008), victims of armed conflict (Act No. 1448 of 2011 and its implementing decrees), and persons with disabilities (Act No. 1618 of 2013). Similarly, since 2014 the most vulnerable persons have been exempt from co-payments and sliding scale fees,⁴⁶ including persons with disabilities, minors under the age of 18 diagnosed with cancer and victims of the armed conflict.

179. Between 2010 and 2015 overall growth of 10.4 per cent was recorded by all health service providers. As at 31 January 2015 there were 11,494 registered health service providers.

180. Similarly, 1,110 Colombian municipalities and departmental townships (*corregimientos*) have general medical, general dental, specific care and early intervention outpatient services; 394 municipalities have paediatric and gyno-obstetric consultation services (see Annex 8).

Quality and supply of medicines

181. The single certification system under the Compulsory System to Guarantee the Quality of Health Care is responsible for establishing the criteria and standards which health service providers are required to meet, as a way of enforcing quality standards.⁴⁷

182. The National Institute for the Monitoring of Medicines and Foods (INVIMA) was created by Law 100 of 1993; its mission is to protect and promote the right to health of the population by managing the risk associated with the consumption and use of foods, medicines, medical devices and other products subject to health monitoring (see Annex 8).

183. The National Pharmaceutical Policy⁴⁸ 2012-2021, set⁴⁹ the maximum sales price of 864 medicines, reducing their price by 41 per cent on average and generating savings of more than 550,000 million pesos for the health system. Regulations were also introduced⁵⁰ on the sanitary registration of biological medicinal products, without creating unnecessary barriers to competition.

⁴⁵ Decree No. 3047/2013.

⁴⁶ Pursuant to Circular 016/2014.

⁴⁷ Resolution No. 2003/2014 updated the manual on registration of health service providers and certification of health services.

⁴⁸ Pursuant to National Economic and Social Policy Council (CONPES) paper 155 of 2012.

⁴⁹ Through Circulars 04, 05, 06 and 07/2013, and 01/2014.

⁵⁰ Decree No. 1782/2014.

12.3 Infant and maternal and sexual and reproductive health

National Sexual and Reproductive Health Policy (see Annex 8)

184. The Ten-Year Public Health Plan developed a sexual and reproductive health component which covers the issues of fertility, the use of family planning methods, birth, maternal mortality and sexual violence.

185. Concerning fertility, it is estimated that in Colombia during the five-year period 2010-2015, each woman had around 2 children and there were a total of 71.5 births per 1,000 women aged 15 to 49. The average age of fertility in the country has been increasing since 2000. For the five-year period 2010-2015 it is expected to be 27.7 years.

186. Social paper 147 of the National Economic and Social Policy Council (CONPES) sets out guidelines for a strategy to prevent teenage pregnancy and promote life options for children and adolescents between 6 and 19 years of age. The youth-friendly health service model was also strengthened, guaranteeing the right to health, information and sexual and reproductive health for young people and adolescents. As at 31 January 2013 there were 818 youth-friendly services nationwide.

187. The birth rate in Colombia has been decreasing, from a gross rate of 28.80 in the five-year period 1985-1990 to an estimated rate of 18.88 in the five-year period 2010-2015. In 2005 and 2010 around 62 per cent of births were to women under the age of 26. The proportion of births to women under 14 is 0.2 per cent, while it is 11 per cent for women aged between 14 and 17 and 51 per cent for those aged 18 to 26.

188. The maternal mortality rate calculated in 2012 was 65.89 per 100,000 live births. Given that the number recorded in 1998 was 722 maternal deaths per year, the reduction in the absolute number is 38 per cent (see Annex 8).

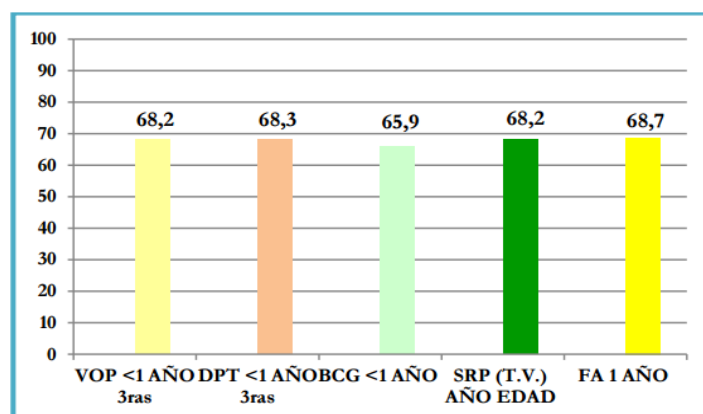
189. In 2012 the country made progress in institutional delivery care and delivery care provided by qualified professionals; 84.79 per cent of the mothers who delivered live births had 4 or more prenatal check-ups.

190. In order to reduce the maternal mortality rates and improve maternal health, information, education and communication campaigns have been carried out to facilitate access to prenatal check-ups, to detect warning signs at an early stage and to provide institutional delivery care. The security model for emergency obstetric care was also evaluated and amended in low, medium and high complexity cases, as a processing tool to continually improve the quality of the services provided and to integrate a toolbox to provide answers in obstetric emergencies.

12.4 Immunization programmes and programmes to combat infectious diseases

191. Through implementation of the Expanded Immunization Programme (PAI) the risks of illness and death from vaccine-preventable diseases have been decreased. This was achieved by making available 20 biologicals which protect against 26 diseases, through the national vaccination programme. Under this programme 91 per cent of children under 1 year of age and 92.4 per cent of 1-year-olds were vaccinated in 2013.

Coberturas de vacunación en niños y niñas hasta de un año de edad por tipo de biológico en Colombia, septiembre de 2014



Fuente: Ministerio de Salud y Protección Social – Grupo PAI, coberturas de vacunación 2014.

192. The barrier-free vaccination strategy guarantees that, independently of their insurance coverage, children will be treated totally free of charge by any health service providers offering vaccinations. In 2011 vaccination coverage in Colombia was around 85 per cent for all biologicals.

12.5 Prevention of alcohol and tobacco abuse and the use of illicit drugs and other harmful substances

193. It is estimated that around 1 million people are active consumers of illicit drugs and approximately 500,000 have an entrenched problem of abuse or dependency. The highest rate of consumption of illicit substances over the past year is observed in the 18 to 24 year age group, with a rate of 8.7 per cent, followed by adolescents, with a rate of 4.8 per cent and 25 to 34-year-olds (4.3 per cent). It is estimated that, in the case of tobacco consumption, somewhat more than 3 million persons are users, and that some 8.5 million people are active consumers of alcohol, while 2.5 million fall into the category of high-risk or harmful consumption.

194. The Ten-year Public Health Plan for 2012-2021 includes a healthy life and non-communicable conditions dimension, which aims to secure well-being and enjoyment of a healthy life in the different life stages by promoting healthy conditions, styles and ways of life in the everyday settings of individuals, families and communities, as well as access to comprehensive care for non-communicable conditions. For detailed information on the actions to prevent tobacco consumption, reduce harmful consumption of alcohol and prevent and address the consumption of psychoactive substances, see Annex 8.

12.6 Prevention of HIV/AIDS and other sexually transmitted diseases

195. HIV prevalence among persons aged between 15 and 49 was 0.45 per cent for 2013, with 56.5 per cent of cases being detected at an early stage. The coverage of antiretroviral treatment stands at 88 per cent and the AIDS mortality rate decreased from 5.23 to 4.76 per 100,000 inhabitants.

196. During the period 2008-2011 Colombia implemented the National Plan for a Response to HIV/AIDS under which: materials were developed to raise awareness of and prevent HIV, 2,000,000 condoms were distributed nationally, the “Different people, same rights” campaign was conducted to prevent stigmatization and discrimination, and the

strategic plan to eliminate the mother-to-child transmission of HIV and congenital syphilis was implemented, among others.

12.7 Mental health of Colombians

197. Act No. 1616 of 2013 provided that mental health is a fundamental right, a priority matter for public health, a public good and an essential component for general well-being and improvements in the quality of life of Colombians. The country has a Compulsory Health Plan for patients⁵¹ which aims to guarantee the right to mental health in Colombia through comprehensive care for their needs.

13. Article 13 Right to education

13.1 Aims and objectives of education in Colombia

198. Article 67 of the Constitution provides that education is a “right of the individual and a public service with a social function” and that “education shall train Colombians in respect for human rights, peace, and democracy; and in the practice of work and recreation, to secure cultural, scientific and technological progress and to protect the environment”. In addition, education is a fundamental right for children.⁵²

199. Act No. 115 of 1994⁵³ provides in article 5 that the purpose of education is “full personal development without limitations other than those imposed by the rights of others or by the legal system ...”; “inculcation of respect for life and other human rights, peace, the principles of democracy, coexistence, pluralism, justice, solidarity, equity, and the exercise of tolerance and freedom” and “the study and critical understanding of the national culture and of the ethnic and cultural diversity of the country, as the foundation for national unity and national identity”.

200. It also established nine areas of compulsory learning and training under the curriculum and the Institutional Education Project:⁵⁴ (i) natural sciences and environmental education, (ii) social sciences, history, geography, the Constitution and democracy, (iii) artistic education, (iv) ethical education and education on human values, (v) physical education, recreation and sports, (vi) religious education, (vii) humanities, Spanish language and foreign languages, (viii) mathematics, and (ix) technology and information technology.

201. Act No. 1620 of 2010 established the national system for school socialization and training in the exercise of human rights, sexual education and the prevention and mitigation of school violence. Pedagogical guidelines have been published for public and private institutions in the country.

202. Act No. 1732 of 2014 established the Chair for Peace in all educational institutions of the country with the aim of guaranteeing the creation and strengthening of a culture of peace in Colombia, starting with the schools.

203. The Citizenship Skills Programme, implemented through the Ministry of Education, is a set of strategies and pedagogical and technical guidelines aimed at strengthening the

⁵¹ Act No. 1438/2011. Article 65.

⁵² Article 44 of the Criminal Code.

⁵³ General Education Act.

⁵⁴ The study plans and curricula of educational establishments are developed under the Institutional Education Project (PEI), in which each community exercises its autonomy in accordance with the specific needs of the context.

capacity of the education secretariats and education establishments, in building democratic environments which enable students to exercise active citizenship, in the context of a school climate conducive to peaceful participation and coexistence.

204. In 2010 the National Plan on Human Rights Education was initiated, through the implementation and expansion of the Human Rights Education Programme, the objective of which is to foster teaching and cultural practices which promote and respect human rights in everyday life.

205. Similarly, the Ministry of Education and the National Historical Memory Centre jointly developed actions which contribute to the reconstruction of memory in the school context as a contribution to the realization of the right to historical truth in relation to the Colombian armed conflict.

13.2 Compulsory and free primary education

13.2.1 The level or grade up to which education is compulsory and free

206. Article 67 of the Constitution provides that “The State, society and the family are responsible for education, which is compulsory between the ages of 5 and 15 and shall include, as a minimum, one year of preschool and nine years of basic education”.

207. Concerning the compulsory nature of secondary education, corresponding to levels 10 and 11, article 55 of Act No. 1753 of 2015 provides that: “Secondary education shall be compulsory. The State shall carry out actions aimed at ensuring coverage up to grade 11 in all educational establishments. The Ministry of Education shall define the mechanisms to progressively enforce schooling up to grade 11 in all educational establishments”. The paragraph of this article provides that “The National Government and the certified regional education authorities shall design plans to gradually implement universal secondary education within a time frame that does not go beyond the year 2030”.

13.2.2 Costs of school enrolment

208. Since 2008 free education has been gradually implemented, meaning that enrolment fees have been eliminated, as have other school fees and supplementary charges. Since 2011 education has been free of charge for all students enrolled in the public system at transition and primary levels, not including enrolment through educational contracting, or children under 5 years of age. Free education was also guaranteed for the vulnerable student population, enrolled in public secondary education.

209. Decree No. 4807 of 2011 abolished all fees for all students in State education institutions enrolled from transition level to grade 11. Students in adult education cycles 1 to 6, the supplementary cycle of normal higher education, grades 12 and 13, and students in State education institutes not financed with funds from the General System of Contributions are not subject to this provision.

210. See Annex 8 for detailed information on financing of other indirect costs of access to the education system.

13.3 Measures adopted to ensure the affordability of technical and vocational education

211. In accordance with Act No. 30 of 1992 higher education institutions in Colombia can be technical, vocational, university-level training schools, technology schools or universities (see Annex 9).

212. These institutions are also authorized to provide programmes of vocational, professional or other training, specialized programmes, master’s degrees, doctorates and post-doctorates (see Annex 9).

213. In total there are 2,562,213 persons enrolled in higher education (technical, technology and vocational training).

214. The National Government applies the “Saber Pro” examinations (tests on the quality of higher education), which is a standardized instrument for the external evaluation of the quality of higher education and which forms part of a set of instruments available to the Government to inspect and monitor the public education service and evaluate its quality. Through the Colombian Institute for the Promotion of Higher Education (ICFES), technicians and technologists in the country are also evaluated through the “SABER POR T y T” exam. In 2014 around 88,312 persons sat the exam. From 2009 there has been an increase in the number of students evaluated. (see Annex 9)

215. Around 80 per cent of graduates of the higher education programmes are successful in obtaining jobs in the formal employment sector. Since 2007 the Ministry of Education has monitored higher education graduates through the connection rate⁵⁵ to the formal sector of the economy and the average income earned. The higher the level of training, the higher the percentage of social security contributors. (see Annex 9)

216. In addition, National Economic and Social Policy Council paper 3674 of 2010, “Policy guidelines for strengthening the training system for human capital”, lays down general guidelines for implementation of the National Strategy for Human Resources Management in Colombia, with the aim of promoting competitiveness, productivity and the economic growth of the country, as well as lifelong learning, mobility within the education system, the quality and relevance of the education offered and the increased integration of the population into the labour market. The Intersectoral Commission for the Management of Human Resources⁵⁶ is responsible for coordinating its implementation.

13.4 Affordability of higher education

217. Between 2005 and 2013, the number of undergraduate students (university, technology and professional technical) increased from 1,137,772 to 1,983,421, i.e. an increase in enrolment of 845,649 students, and an increase in the gross coverage rate from 28.4 per cent to 45.5 per cent (see Annex 9).

218. The Ministry of Education drafted the policy guidelines for inclusive higher education in March 2014. The guidelines aim to provide higher education institutions with an incentive to define actions and strategies to strengthen the differential approach to access, school retention and graduation with high-quality conditions throughout the national territory.

In order to ensure that specific communities are able to access and remain in the education system, programmes have been developed focusing on indigenous communities, persons with disabilities, gender, victims of the armed conflict and the Black, Afro-Colombian, Palenquero and Raizal communities. (see Annex 9)

219. In 2014 the “Ser Pilo Paga” programme was set up to fund the demand for higher education, under a remissible loan system targeting poor students with high academic merit. The programme has helped 10,000 students across the country to access accredited, high-quality higher education institutions.

220. To finance public higher education institutions an income tax for equality (CREE)⁵⁷ was introduced to specifically promote the construction, improvement and adaptation of the

⁵⁵ The connection rates correspond to the percentage of graduates who contribute to the General Social Security System (SGSS).

⁵⁶ Established by Decree No. 1953/2012.

⁵⁷ Act No. 1607/2012 and Act No. 1739/2014.

physical and technical infrastructure and to design and upgrade the academic curricula. The funds available to technical and technological institutions amounted to 49,665,498,635 in 2013 and 97,929,352,771 in 2014. For universities the amount was 148,996,495,905 in 2013 and 293,787,991,733 in 2014.

13.5 Measures taken to promote literacy, as well as adult and continuing education

221. The National Development Plan 2014-2018 reiterates the goal of making Colombia the most educated country in Latin America by 2025, as one of the cornerstones of development and prosperity in Colombia based on free, universal and high-quality education. This was the basis for drawing up the sectoral education plan, which is centred on five strategic lines of action: (i) teaching excellence; (ii) a bilingual Colombia; (iii) a Colombia free of illiteracy; (iv) access, quality and relevance of higher education; and (v) strategies for implementing the full-day schedule.

222. Under the Illiteracy-free Colombia Plan, the national literacy and adult education programme has promoted the implementation of educational models for adults, in different parts of the country, which contributed to literacy training for more than 500,000 illiterate persons between 2010 and 2014, in coordination with the different cycles of adult education. In 2014 alone, 64,560 Colombians took part in literacy training classes.

223. According to the 2014 general integrated household survey, Colombia has an illiteracy rate of 5.8 per cent, equivalent to 1,959,000 persons. The National Development Plan has set the goal of teaching 800,000 illiterate persons to read and write between 2015 and 2018, which would result in a reduction of 3.8 per cent and establish the country as an illiteracy-free territory.

13.6 Education for children belonging to minorities and indigenous children

224. The Constitution and Act No. 115 of 1994 stipulate that bilingual education shall be provided to ethnic groups with their own linguistic tradition. Likewise, Decree No. 804 of 1995 states that “ethnic education curricula shall be devised on the basis of the provisions of Act No. 115 of 1994 and the educational principles developed by the ethnic groups, taking into account their customs and practices, their native languages and the logic implicit in their thinking.”

225. This approach was reflected in the adoption of Act No. 1381 of 2010, the Native Languages Act, which declares the native languages of Colombia to be an integral part of the non-material cultural heritage of the peoples that speak them; and in the ratification of the State’s role as guarantor of the preservation, safeguarding and strengthening of the indigenous languages. Three lines of action have been adopted with a view to the promotion, protection, use and strengthening of the languages of Colombia’s ethnic groups: (i) support for the use of native languages in the framework of group-specific, community and intercultural ethno-educational projects; (ii) the teacher training plan for multicultural and multilingual settings; and (iii) the strategy for training native-language translators and interpreters.

226. Supplementary information on the promotion, protection, use and strengthening of the languages of Colombia’s ethnic groups and other educational measures for minority and indigenous children. (see Annex 9)

13.7 Admission criteria for children at all levels of education

227. In Colombia there is no differentiation in the criteria for entry into the system and there is equitable access in terms of gender. (see Annex 9)

13.8 Reduction of dropout rates for children and young persons at the primary and secondary levels

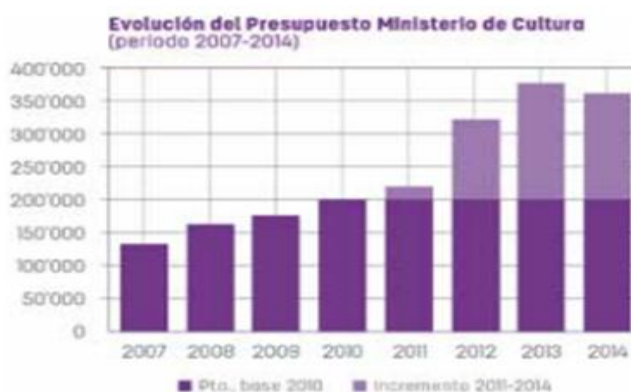
228. The implementation of various strategies aimed at ensuring that children remain in the official education system has served to lower the school dropout rate by 1.8 percentage points over the past four years, from 4.9 per cent in 2010 to 3.1 per cent in 2014, which is equivalent to a 58 per cent reduction.

229. The school dropout rate is falling at all levels: the greatest impact is seen at the transition level, where the rate has fallen by 2.2 percentage points over the last four years, a reduction of 91 per cent, followed by the primary level, with a reduction of 2 percentage points (74 per cent); at the intermediate level the reduction was 1.8 percentage points (64 per cent) and at the secondary level 1.3 percentage points (34 per cent) (see Annex 9).

14. Article 14 Right to education (see article 13)

15. Article 15 Cultural rights

15.1 Institutional infrastructure to promote popular participation in, and access to, cultural life



Fuente: Sistema Integrado de Información Financiera (SIIF) de la Nación

230. The Ministry of Culture is the body that oversees the Colombian cultural sector and is responsible for devising, coordinating, implementing and monitoring State cultural policies. Between 2010 and 2014 the Government gave priority to the promotion of reading, writing and public libraries; social ownership of the heritage; development of cultural entrepreneurship — especially in the cinematographic sector; creating better conditions for early childhood, in conjunction with the “From zero for life” presidential programme policy; creation and strengthening of artistic training activities, and formulation of long-term plans in the area of the performing arts and plastic arts.

231. On the strength of national and international resource inflows, the Ministry of Culture’s budget has increased by 92 per cent, and investment has risen to 1.2 billion.

232. Legislative advances to promote culture in Colombia include:

- Act No. 1493 of 2011 on Public Performances

Under this Act, the excessive tax burden on the performing arts sector was abolished in order to make it more competitive. Formal rules were adopted to govern the entertainment industry and a parafiscal levy was introduced to fund improvements in scenarios for the performing arts. Implementation of the Act has generated income of 28 billion pesos.

- Act No. 1556 of 2012

The aim is to encourage cinematographic activity in Colombia by promoting the national territory as a cultural asset for the filming of audiovisual works so as to promote tourism, enhance the country's image and develop the film industry. A fund with an annual capital allocation of 25 million from the national budget has been created.

- Act No. 1607 of 2012

The Act provides for income tax relief incentives of between 125 and 165 per cent on donations or investments in cinematographic production, and in the case of museums there is exemption from VAT on the purchase of objects of cultural, historical or artistic interest.

- Act No. 1675 on the Submerged Cultural Heritage

The Act defines the power of the National Council for the Cultural Heritage to determine which of the objects found should be considered to belong to the heritage.

233. The institutional infrastructure for promoting public participation and access to culture in Colombia is based on the premise of maintaining community identity and traditions, with the aim of creating spaces for improved and appropriate use of free time through the encouragement of reading, dance and music. This cultural infrastructure comprises houses of culture, libraries, cinemas, artistic training institutes, theatres, archives, museums, cultural centres, *malocas* (communal houses), auditoriums and culture parks, among others.

234. In the period 2010-2014 more than 99,000 million pesos were earmarked for the construction and adaptation of cultural facilities in 24 of the country's 32 departments, benefiting more than 4 million persons. Thus, 104 new libraries were inaugurated, most of them in municipalities affected by the violence. At the same time, 7 houses of culture, 5 theatres and 4 music schools were built, contributing to a total of more than 260 buildings and public facilities.

235. In addition, under the "Living spaces" project, more than 63,000 million pesos were devoted to rehabilitating cultural facilities damaged by the harsh winter.

15.1.1 Affordable access to concerts, theatres, cinemas, sports events and other cultural activities

236. One of the principles of Colombian arts policy is the democratization of access to the arts: "(...) taking into account the extremely unequal conditions of access to artistic experience, thinking and practice, and to related goods and services, we shall place emphasis on establishing conditions under which all citizens can enjoy such access; and on the creation of conditions for the free expression of diversity and difference."⁵⁸ Similarly the principles of the above-mentioned Act on Public Performances include the following: "The State, in formulating its cultural policy, shall take into account the creator, the administrator and the recipient of culture and shall guarantee inhabitants' access to cultural events, goods and services on an equal footing."

⁵⁸ Arts Policy Paper 2010, p. 93. Ministry of Culture. Compendium of Cultural Policies.

237. On this basis, through the Ministry of Culture and in association with national and international partners, various programmes have been developed in the areas of music, theatre, circus, literature and dance, for the benefit of close to 365,000 persons. (see Annex 10)

238. The workshop schools provide places for vulnerable young people who, though not integrated in academic training structures, can learn a trade that contributes to the conservation of the heritage, while earning a decent income. There are currently eight such schools.

15.1.2 Access to the cultural heritage of mankind

239. Colombia has eight elements inscribed on UNESCO's representative list of the intangible cultural heritage of humanity. They are: (i) the cultural space of Palenque de San Basilio; (ii) the anthropological site of the Carnival of Barranquilla; (iii) the *Carnaval de Negros y Blancos*; (iv) the Holy Week processions in Popayán; (v) Marimba music, traditional chants and dances from the Colombia South Pacific region; (vi) the Coffee Cultural Landscape; (vii) the Wayuu normative system applied by the Pütchipü'üi; (viii) the Hee Yaia Ketí Oka of the Jaguars of Yuruparí, the traditional knowledge for managing the world.

240. Communication processes in the country's territories have been strengthened so as to contribute to the dissemination and social ownership of the cultural heritage, by promoting the creation of media structures by the communities themselves. The project generated discussions and meetings, provided training on subjects related to communication and the cultural heritage for 239 content creators, and contributed to the design of communication projects, narratives, cultural journalism and the production of audio and visual cultural content and new technologies.

241. The protection of the cultural heritage of mankind has been the subject of 47 media productions (audio, video, photographs, printed material and new technologies). The special plan for the conservation of San Basilio, known as Palenque Global 2010-2014 was devised and implemented, and the television documentary series, "Expreso Colombia, patrimonio de la humanidad", was produced, which gives an overview of the Colombian elements declared part of the heritage of mankind by UNESCO.

15.2 Participation in cultural life by children

242. The Ministry of Culture has taken concrete steps to provide comprehensive assistance to this segment of the population under the "From birth for life" Strategy. In this connection, 220 municipalities have received backup, advice and technical support for investment in appropriate areas of culture accessible to Colombian children.

243. Actions developed to promote children's participation in cultural life include the provision of reading materials, musical productions, digital communication directed at children aged under five and the construction of cultural infrastructure. (see Annex 10)

15.2.1 Elimination of physical, social and communication barriers preventing older persons and persons with disabilities from fully participating in cultural life

244. Agreement No. 001 of 2012 of the National Television Commission (CNTV)⁵⁹ regulates the systems guaranteeing access to the public television service for deaf and hearing-impaired persons. Television channels shall be required to implement mechanisms

⁵⁹ Agreement concluded with the National Institute of the Deaf and the National Federation of Deaf Persons of Colombia.

such as interpretation in Colombian Sign Language (LSC), closed caption (CC), subtitles (ST) and systems to be developed subsequently for this purpose.

245. Systems of access for deaf and hearing-impaired persons are to be implemented gradually and on a sustained basis in all sectors. Currently, sign language transmission is mandatory for institutional messages and advertising by State entities, newscasts from the Senate and the House of Representatives and presidential addresses.

15.3 School and professional education in the field of culture and the arts

246. Various programmes and projects have been developed to enhance training in the different artistic disciplines. In terms of professionalization, the most important one, an initiative of the Ministry of Culture in association with the Ministry of Education, the Association of Arts Faculties and Programmes (ACOFARTES) and the Colombian Institute for Student Loans and Study Abroad (ICETEX), has been running since 2008. This is a programme with a higher education training component for performing artists, prioritizing regions with no professional training programmes in the arts and persons belonging to strata 1, 2 and 3. A total of 1,045 persons have benefited from the programme, and more than 4,920 million pesos have been invested in funding for professional arts studies.

247. In the area of technical and technological studies, the National Training Service (SENA) provides training in design and scenography, coordination of music schools, as well as theatre.

248. As regards the artistic training offered by training schools, the Houses of Culture and other mechanisms not associated with the formal education sector, 2,159 training programmes in the country's 32 departments have been conducted on subjects related to the arts and culture. They include:

- Training programme for librarians, and special ongoing support programmes for libraries in more remote locations.
- More than 20,000 million have been allocated through various funds such as Impulsa and Bancoldex under the credit or seed capital modality. Under the Go for Culture programme, 300 entrepreneurs received funding to transform their creative initiatives into reality and establish micro-businesses. There are today 10 cultural markets in the country.

15.4 Benefits of scientific progress

249. National expenditure on science, technology and innovation (STI) activities amounted to 0.5 per cent of GDP in 2013 and expenditure on research and development (R&D) to 0.2 per cent of GDP.⁶⁰ Since 2007 there has been a steady increase in the budget of the Administrative Department of Science, Technology and Innovation (Colciencias), 60 per cent of which has been allocated to the funding of scholarship programmes for postgraduate students in Colombia and abroad. In 2013 the country had 0.4 researchers per 1,000 inhabitants, as well as 66 technological research and development centres.

250. In 2012, 21 Colombian patent applications were granted by the United States Patent and Trademark Office (USPTO) and in 2013 3,404 publications were registered according to the Institute for Scientific Information (ISI).

251. Great efforts have been made to enhance and expand the benefits of scientific progress through institutional reforms and adjustments and by earmarking adequate budgetary resources for this sector. (see Annex 10)

⁶⁰ The level of corporate funding is 30 per cent.

252. With regard to the use of information and communication technologies (ICTs), a significant improvement in connectivity was achieved in 2014: 96 per cent of municipalities were connected to the national optical fibre network and the number of undersea cable access points increased from five to nine. There was also an increase in the supply of services, reaching 9.7 million broadband Internet connections, and programmes were developed to facilitate ICT access for all Colombians, through the installation of 5,225 Vive Digital kiosks and 237 Vive Digital access points.

253. In the area of the facilitation and development of applications and content, 17 ICT enterprise centres (Vivelabs) were established, more than 55,000 entrepreneurs received support through the Apps.co programme, more than 17,000 micro, small and medium-sized enterprises were encouraged to adopt ICTs, more than 1,000 procedures and services of major importance to citizens were digitized, and the average number of children per terminal (computers or tablets) in public schools was reduced from 20 to 4.

254. These advances, achieved through implementation by the Ministry of Information and Communication Technology of the Vive Digital (Digital Living) Plan, were reflected in the growth of the sector which, at 5.2 per cent, was higher than the national GDP growth rate for the same period (5.1 per cent). As regards the upscaling of broadband Internet service, the current household penetration rate is 44 per cent. It is estimated that 2 million households in social strata 1 and 2 have broadband connection, which was achieved through the implementation of the government policy of broadband Internet subsidies, targeting the poorest segments of the population.

15.4.1 Measures taken to prevent the use of scientific and technical progress for purposes which are contrary to the enjoyment of human dignity and human rights

255. All research sponsored by Colciencias that requires the active or passive involvement of human beings is subject to advance ethical endorsement issued by duly constituted ethical committees. On the basis of these endorsements, it is assumed that the results of the research have the scope declared in the project impact assessments.

15.5 Effective protection of the moral and material interests of creators

256. Act No. 23 of 1982, supplemented by Decision No. 351 of the Andean Community, is the main legal benchmark for the effective protection of the moral and material interests of creators in Colombia. In accordance with this framework, Colombian creators enjoy moral and material rights in the works that they produce. (see Annex 10)

15.6 Freedom of scientific research and creative activity

257. Under the existing copyright rules in Colombia, creative freedom is protected and promoted by incentives to creators. Copyright is defined as the protection granted by the State to the creator of literary or artistic works from the moment of creation and for a fixed period of time. Accordingly, Colombia applies no limitations or restrictions on the freedom of scientific research and creative activity other than those permitted and recognized in the international treaties on copyright and related rights ratified by Colombia.