

## **Executive report: of the Congress of the Peoples to the United Nations Committee on Economic, Social, and Cultural Rights**

Colombia is currently undergoing evaluation by the United Nations committee on compliance with the International Covenant on Economic, Social, and Cultural Rights at a crucial moment in its history. On the one hand, progress is being made on a negotiated political solution to the armed conflict. A final accord was signed with the FARC insurgency, while negotiations continue with the National Liberation Army (ELN). On the other hand, there has been a furtherance of neoliberal policies and a development model centering around privatization, public spending cuts, and a renewed emphasis on raw material extraction for export. All this is reflected in the national government's continued failure to make good on agreements reached with various social sectors, in parallel with increasing mobilization, in particular around the enforcement of rights.

There has also been a recrudescence of repression and criminalization of social protest and a clear reorganization of criminal and neoparamilitary groups outside the major urban centres. These groups never ceased operating but have begun again to engage in systematic campaigns of assassination. Furthermore, there is an ongoing lack of government accountability for thousands of past human rights violations (including the episode of extrajudicial executions known as the "false positives," proven direct ties between the paramilitaries and the military forces, politicians, government officials, etc.). Likewise, significant processes of corruption are on the rise, though they began well before the current administration and have been eating away at the public treasury for years. The result has been a considerable impoverishment of the population, a concentration of wealth, and private appropriation of public funds.

The sale and privatization of public assets such as ISAGEN, the crisis affecting the healthcare system further to the corrupt and privatization-friendly Law 100 of 1993, and a tax reform harmful to the working and middle classes, on whom the lion's share of the tax burden falls, are all too many reminders that the neoliberal thrust and the structural adjustment policies of the 1990s are still in effect and that, given the most recent development plans and economic projections, Colombia's economic and development model has not been and is not being premised on the economic, social, cultural, and environmental rights of peoples.

The economic policy of recent decades has focused on reduced public investment and privatization. In addition, it centres around direct foreign investment, extractivism, and a return to dependency on the primary sector — mainly mining and oil and gas, for which markets remain volatile. One important result has been environmental and social degradation linked to the exacerbation of conflicts over land, to violence caused by legal (national and transnational) economies and illegal ones, and to an economic and fiscal crisis that will ultimately be resolved in favour of big capital and to the detriment of the social and economic rights of the majority of the population. Today, the prospect of peace with social and environmental justice and full guarantees of economic and social rights is threatened by falling oil prices, a rising dollar, measures designed to offer advantages to big investors and capital but nothing for regional populations and communities, economic and tax policies harmful to the working class, and a long-range process of deindustrialization. But the realization of ESC rights does not depend on, nor is it solely determined by, an economic structure shot through with inequality; the closed and exclusive political system, flagrant corruption, the prevalence of family and business privileges and castes in power, and an antidemocratic exercise of administrative, economic, and political power spur are all contributing to the continual weakening of ESC rights and the persistence of an unequal and unjust society.

We trust that robust recommendations will be issued in response to the reports produced by the social organizations in regard to the continued violation of the economic, social, cultural, and environmental rights of the Colombian people.

The People's Congress is a social and political movement born out of the 2008 Indigenous mobilizations (the "Minga"). It's a convergence of various social sectors: Students, Workers, Women's movement, peasant movement, Black communities, indigenous communities, community groups, etc.

Réseau International des Droits Humains (RIDH) : Human rights non-governmental organization that contributes to strengthening the capacities of stakeholders related to the promotion and protection of human rights, providing information, analysis, and technical support in the processes in which they participate. We work as an intermediary in different processes of advocacy and dialogue.

## **Recommendations:**

### **Housing**

Implement resolution 2003/17 of the UN Sub-Commission on the Promotion and Protection of Human Rights concerning the prohibition of forced evictions, which “reaffirms that the practice of forced eviction constitutes a gross violation of a broad range of human rights, in particular the right to adequate housing, the right to remain, the right to freedom of movement, the right to privacy, the right to property, the right to an adequate standard of living, the right to security of the home, the right to security of the person, the right to security of tenure and the right to equality of treatment.” The resolution “strongly urges governments to undertake immediately measures, at all levels, aimed at eliminating the practice of forced evictions by, inter alia, repealing existing plans involving forced evictions as well as any legislation allowing for forced evictions and by adopting and implementing legislation ensuring the right to security of tenure for all residents” and “to protect all persons who are currently threatened with forced eviction and to adopt all necessary measures giving full protection against forced eviction, based upon effective participation, consultation and negotiation with affected persons or groups.”

### **Labor**

Abrogate Decree 583. Make sure Section 63 of Law 1429 of 2010 is fullfield giving guarantees that the staff required by any public and/or private institution and/or company in order to carry out core functions may not be hired through cooperatives acting as employment agencies or under any other arrangement affecting the constitutional, legal, and benefit rights set out in the applicable labour legislation.”

### **Territory**

Respect the Public consultation mechanism recognized in the Political Constitution of Colombia, in Article 33 of Law 136 of 1994, in Statutory Laws 134 of 1994 and 1757 of 2015, and in decision T-445/16 by the Constitutional Court.

### **Health**

Implement the CESCR recommendations in order to implement a public health policy that can guarantee to all the citizens, especially, indigenous, afro-colombians, people living in poverty and living in rural areas universal access to health. Abrogate the EPS system and give access to public health services.