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Committee on Economic, Social and Cultural Rights

Seventh periodic report submitted by Colombia under articles 16 and 17 of the Covenant, due in 2022* **

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* The present document is being issued without formal editing.

** The annexes to the present report may be accessed on the web page of the Committee.



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. It entered into force in accordance with the provisions of the Covenant on 3 January 1976.
2. Colombia submitted its sixth periodic report on the implementation of the Covenant on 8 April 2016 ([E/C.12/COL/6](#)).
3. This report reflects the progress made in guaranteeing and protecting Covenant rights and the challenges faced in that regard primarily during the period 2016–2022. The information it contains therefore chiefly corresponds to the years prior to the entry into office of the present Government, which took place on 7 August 2022.
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. Throughout the report, the monetary sums referred to are expressed in Colombian pesos (Col\$). As at 10 June 2022, the representative market exchange rate for the Colombian peso against the United States dollar was Col\$ 3,833.34 to US\$ 1.

Article 1 Right to self-determination

Application of the right to self-determination

6. There has been no change with regard to the information provided in the preceding report.

Recognition and protection of Indigenous communities' property rights

7. The Ministry of the Interior activated the Ruta Étnica (Ethnic Pathway), which is an administrative mechanism for the protection of the fundamental rights to their collectively held territories of black, Afro-Colombian, Raizal and Palenquero communities that are at risk of or are being displaced, violated or threatened by the armed conflict or by factors underlying or associated with that conflict. This mechanism is also designed to protect these communities from the pursuit of activities on their territories in cases where their fundamental right to free, prior and informed consultation regarding those activities has not been respected.
8. In defence of the rights of ethnic peoples, the Office of the Attorney General issued the Preventive Policy for the Promotion, Protection and Defence of Ethnic Peoples in December 2019. This policy has proved to be an extraordinarily important tool for protecting these peoples because it allows advance action to be taken to avert measures that would violate or disregard their constitutional guarantees or to mitigate violations based on international instruments that uphold the right of all peoples to the free determination, without internal interference, of their political status and to the pursuit of their economic, social and cultural development.
9. With regard to recommendation 10.b, it should be noted that the National Protection Unit received 65,322 requests for protection from human rights defenders in 2016–2021 and undertook assessments of the 14,194 of those petitions which met the legally defined requirements for that purpose. The Unit also conducted risk assessments in 19,970 cases and determined that the risk level was extraordinary in 13,987 of those cases, extreme in 101 of them and of ordinary intensity in the other 5,882. The Unit implemented 26,082 protection measures on behalf of human rights defenders in accordance with the actions recommended by the Committee for Risk Assessment and Recommended Measures (CERREM).

Prior consultation with Indigenous communities

10. The National Development Plan 2018–2022 expressly establishes the right to prior consultation of Indigenous, Afro-Colombian, Raizal, Palenquero and Roma peoples. As an outcome of the associated dialogue, 216 commitments, along with the corresponding indicators, were agreed upon with Indigenous Peoples, 239 with black, Afro-Colombian, Raizal and Palenquero communities and 78 with the Roma community under the pact with ethnic groups that forms part of the National Development Plan.

11. In follow-up to these commitments, the National Planning Department has implemented the SINERGIA¹ dashboard and a budget tracking methodology to permit detailed monitoring of the targets and indicators agreed upon with ethnic groups under the National Development Plan, along with the sectoral resource allocations for the fulfilment of those commitments.

12. In its Judgment SU-123 of 2018, the Constitutional Court called upon the State to adopt the appropriate regulatory measures for matters relating to Ethnic Group Presence and Impact Certificates and to ensure the effective enjoyment of the right to prior consultation. In accordance with the Court's decision, the Government of Colombia restructured the Ministry of the Interior by Decree No. 2353 of 2019 and established the Directorate of the National Authority for Prior Consultation to oversee the prior consultation process. The three main areas of activity of the Directorate are supervised by its Technical Bureau, Management Bureau and Corporate Bureau.

13. According to the information system of the Directorate of the National Authority for Prior Consultation of the Ministry of the Interior, a total of 5,396 prior consultations were held concerning 1,410 projects between the second half of 2018 and the second half of 2021. Since prior consultations are held in Colombia for each community concerned, consultations may be held with a number of different ethnic communities in connection with any given project.

14. The State held a total of 20,840 meetings with ethnic communities at various stages of consultation processes between the second half of 2018 and the second half of 2021. In some cases, a number of meetings are held at a single stage in the process in order to ensure that the right to prior consultation is upheld. This is because there are certain minimum standards that must be met at each stage before the next stage of the process can begin. If those standards are not met, then another meeting is organized in an effort to ensure the effective participation of the entire community.

15. Between the second half of 2018 and the second half of 2021, consultations were held with 5,351 ethnic communities.

16. The Government of Colombia has made headway in implementing the Final Agreement and fulfilling the various commitments made therein. Within the framework of the National Development Plan, the Government is working to build peace with the help of cross-cutting strategies forming part of 14 sectoral accords and a specific peacebuilding pact. In 2019, the Government unveiled its Stabilization Policy: Peace with Legality to guide implementation of actions focusing on the areas in the country that have been seriously affected by the conflict.

17. The National Development Plan prioritizes resource allocations for the fulfilment of the six sections (items) of the Final Agreement. The multi-year investment plan for implementation of the National Development Plan included a specific peacebuilding component for the period 2018–2022 entitled the Multi-Year Investment Plan for Peace. This component not only prioritizes resources for the population groups affected by the conflict and for peacebuilding but also encompasses the various accords included under the Plan for the achievement of the objectives set out in the framework for its implementation, which provided for the allocation of Col\$ 43.1 trillion at 2022 prices.

¹ Available at: <https://sinergiapp.dnp.gov.co/#ProgramasModPND/33/2644>.

Table 1
Funding allocations from the General Budget of Colombia for 2017–2022, by type of expenditure

(In millions of pesos at 2022 prices)

Tabla 1. Apropriación de recursos por tipo de gasto del Presupuesto General de la Nación 2017-2022 (cifras en millones de pesos de 2022)

Tipo de Gasto PGN	2017	2018	2019	2020	2021	2022*
Funcionamiento	\$2.018.686	\$890.664	\$1.431.846	\$1.116.557	\$1.720.931	\$1.674.059
Inversión	\$1.183.491	\$1.624.810	\$3.254.950	\$4.369.221	\$7.224.988	\$6.015.717
Sistema General de Participaciones	\$2.820.585	\$4.584.990	\$3.833.132	\$4.073.920	\$4.137.395	\$4.205.512
TOTAL	\$6.022.762	\$7.100.464	\$8.519.928	\$9.559.698	\$13.083.314	\$11.895.288

Nota 2002-2021: apropiación final 2021 con corte a 31 de diciembre y Apropiación inicial 2022 (gastos de funcionamiento y recursos de inversión programados para la vigencia 2022 (enero –diciembre). Datos deflactados utilizando la inflación reportada por el DANE 2002-2019. Datos actualizados a febrero de 2022.

18. Pursuant to the accord on comprehensive rural reform contained in the Final Agreement, 16 sectoral initiatives provided for in the Agreement were approved. These initiatives deal with water, health, education, social protection, the solidarity-based economy, irrigation and drainage, marketing, income generation, the right to food, housing, roadways, electrification, connectivity and technical assistance. These plans are aligned with the road map for rural reform up to 2031, and an annual action plan is in place for their follow-up. As at 30 August 2022, 15 of the 16 plans had been adopted.

19. The multipurpose land register serves as a basis for updating the land registration policy and for enhancing both the legal certainty of land tenure and the quality of the information used as inputs for land management and environmental policies. It also contributes to the improvement of financial arrangements by permitting more accurate calculations of land taxes. Progress has been made in expanding the geographic area for which the register has been updated (28,097,117 hectares as of February 2022).

20. The National Planning Department has provided technical support for prior consultation processes leading to the formulation and implementation of policies of interest to ethnic groups, such as the policy concerning the multipurpose land register. As part of this effort, the Department worked with the Agustín Codazzi Geographic Institute on the preparation of the multipurpose land register in furtherance of the implementation of the Final Agreement.

Business and human rights (See common core document of Colombia, part 2.A.3)

Article 2 Obligations of the State, principles of progressive implementation and non-discrimination

Measures to combat discrimination

21. The Ministry of the Interior took steps to prevent and combat discrimination against black, Afro-Colombian, Palenquero and Raizal communities and contributed to the development of the public policies set out in National Economic and Social Policy Council documents No. 3310 of 2004 and No. 3660 of 2010. Those policies are aimed at countering discriminatory practices and paved the way for the creation of the Observatory on Racial Discrimination and Racism. The Observatory investigates, analyses, monitors and follows up on instances of racial discrimination in Colombia.

22. Between 2019 and 2021, the Observatory continued to provide technical assistance around the country in order to equip stakeholders with conceptual and legal tools for the enforcement of the rights and protection mechanisms set forth in the Constitution and in the

inter-agency road map for the provision of differentiated support in addressing racial discrimination and racism.

Equal enjoyment of rights by all persons

23. The Government carried out a number of policies and programmes to reduce inequality. A key part of this work has been to develop programme actions based on a differentiated ethnic perspective in such areas as training for public servants at all levels of the government structure on how to work with various ethnic and non-ethnic groups in ways that uphold the principles of dignified treatment and integrity in order to improve their knowledge, skills and attitudes and to promote affirmative action and guarantee black communities' right to equality through difference.

24. In 2021, various calls for project proposals were made as part of efforts to strengthen organizational capacity within the black, Afro-Colombian, Palenquero and Raizal communities in 29 departments and to reduce inequalities to which these communities are subject. Some calls for proposals were made in connection with the newly created Advisory Committee for Community Project Banks, which is responsible for issuing guidelines for the financing, evaluation and monitoring of projects eligible for funding. Others were made under International Cooperation Agreement No. 1874 of 2021 with the Organization of Ibero-American States concerning over US\$ 3 million in funding for projects for building the organizational capacity of community councils and other bodies of the black, Afro-Colombian, Palenquero and Raizal communities.

25. Under the initiatives submitted to the Indigenous Communities Project Bank, the Ministry of the Interior has funded proposals in the following five areas in consultation with the Indigenous Peoples of Colombia: land rights, entrepreneurship, capacity-building, infrastructure and women's issues. Between 2020 and 2021, close to US\$ 46 million in funding was provided for projects aimed at reducing social gaps which benefited nearly 360,000 persons in this population group.

26. In 2020, the Ministry of the Interior launched the Siembra Project Bank strategy to improve the quality of life in these communities and to help mitigate threats to the enjoyment of human rights in various regions of the country. The Ministry carried out 79 projects, impacting 20 departments and 60 municipalities around the country, in the following areas of action: sports, technology, culture, production projects and training initiatives.

27. An investment of more than US\$ 1 million in 2020 made it possible to improve the quality of life of members of associations, human rights leaders and defenders, members of their communities, including women, young people, Indigenous persons, members of black, Afro-Colombian, Palenquero and Raizal communities, members of organizations of lesbian, gay, bisexual, transgender and intersex persons, and children and adolescents.

28. In 2021, it financed 59 proposals submitted by communities located in territories designated as high-priority areas for the design, formulation and execution of sports, technology and production projects aimed at reducing inequalities in Colombia and thereby helping to prevent the recruitment of minors in those areas. This initiative involved over US\$ 400,000 in funding and benefited a total of 21,254 people in 15 departments and 55 municipalities.

29. The *Buen Vivir* ("right way of living") Fund, now known as the Project Bank, had a budget of Col\$ 166 billion for 2022, to be used for improving the quality of life of members of ethnic groups and strengthening the self-government systems of peoples and communities nationwide. The Community Leaders Training School was created and endowed with 7,520 credits (places on diploma courses and other courses of study) for Indigenous communities.

30. Pursuant to the accord on political participation in the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, Decree-Law No. 885 of 2017 strengthened the National Peace Council, which serves as an advisory and consultative body of the Colombian Government. The Council's objectives are to strive for the achievement and maintenance of peace; generate a culture of reconciliation, tolerance, coexistence and non-

stigmatization; and facilitate close collaboration among State entities and bodies in order to engender social relations that will ensure a comprehensive and lasting peace.

31. This decree empowered governors and mayors to create local peace councils, for whose benefit a support strategy has been put in place by the Office of the High Commissioner for Peace. In the second quarter of 2022, technical assistance was provided to 529 governors' offices and municipalities to set up and reinforce these local peace councils, which have now been created in 32 departments; 490 municipalities have taken the decision to establish such a council.

32. Progress was made in moving forward with the legislation under which 16 congressional seats will be created for peace delegates. This legislation will allow 16 victims to hold seats in the House of Representatives during the 2022–2026 and 2026–2030 sessions.

33. With regard to the item of the Final Agreement relating to the end of the conflict, there are two stages involved in the reintegration process: an initial reintegration stage and a long-term reintegration effort. By July 2022, of the 14,025 persons accredited by the Office of the High Commissioner for Peace, 12,763 were taking part in the reintegration process.

34. The Agency for Reintegration and Normalization works with national and regional bodies and international cooperation agencies to arrange for individuals' inclusion in the reintegration process, which has several components: financial stability (employment), living conditions and housing, health, family, education, comprehensive psychosocial well-being and community. The Agency works to support the action being taken in the localities where the participants in this process live.

35. Pursuant to the item of the Final Agreement setting out the accord on victims of the conflict, the Government issued National Economic and Social Policy Council document No. 4031, which outlines the National Policy on Support and Comprehensive Reparation for Victims, 2021–2031. This policy document focuses on four strategic objectives: prevention, support, assistance and comprehensive reparation for victims of the armed conflict. A total of 286 actions are to be carried out in pursuit of those objectives by 32 different agencies. The policy also provides for inter-agency coordination between the National System for Comprehensive Victim Support and Reparation and the Comprehensive System for Truth, Justice, Reparation and Non-Repetition. The policy goes further than the Final Agreement, as it provides not only for reparation but also for a range of measures to promote victims' effective enjoyment of their rights.

Table 2

Allocations for victim assistance and comprehensive reparation, 2016–2022

(In millions of Colombian pesos at 2022 prices)

Tabla 2. Recursos apropiados para la asistencia, atención y reparación integral de las víctimas 2016–2022 (cifras en millones de pesos de 2022)

Tipo de Gasto	2016	2017	2018	2019	2020	2021	2022
Funcionamiento	\$1.445.369	\$1.598.252	\$1.645.886	\$1.835.070	\$3.050.000	\$2.625.397	\$1.805.720
Inversión	\$4.213.950	\$4.690.307	\$4.764.378	\$5.300.712	\$5.101.334	\$4.925.602	\$4.811.398
Régimen Subsidiado en Salud	\$3.557.985	\$3.838.716	\$4.011.728	\$4.650.089	\$5.213.423	\$5.400.972	\$5.511.444
Sistema General de Participaciones Educación	\$4.582.206	\$5.883.520	\$5.935.410	\$5.561.280	\$5.151.332	\$4.654.416	\$4.160.002
TOTAL	\$13.799.510	\$16.010.795	\$16.357.402	\$17.347.151	\$18.516.090	\$17.606.387	\$16.288.564

Fuente: MCHP-DNP de acuerdo con información reportada por las entidades del PGN. Los deflatores se usaron con los Supuestos Macroeconómicos oficiales del 16 de febrero de 2022.

Nota: Apropiaciones finales 2019 – 2021 y apropiación con corte a enero de 2022.

36. In order to ensure the transparency of the steps taken to monitor the peace agreement, the National Planning Department launched the Comprehensive Information System for the Post-Conflict Period, an online platform for monitoring the 501 indicators established to track the implementation of the Agreement, as well as for monitoring national sectoral plans, the interlinkages between the National Development Plan and the framework plan for implementation of the Agreement, and the associated funding.

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

37. The Government has led the way with a comprehensive strategy for the reception and integration of migrants from Venezuela and its implementation as a coherent, consistent State policy. The temporary protection regime is a mechanism for upholding the human dignity of Venezuelan migrants by reducing xenophobia and discrimination, enabling them to start businesses, obtain decent work on an equal footing with Colombians and transition into the normal migrant regularization procedure by obtaining visas. It comprises a central register of Venezuelan migrants and a temporary permit valid for 10 years.

38. The central register is operated by Migration Colombia; registration is compulsory and free of charge for all Venezuelan migrants covered by Decree No. 216 of 2021. The temporary permit is a means of regularizing such persons' migration status and providing them with an identity document which authorizes them to reside in Colombia under special regularization arrangements and to engage in any legitimate occupation. It also allows the duration of stay to count towards a type "R" (residence) visa; this is a significant improvement over the special residence permit, which did not do so.

39. The risks run by migrants and their need for protection are increased by such factors as gender, age and any possible disability. A cross-cutting approach was therefore adopted in creating the temporary protection regime for Venezuelans whereby those factors are taken into account in order to assist the most vulnerable persons who are in need of documentation and the regularization of their migration status. It therefore ultimately serves as a protection mechanism.

40. Discretion is exercised in accordance with the constitutional principles of equality and non-discrimination, taking account of the special needs of members of clearly vulnerable groups, such as lesbian, gay, bisexual, transgender and intersex persons, children and adolescents, persons with disabilities and, in general, all those who require special arrangements in order to guarantee their access to the special protection regime for the effective enjoyment of their rights.

41. As of 31 July 2022, 1.8 million Venezuelans had started the pre-registration process, 1.6 million Venezuelan migrants had completed the socioeconomic questionnaire, more than 1.5 million temporary permits had been authorized and nearly 1.2 permits issued to Venezuelans. Each stage of the registration process is handled in a coordinated fashion that promoted multilateral cooperation and upheld the principles of non-refoulement and non-discrimination.

42. In terms of health care and treatment, a total of 14,037,825 instances of service delivery had been reported up to November 2021, with services provided to 1,591,971 Venezuelan migrants regardless of their migrant status; the majority of these cases involved the provision of health services for migrants not enrolled in the General Health and Social Security System, i.e., 68.5 per cent of the total number receiving care. In addition, more than 299 million medications were provided to Venezuelan refugees and migrants.

43. As of 22 February 2022, 576,455 Venezuelan migrants had received a first dose of coronavirus disease (COVID-19) vaccine; 330,953 had received two doses; and 17,114 had received a booster. Under the Expanded Immunization Programme, the migrant population is guaranteed access to the same vaccination regime as Colombians free of charge; more than 2.5 million doses have been administered.

44. During the remainder of 2022, some 950,000 more migrants are expected to be enrolled in the health insurance scheme. As of April 2022, 270,588 of those enrolled in the General Health and Social Security System held special residence permits and 384,037 had temporary permits. Of that total of 654,625 persons, 35.4 per cent were enrolled in the contributory scheme and 64.4 per cent in the subsidized scheme.

45. As of March 2022, 555,498 children and adolescents had access to schooling, with the continuity of their schooling guaranteed regardless of their place of origin. A total of 95 per cent were enrolled in the State school system, with more than 66 per cent of these children and adolescents being enrolled in the central, eastern and Caribbean regions of the country.

In addition, 98,471 migrant children and adolescents had been taken in by institutions of the Colombian Family Welfare Institute, in accordance with the principle of non-discrimination, while 3,594 were in the care of the child protection services.

46. Between January 2015 and 15 May 2022, 78,113 children born in Colombia to Venezuelan parents who would otherwise be at risk of statelessness were granted Colombian nationality.

47. As of March, 40,409 payments had been authorized to migrants under the solidarity income scheme for cycles 24 and 25 of 2022, i.e., March and April; all beneficiaries were holders of special residence permits. The number of payments to migrants under the programme is expected to reach 44,370 by the end of the year.

Article 3

Equal rights for men and women

Elimination of direct and indirect gender-based discrimination

48. The Government took various steps to guarantee women's access to all spheres of society. These efforts have borne fruit in both the public and private sectors, highlighting the invaluable part played by women in the construction of society and in building peace in Colombia. One example is the National Initiative on Equity, Entrepreneurship and Security for Rural Women, which reaches out to rural women and visits them in their homes to talk about the prevention of violence and ways of obtaining assistance; 2,322 door-to-door visits have been made in 187 settlements and *corregimientos* across 18 departments, with more than 12,000 persons receiving advisory support on violence prevention. In addition, a presidential directive was issued regarding economic recovery with a gender perspective, and organizations have been encouraged to engage in practices certified by the "Equipares" labour equity label.

49. One of the main achievements is the new Electoral Code, which provides for gender parity in electoral lists and for measures to combat violence against women in politics. In addition, for the first time ever, the National Development Plan contains a section on gender, with a budget of Col\$ 5.4 trillion. In the past year, Colombia has risen 18 places in the World Economic Forum Global Gender Gap Index.

50. Since 2018, a woman has been elected Vice-President of the Republic in two consecutive elections: Marta Lucía Ramírez in 2018–2022 and Francia Elena Márquez in 2022–2026. Both the current and preceding Administrations also achieved gender parity in their ministerial portfolios, with nine men and nine women ministers each.

51. The National Economic and Social Policy Council has adopted the Public Policy on Gender Equity for Women: Towards Sustainable Development for Colombia (document No. 4080) in order to establish the conditions for effective equality between men and women. This policy plots out a road map for carrying forward the initiatives launched by previous Administrations for empowering women in all regions of Colombia.

52. In 2021, the Counsel General's Office launched the *Promujeres* Strategy, which sets out broad areas for action within its sphere of authority for combating gender-based violence. Area No. 7 concerns the elimination of inequalities in terms of women's access to senior positions, their retention in such positions and their access to elected office and participation in public life.

Monitoring of gender equality standards

53. The Counsel General's Office has assumed responsibility for monitoring and verifying compliance with the provisions of the Colombian legal order that guarantee women's rights, as outlined in annex 11, table 1.

Article 4

54. See the common core document of Colombia, part 2.

Article 5

55. See the common core document of Colombia, part 2.

Article 6 Right to work

56. Table 1 in annex 6 provides information on the labour market collected in the 2018 general integrated household survey, along with population projections from the 2018 National Population and Housing Census. The figures are disaggregated by month and by quarter.

Measures taken to reduce unemployment

57. Guaranteeing the right to work has played a fundamental role in counteracting the impact of the pandemic. The Government's Formal-Sector Employment Support Programme secured 4.1 million jobs, and the passage of the Work at Home Act protected the jobs of some 4 million workers in the midst of the pandemic. This legislation was a ground-breaking initiative for Latin America.

58. The *Sacúdete, Camello Sí Hay* ("get a move on, there are jobs to be had out there") strategy, targeting people between the ages of 18 and 28, was launched to bring young people into the labour market. Under this strategy, young people can take up new minimum-wage jobs for which the Government provides a 25 per cent subsidy for the first 12 months.

59. Act No. 2155 of 2021, which enacted the social investment law, created job creation incentives by providing benefits to employers who hire additional workers. Employers who hire people between 18 and 28 years of age receive a government subsidy equivalent to 25 per cent of the minimum legal wage for each of these additional workers. Employers who hire additional workers who are above 28 years of age and who earn the equivalent of up to three times the minimum legal wage receive a government subsidy equivalent to 10 per cent of one minimum legal wage for each of these additional workers. Employers who hire additional women workers who are above 28 years of age and who earn the equivalent of up to three times the minimum legal wage receive a government subsidy equivalent to 15 per cent of one minimum legal wage for each of these additional workers.

60. This incentive was to remain in effect from the time of the enactment of the law until 2023. In its latest consolidated report, the Pension and Parafiscal Management Unit reported that 369,228 young people were employed by 21,459 employers under this initiative and that a total of Col\$ 278,072,000,000 was paid out in subsidies (see figure 1 of annex 1).

Informal employment

61. In Colombia, informal workers are classified as "undeclared workers", since they are not registered or do not pay social security pension contributions. Table 1 of annex 1 shows the number of formal and informal workers employed between January and April 2022, by branch of economic activity and gender. The largest number of informal workers are employed in agriculture, stock-raising, hunting, forestry and fishing, with a total of 2,750,678 people employed in those activities. The disaggregated figures show that there were 2,347,696 men and 1,238,405 women in this sector, with the highest number of women being employed in commerce and vehicle repairs.

Legal safeguards in place to protect workers from unfair dismissal

62. The main legal safeguards are listed in table 2 of annex 1.
63. The Ministry of Labour has moved forward with a special mobile labour inspection programme that will bring the labour inspection system to all regions of the country where it is needed, with special emphasis on the rural sector.
64. The two operational models of the mobile inspection programme served a total of 246 municipalities and 1,469,173 persons in the period from 1 January 2016 to 31 March 2022. Table 4 of annex 1 shows the results of the mobile inspection programme for the period from 1 January 2016 to 31 March 2022.

Technical and vocational training programmes for persons entering or re-entering the labour market

65. In addition to the programmes mentioned in section 9.3, the *Saber hacer vale* (“know-how has value”) programme uses labour competency standards as a basis for arranging for National Learning Service (SENA) certification for the skills that people acquire as they go through life. Interested Colombians and foreigners may participate free of charge as long as they meet the requirements.

Article 7 Right to just and favourable conditions of work

National minimum wage

66. The same standard minimum wage applies to all workers in Colombia.
67. The Standing Committee on the Coordination of Wages and Employment Policies, which is a tripartite committee established under article 56 of the Constitution, is the body authorized to increase the minimum legal monthly wage. If no agreement has been reached on the level of this wage by 30 December of any given year, the Government of Colombia is then to set its level based on parameters such as the inflation target for the coming year, productivity, the share of national income accounted for by wages, GDP growth and the consumer price index of the current year.
68. All workers in Colombia are to earn no less than the minimum wage each year. It is therefore illegal to pay wages below that level, while, of course, taking into consideration the days worked by each person.
69. Over the past 35 years, in just 2019, 2020 and 2021 alone, the minimum wage rose by around two percentage points more than the inflation rate. This represents a 7 per cent increase in the purchasing power of workers earning the minimum wage.
70. In December 2021, the Government of Colombia issued Decree No. 1724 of 2021, by which it raised the minimum wage for 2022 by 10.07 per cent (Col\$ 91,474). The transportation allowance was set at Col\$ 117,172. These were the largest increases in the minimum wage and the transportation allowance in almost 50 years.

114.1 Cost of living index

71. The same system, based on the consumer price index, is used as was indicated in the preceding report.

Working conditions for all workers

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

72. The relevant information is the same as that reported in the preceding report.

1.15.2 Paid and unpaid leave and measures taken to balance professional, family and personal life

73. Act No. 2114 of 2021 amended the Labour Code to extend the duration of paternity leave and maternity leave for mothers with children with disabilities. It also introduced shared parental leave and flexible part-time parental leave arrangements. All pregnant workers are entitled to 18 weeks of paid leave at the salary that they were earning at the time the leave begins. In the event of a preterm birth, the maternity leave will be calculated on the basis of the difference between the infant's gestational age and the date of a full-term birth; this amount of time will be added to the 18 weeks established by law. In cases of multiple births or of a child with a disability, the duration of leave will be extended by two weeks in accordance with the relevant provisions of current regulations, provided that the child or children were born alive.

74. Fathers will be entitled to two weeks of paid paternity leave. That leave must be taken during the 30-day period following the date of birth of the child or the official placement date of the adopted child. Under the new shared parental leave arrangement, parents may divide up the last six weeks of the mother's leave between the two of them as they see fit, provided that the father has used the two weeks of paid paternity leave mentioned above. Under no circumstances may the shared parental leave be used during the same time as the maternity leave is in effect, except in the event that the mother suffers a postpartum illness as duly certified by a physician.

75. Act No. 2174 also provides that employers must grant 10 working days of child-care leave.

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

76. Resolution No. 758 of 2016 authorized the creation of the Gender Subcommittee, to be attached to the Standing Committee on the Coordination of Wage and Employment Policy. This subcommittee is responsible for enforcing Act No. 1496 of 2011 (described in the preceding report).

77. Under Area No. 3 of the *Promujeres* Strategy, the Counsel General's Office has been working on matters relating to the entire public policy cycle and has requested national and local authorities to adopt measures to see to it that the workplaces of women and men are such as to ensure their equality and equity and to take steps to contribute to the eradication of machismo and patriarchal culture.

Legislation on sexual harassment in the workplace

78. There is a wide range of government laws and regulations designed to prevent and punish sexual harassment in the workplace, namely: Act No. 1010 of 2006, Act No. 1257 of 2008 and the associated Regulatory Decree No. 4463 of 2011, article 210-A of the Criminal Code and article 133 of the Code of Criminal Procedure.

79. Resolution No. 652 of 2012 provides for the establishment and operation of the Labour Relations Committee in respect of both public and private entities. This provides an avenue of recourse for any natural person, including civil servants and contractors, when they consider themselves to be a victim of sexual harassment in the workplace. The victim can turn to Rapid Response Units (URI), User Consultation Rooms (SAUs), Support Centres for Victims of Sexual Abuse (CAIVAS) and the National Police Assignments Office.

80. The Administrative Department of the Office of the President (DAPRE) has issued the Protocol for Preventing and Addressing Sexual Harassment and/or Sex Discrimination in the Workplace (Presidential Directive 03 of 2022).

81. The Attorney General's Office registered a total of 8,826 individual prosecutions for the crime of sexual harassment between 1 January 2016 and 31 December 2021.^{2,3}

Safety and healthy conditions in the workplace

82. By Decree No. 1072 of 2015, the Ministry of Labour established the Occupational Safety and Health Management System, which is intended to improve the quality of life in business settings and for workers with a view to reducing mortality, accident and occupational disease rates. The Ministry also issued Resolution No. 0312 of 2019, which defines the minimum standards to be used by the System. This resolution calls on businesses to implement these standards and to take more effective action in order to improve the quality of life of workers and boost companies' productivity levels.

83. A total of 220,153 companies have completed their minimum standards self-assessment reports for 2021 and 2022. In all, 205,287 of those companies obtained a rating of more than 60 points, with only 14,866 companies scoring below that threshold. The latter group must immediately prepare an improvement plan and make it available to the Ministry of Labour. They must also send their Occupational Hazards Administrator a progress report within a maximum of three months, carry out an annual follow-up exercise and prepare a plan for a tour of the company by the Ministry of Labour.

84. Pursuant to the accord contained in the Final Agreement on the solution to the illicit drug problem, the Comprehensive National Programme for the Substitution of Illicit Crops was established by Decree No. 896 of 2017. The programme provides support to farming families that have joined the voluntary crop substitution process and continues to be implemented in 56 municipalities, benefiting 82,239 families and 16,858 harvesters. The five stages of this family-focused programme are aimed at providing participating families with an alternative means of generating income. Those stages are: (i) immediate food assistance; (ii) comprehensive technical assistance; (iii) self-sufficiency and food security; (iv) short-cycle production projects; (v) long-cycle production projects.

85. Regarding the Committee's recommendation 37 concerning safe working conditions for persons involved in the manual eradication of illicit crops, it should be pointed out that this programme concerns voluntary substitution efforts which are carried out directly by its beneficiary families and others who may adopt the new models in the future. The clearing of the illicit crops in preparation for their substitution is one of the commitments made by the beneficiary families and is carried out without the need to draw up any employment contracts.

86. The Government's policy on drugs provides for the reinforcement of existing State-run eradication systems. One of those systems, known as the "second modality", entails the involvement of members of the civilian population in the eradication work conducted by government security forces. The occupational safety of the members of the more than 130 civilian groups currently under contract is ensured by the Occupational Hazards Administrator. The arrangements made for these workers cover their wages, social benefits, personal protection equipment, meals and transportation, as well as an insurance policy provided by the Administrator. In view of the conditions under which these people perform their work, field security protocols have been developed in order to ensure the physical safety of both the civilians and the military personnel that accompany them.

² Individual prosecution proceedings may involve more than one criminal offence. To avoid duplications in the statistics on this subject, the final count is therefore based on individual proceedings identifiers rather than on a disaggregation of the total number of proceedings.

³ This figure corresponds to the total number of sexual harassment proceedings, as it was not possible to disaggregate the results by workplace.

Article 8

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

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

87. The regulatory framework is the same as that described in the preceding report.

88. Regarding recommendation 40, on strengthening protection measures for members of trade unions, between 2016 and 2021, the National Protection Unit received 9,280 requests for protection from trade union activists and acted upon the 1,439 of those petitions which met the legally defined requirements for that purpose. The Unit also conducted risk assessments in 2,295 cases and determined that the risk level was of ordinary intensity in 927 cases, extraordinary in 1,361 cases and extreme in 7 cases. The Unit implemented 2,066 protection measures on behalf of union activists in accordance with the recommendations made by the Committee for Risk Assessment and Recommended Measures (CERREM).

Right to strike

89. In addition to what was reported in the preceding report, in Colombia the right to strike is limited by law for the following services: the Central Bank; the portions of the social security system having to do with health and pension payments; residential public utilities; the administration of justice; the Service Unit attached to the National Penitentiary Institute; public air, maritime, river, rail, mass and land transportation and its operation on Colombian territory; fire prevention and control services; and the National Customs and Tax Directorate, among others.

Article 9

Right to social security

Universal social security coverage

90. Article 48 of the Constitution defines social security as "... a compulsory public service that shall be provided under the direction, coordination and control of the State subject to the principles of efficiency, universality and solidarity ... All inhabitants are guaranteed the inalienable right to social security."

91. In accordance with these constitutional and legal principles, the legislature passed Act No. 100 of 1993, which sets out the structure of the sections of the Comprehensive Social Security System responsible for pensions, health care and occupational hazards.

92. The Government has placed special emphasis on the principle of universality, in consonance with the constitutional mandates inherent in its identity as a social State governed by the rule of law, in order to provide health coverage for the entire population of Colombia. According to the Ministry of Health, the country's health insurance coverage rate as of July 2022 came to 99.19 per cent, which can be considered to qualify as universal coverage.

Minimum legally mandated thresholds for social benefits, including pensions

93. In addition to what was mentioned in the preceding report, it may be noted that the Government has sought to safeguard the purchasing power of workers and pensioners in Colombia and has therefore instituted increases in the minimum wage that exceed the annual inflation rate so that persons earning the minimum wage not only maintain but actually increase their purchasing power. The minimum wage thus represents a level of income that ensures a decent standard of living for all workers and pensioners in the country, one that

meets their individual and their family's basic needs in terms of food, education, health, housing, clothing and recreation throughout their working life and after retirement.

Non-contributory social assistance allowances for disadvantaged and marginalized individuals and families not covered by contributory schemes

94. In addition to the subsidized health regime discussed in section 12, the following programmes are offered:

95. **Solidarity income:** The purpose of this mechanism is to provide a monetary subsidy to counteract the negative economic and social effects of the COVID-19 health emergency on poor and vulnerable individuals and households that are not beneficiaries of other social programmes.

96. **VAT refund:** As a measure of economic support for the poorest households, the Government instituted a value-added-tax (VAT) refund scheme to provide low-income families with funds that will alleviate the impact of this tax on the most vulnerable persons.

97. **Families in Action:** Families in Action is a Department for Social Prosperity programme that offers families with children and adolescents living in poverty and extreme poverty an economic incentive that is conditional on their continued attainment of school attendance and health-care benchmarks for their children and adolescents.

98. **Youth in Action:** This government programme provides conditional cash transfers to young people to support their technical, technological and/or vocational training in order to build their capacity and increase their opportunities for attaining social mobility and well-being. Life skills training is also provided in order to help them to realize their life goals.

99. The *Colombia Mayor* social protection programme for older adults seeks to provide greater protection for older adults by furnishing an economic subsidy for those who are homeless, do not have a pension or live in extreme poverty.

100. The *Empléate* ("get a job") programme is a new initiative of the Department for Social Prosperity aimed at providing effective, ongoing access to the labour market for members of the population living in poverty and extreme poverty. This programme implements employment projects that contribute to economic reactivation and the generation of income for the population.

101. The *Familias en Su Tierra* ("families on their land") programme contributes to the socioeconomic stabilization of returnee or relocated households that are victims of forced displacement. The programme offers a comprehensive array of services that include components for building human and social capital, ensuring food security, improving housing conditions and starting up or strengthening production projects.

102. The IRACA® programme takes a comprehensive but differential approach to the implementation of food security projects and the promotion of production practices that will empower communities in the pursuit of their own development efforts. It serves Indigenous and Afro-Colombian households and communities.

103. The UNIDOS ("united") Strategy for Overcoming Extreme Poverty is a national, cross-cutting and intersectoral initiative coordinated by the Department for Social Prosperity. It seeks to improve the living conditions of the poorest households in the country through family support services and preferential access to relevant public and private social services in the areas of health, education, labour and housing.

104. **Collective ventures:** This programme helps to build the business skills of formally constituted productive organizations by providing technical assistance tailored to their needs and access to relevant production assets.

105. The *Mi Negocio* ("my business") programme opens up opportunities and develops capacities for the creation and/or development of production projects that then provide a means of generating income through the capitalization of business ventures and start-ups.

106. The chief aim of the Food Security Network Programme is to promote food security for the country's poor households by contributing to the availability and consumption of healthful food through the promotion of production for home consumption, healthy eating habits and the use of local food and other products.

107. Investments in cash transfers made between August 2018 and July 2022 and the number of beneficiaries are as follows:

- Families in Action: Col\$ 9.2 billion for 2,633,598 households.
- Youth in Action: Col\$ 2.7 billion for 705,881 young people.
- Solidarity income mechanism: Col\$ 16.1 trillion for 4,042,300 households.
- *Colombia Mayor*: Col\$ 7.8trillion for 1,737,565 participants.
- VAT offsets: Col\$ 1.8 trillion for 2 million households.

108. The total investment in conditional and non-conditional cash transfers was over Col\$ 37.6 trillion (September 2022).

Right to a pension for men and women

109. The relevant information is the same as was provided in the preceding report.

Social security programmes for informal workers

110. The programmes run by the Department for Social Prosperity target the poor, extremely poor and vulnerable sectors of the population. Although some of the beneficiaries are part of the underground economy, their eligibility for these benefits is determined on the basis of other factors.

Non-contributory plans for non-nationals

111. In addition to the information provided in section 2.3, it is important to bear in mind that all Department for Social Prosperity programme activities are targeted by means of the Social Programme Beneficiary Selection System (SISBEN). This system classifies the members of the Department's target population groups by poverty level. Therefore, foreign migrants must be registered with SISBEN in order for their poverty and vulnerability levels to be classified. Once that has been done, they may qualify for some social programmes whose operating procedures give those programmes the flexibility to serve this segment of the population.

112. Foreigners having a regular migration status may access all the available institutional services, provided that they have met the established requirements, just as persons with Colombian nationality are obligated to do as well. Nonetheless, with respect to access to health care, all Colombian residents, including non-nationals, can register with the Social Security System as long as they have a valid document for that purpose.

113. If a person has the financial means, he/she must register with the contributory regime, which provides access to economic benefits such as disability payments in the event of illness, maternity and paternity leave and the health services included in the Health Benefits Plan. If, on the other hand, a person does not have the necessary financial means, he/she must enrol in the subsidized regime, which does not provide for the payment of economic benefits.

114. Migrants with an irregular migration status or who have not complied with their constitutional and legal duty to regularize their situation with the Colombian immigration authority and do not have a valid identification document for whatever reason cannot sign up or be registered with the Social Security System; they are, however, entitled to receive emergency health care.

Article 10

Right to protection and assistance to the family

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

115. In addition to what was mentioned in the preceding report, the Colombian Family Welfare Institute implements programmes that include various actions and strategies with the aim of promoting:

- The recognition of adolescents and young people as rights holders and of sexuality as an inherent aspect of human beings
- The recognition and ownership of sexual and reproductive rights, including the rights to have a partner or not and to decide whether or not to have children and, if so, when
- Autonomy and freedom in relation to sexuality
- The right to a life free of any kind of violence.

116. These actions are based on methodological road maps for working with adolescents and young people, their families, communities and key institutional actors in order to foster knowledge, attitudes and practices that mitigate risks, help to guarantee sexual and reproductive rights and put in place relevant care pathways.

Family social services and equal opportunities for all families

117. The National Technical Round Table on Families, established in July 2020 by Colombian Family Welfare Institute Resolution No. 11736 of 2019, comprises 17 national bodies, including a representative of civil society. Its objective is to produce guidelines for coordinating, harmonizing and promoting the implementation, monitoring and adjustment of the National Public Policy to Support and Strengthen the Family. The Round Table has formulated an action plan to facilitate this policy's implementation.

118. The National Development Plan mandated the Department for Social Prosperity and the Colombian Family Welfare Institute to design and implement the Strategy for the Eradication of Child Poverty, which was adopted by the National Council on Social Policy in December 2021 and launched in May 2022.

119. Programmes run by the Department to provide family social support services in order to ensure equal opportunities for all families, in particular poor, ethnic minority and single-parent families, are listed in table 1 of annex 3.

Maternity and paternity leave

120. Act No. 1822 of 2017 was passed to ensure that infants can be properly cared for. This law stipulates that all pregnant workers are entitled to 18 weeks' maternity leave with pay at the rate they were receiving when the leave began. In addition, Act No. 2114 of 2021 on paternity leave extended the duration of this leave to two weeks. The Act also introduces shared parental leave; under this provision, the last six weeks of maternity leave may be divided between the two parents. It also permits flexible leave, whereby maternity or paternity leave may be exchanged for part-time work.

121. By Act No. 1823 of 2017, Colombia adopted a family-friendly strategy for the provision of lactation rooms in the workplace in both local government agencies and private companies. It also provides for breastfeeding training to encourage this practice in employment settings.

Protection and assistance measures for children and adolescents

122. The main protection measures for children and adolescents comprise the constitutional and legal framework that is in place for ensuring the primacy of their rights under articles 44 and 45 of the Constitution.

123. By Act No. 515/99, Colombia ratified International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138) as an overarching tool aimed at effectively abolishing child labour and gradually raising the minimum age for admission to employment to an age that would allow children to fully develop their physical and mental capacities, which in Colombia is 15 years.

124. To accomplish its institutional mission, the Colombian Family Welfare Institute has developed comprehensive protection programmes, projects and strategies. To identify children and adolescents at risk and in situations of child labour, the Institute has numerous channels of communication with the public and with officials from the National Family Welfare System through its various offices and at service units located in its 33 regional directorates nationwide and 215 local centres.

125. To provide timely and appropriate care to children and adolescents identified as being engaged in child labour, the administrative authority, together with an interdisciplinary technical team composed of social workers, psychologists and nutritionists, verifies whether the rights of these children and adolescents are being respected. This is done by means of the following: (i) an initial psychological and emotional assessment; (ii) a nutritional assessment and a review of their vaccination schedule; (iii) an initial assessment of their family environment and attachment networks and the identification of factors that protect or endanger their rights; (iv) verification of their inclusion in the civil register of births; (v) verification of entitlement to social security health system services; and (vi) verification of enrolment in the education system.

126. When rights are under threat or have been violated, an administrative process for the restoration of rights is initiated. This process involves the actions, authorizations and procedures required for the administrative authorities to restore the full and effective enjoyment of rights by children and adolescents in accordance with the specific characteristics of each case.

127. The Colombian Family Welfare Institute has various measures in place to support and strengthen the family or attachment network of children and adolescents involved in child labour. These measures prioritize keeping the child or adolescent in his or her family environment and/or attachment support network, since the family is the primary socialization agent and provides a physical and affective space in which children and adolescents can feel protected and loved.

128. These are the programmes that are in place for children and adolescents engaged in child labour as defined in the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), which classifies such labour as work that, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children. In this regard, Ministry of Labour Resolution No. 1796 of 2018 updates the list of hazardous activities that, by their nature or because of the working conditions that they involve, are harmful to the health and physical or psychological integrity of persons under 18 years of age.

129. Table 1 of annex 2 shows the number of children and adolescents engaged in child labour nationwide who received assistance through an administrative process for the restoration of rights under the aforementioned programmes run by the Colombian Family Welfare Institute between 2016 and May 2022.

130. The Institute implements a strategy through which mobile comprehensive protection units take affirmative action on behalf of child and adolescent victims of child labour. The aim of the strategy is to restore the rights of children and adolescents who are involved in child labour or are in street situations through the provision of psychosocial support to families and coordination with officials from the National Family Welfare System and local centres for the restoration of rights.

131. Table 2 of annex 2 shows the number of staff members of mobile comprehensive protection units between 2016 and 2022 and the number of units in the Institute's various regional directorates.

132. As part of the effort to identify and care for children and adolescents whose rights are disregarded, threatened or violated through their involvement in child labour or because they are in street situations, mobile comprehensive protection units carry out active daylong search events at the local level in coordination with officials from the National Family Welfare System. Table 3 of annex 2 contains information on these events.

133. Table 4 of annex 2 presents some of the Institute's achievements.

134. Between 2020 and September 2022, the Institute's prevention measures mitigated the risk of involvement in various forms and situations of child labour for 135,763 girls and boys aged 6 to 13 years.

135. To combat crimes against women, children and adolescents, the Attorney General's Office, by Resolution No. 858 of 2021, created the National Working Group on Gender-based Violence, which is composed of professionals from various disciplines. The Group uses a specialized, gender-based approach in its pursuit of the common objective of strengthening and ensuring not only the investigation of those who violate the legal rights of this population group but also their prosecution.

Action plan to combat child labour

136. Under the auspices of the Inter-Institutional Committee for the Eradication of Child Labour and Protection of Child Workers, the Ministry of Labour, as the governing body responsible for devising, adopting and guiding public employment policy, formulated the Public Policy for the Prevention and Eradication of Child Labour and Comprehensive Protection of Adolescent Workers 2017–2027. This instrument sets out the Government's road map for addressing child labour at the national, departmental, district and municipal levels.

137. Colombia applies the Child Labour Risk Identification Model designed by the Economic Commission for Latin America and the Caribbean and ILO. This model has been adapted for use in Colombia by the National Planning Department, the Department for Social Prosperity, the Ministry of Labour and the Colombian Family Welfare Institute. The use of this model is enabling the local authorities in 23 departments of the country to recognize child labour risks.

138. The child labour module of the general integrated household survey, developed by the National Department of Statistics, is the Government's main tool for measuring and analysing the extent of child labour in Colombia. The survey is carried out annually and provides estimates of the number of children and adolescents aged 5 to 17 years who are engaged in activities that are not appropriate for their age.

139. Colombia stands out for its continuous and effective efforts to reduce the child labour rate, achieving a continuous decline in that rate between 2016 and 2021. In the three months from October to December 2021, the national rate was 4.8 per cent. In the same quarter of 2016, it was 8.0 per cent.

Measures adopted to protect children against work in hazardous conditions harmful to their health and against exposure to various forms of violence and exploitation

140. In addition to what is stated in section 10.4, the measures taken to protect the rights of child and adolescent victims of commercial sexual exploitation are designed to mitigate risks and prevent the occurrence or reoccurrence of acts of sexual violence. The competent administrative authority may take action by, for example, prohibiting contact with the family member alleged to be the aggressor in cases where it is evident that the other family members will not do so themselves, or it may even remove the child or adolescent from the family environment and place him or her in a setting it deems appropriate.

141. All actions taken by the administrative authorities and interdisciplinary technical teams in cases of sexual violence must be in accordance with the technical guidelines for the

care of child and adolescent victims of sexual violence whose rights are under threat or have been violated, which were adopted by the Colombian Family Welfare Institute by its Resolution No. 8376 of 2018, and with the annex to the technical and administrative guidelines for an action strategy to restore the rights of child and adolescent victims of sexual violence, which were adopted by the Colombian Family Welfare Institute by its Resolution No. 8720 of 2018.

142. From 2020 to 2022, the Institute spearheaded the implementation of specific programmes to protect 135,763 girls and boys living in 141 municipalities from situations, such as child labour, that violate their rights and impede their integral development. This effort includes the prevention of all forms of child labour in Colombia and the mitigation of the risks posed by activities that, as stipulated in Resolution No. 1796 of 2018, are dangerous and cannot be undertaken by persons under 18 years of age.

143. The steps taken by the Ministry of Labour to prevent and eradicate child labour between 2016 and 2022 included: establishing and strengthening departmental and municipal inter-agency committees for the elimination of child labour; providing technical assistance and sharing its experience with the use of information systems for identifying cases of child labour with international partners (in 2017, ILO gave a presentation on the system to delegates from Chile, Panama, Ecuador and Peru and characterized it as an important tool and model to be followed by other Latin American countries); issuing Resolution No. 1796 of 2018; providing technical assistance in connection with the Public Policy for the Prevention and Eradication of Child Labour and the Comprehensive Protection of Adolescent Workers; raising awareness of public policies among representatives of workers, trade unions, producer associations and employers who participate in social dialogue forums held by departmental subcommittees on wage and labour policy; and drafting the Public Policy for the Prevention and Eradication of Commercial Sexual Exploitation of Children and Adolescents 2018–2028.

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

144. The Government prepared a document setting forth guidelines and actions for ensuring respect for human rights in Colombia for the period 2021–2022 based on a differentiated, intersectoral approach designed to ensure those actions' full and inclusive implementation while giving special consideration to vulnerable population groups. Older persons were included among these groups in order to combat the discrimination and stigmatization that they face.

145. Decree No. 163 of 2021 authorized the establishment of the National Council of Older Persons, a joint consultative body made up of representatives of civil society and standing bodies of the Ministry of Health, which coordinates the development and implementation of the National Policy on Ageing and Old Age and protects the rights of older persons to freedom of expression and opinion, access to information, and community participation and integration, among others.

146. Act No. 2040 of 2020 on measures to promote work for older persons aims to encourage the employment, autonomy and economic self-reliance of older persons who do not receive a pension with a view to ensuring an active, satisfying and healthy ageing process for Colombians. This law protects the right to employment of older persons who do not receive an old-age, family or survivor's pension and have reached pensionable age. It also protects their rights to social security and to work.

147. Act No. 1996 of 2019 establishes regulations concerning the exercise of legal capacity by adults with disabilities. This law eliminated the following concepts from the Colombian legal order: (i) It expunged the concept of "disability" as a basis for declaring a person's incapacity to perform legal acts by removing the categories of "absolute legal incapacity" and "relative legal incapacity" for persons with mental or cognitive disabilities; and (ii) It did away with the system of "judicial interdiction" and, by extension, the categories of "guardians or counsellors and wards".

148. The National Policy on Ageing and Old Age 2015–2024 promotes the autonomy, dignity and integration of the older persons of today and tomorrow.

149. Lastly, on 13 September 2022, Colombia completed the process of acceding to the Inter-American Convention on Protecting the Human Rights of Older Persons, which was approved by the Congress of the Republic by its Act No. 2055 of 2020.

Economic and social rights of asylum-seekers and their families and legislation and mechanisms concerning family reunification for migrants

150. Asylum-seekers are provided with an SC-2 permit that allows them to make contributions to the General Health and Social Security System or enrol in the Subsidized Health Plan and be registered in the Beneficiary Identification System. The permit also allows children and adolescents to be registered in the Integrated Enrolment System and attend primary and secondary public educational institutions. Persons who apply for refugee status are not prohibited from working or engaging in any lawful activity in Colombia, but they are required to obtain the corresponding visa and work permits. The “M – refugee” visa issued to persons who have obtained officially recognized refugee status is an open work permit that allows holders to carry out any lawful activity in Colombia as long as they comply with the rules established for the exercise of a regulated profession or activity.

151. Decree No. 1067 of 2015 guarantees observance of the principle of family unity enshrined in the Final Act of the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, adopted in Geneva, Switzerland, on 28 July 1951.

Domestic violence

152. Between 1 January 2016 and 31 December 2021, the Attorney General’s Office recorded a total of 465,792 individual prosecutions for the crime of domestic violence. The total number of individual women victims was 343,669.

Legislation in force

153. In addition to legislation enacted prior to 2016, such as the Criminal Code (Act No. 599 of 2000), the Children and Adolescents’ Code (Act No. 1098 of 2006), Act No. 1146 of 2007, Act No. 1336 of 2009 and Act No. 1257 of 2008, the following legislation has been adopted:

154. Act No. 1959 of 2019 lays down penalties for domestic violence offences: “Any person who subjects a family member to physical or psychological abuse shall, provided that the conduct does not constitute an offence punishable by a heavier penalty, be sentenced to 4 to 8 years’ imprisonment.”

155. Act No. 2089 of 2021 prohibits physical punishment, cruel, humiliating or degrading treatment and any type of violence as a correctional measure for children or adolescents. This law also has an instructional purpose in that it identifies and illustrates alternatives and practices for educating, guiding and disciplining without violence.

156. Act No. 2137 of 2021 on the identification and detection of risks of sexual violence is designed to ensure an effective response on the part of the State and thus prevent such violence from happening.

157. Act No. 2126 of 2021 is focused on eliminating the excessive and disparate workload of family welfare offices so that they can concentrate on the prevention of domestic violence and the provision of protection, care and guarantees of non-repetition to victims.

National action plan to combat domestic violence

158. The National Pedagogical and Prevention Strategy Against Corporal Punishment and Cruel, Humiliating or Degrading Treatment of Children and Adolescents was drawn up pursuant to Act No. 2089 with the aim of using an evidence-based approach for transforming

the mental constructs, beliefs and behaviours that have socially and culturally naturalized and normalized these forms of violence. This strategy also focuses on strengthening the capacities of the actors jointly responsible for safeguarding the rights of children and adolescents, promoting the participation of children and adolescents in social and cultural change and encouraging social advocacy.

159. The Colombian Family Welfare Institute, which is in charge of monitoring the implementation of this strategy's action plan, has developed several initiatives to promote children's integral development and prevent various types of violations of their rights, including domestic violence.

Measures to raise awareness of the problem of domestic violence

160. In accordance with Act No. 2089 of 2021, the Office of the Presidential Adviser on Children and Adolescents has provided technical assistance to local authorities in setting up training centres to carry out awareness-raising and instructional activities for parents, caregivers and civil servants on preventing corporal punishment and cruel, humiliating and degrading treatment of children and adolescents.

161. From 2020 to 2022, the Colombian Family Welfare Institute provided technical support for its initiatives, programmes and services through three relevant lines of action: prevention of domestic violence, promotion of a gender perspective and sexual diversity approach, and prevention of sexual violence.

162. The Institute has launched a special strategy entitled *En la Jugada* ("on the alert") aimed at averting specific kinds of risks associated with local contexts and dynamics. The methodology used for this strategy provides for the involvement of adolescents and young people, in addition to their families and communities, which are recognized as their support networks, and the strengthening of the institutional framework for preventing and addressing gender-based violence with a focus on rights, gender and intersectionality.

163. Since 2015, the Attorney General's Office has provided training concerning crimes of gender-based violence, in particular domestic violence, based on a recognition of the fact that most victims of this type of offence are women and that gender-based violence targeting women is often a precursor to femicide. Specialized institutional training on violence based on gender, identity and sexual orientation is provided to prosecutors and their assistants, judicial police investigators and other civil servants involved in dealing with, investigating and prosecuting crimes of gender-based violence.

Human trafficking and the anti-trafficking action plan

164. Between 1 January 2016 and 31 December 2021, the Attorney General's Office recorded a total of 863 individual prosecutions for the crime of trafficking in persons.

165. According to the Observatory on Trafficking in Persons of the Ministry of the Interior, between January 2017 and December 2020, 429 victims were identified, of whom 72 (16.8 per cent) were Venezuelan nationals. Of the latter group, 61 per cent were lured by a false job opportunity, 80 per cent were women and nearly 50 per cent were aged between 15 and 24 years, with the rest of the victims ranging between the ages of 10 and 44 years.

Anti-trafficking action plan

166. Colombian law establishes several trafficking-related offences (arts. 141B, 188A and 188C of the Criminal Code).

167. The National Strategy to Combat Trafficking in Persons is implemented by the Inter-Agency Committee to Combat Trafficking in Human Beings, an inter-institutional body through which various State agencies cooperate with each other in taking measures to ensure the effectiveness of public policies to assist trafficking victims.

168. This strategy was adopted by Decree No. 1818 of 2020. It is intended to cover the period from 2020 to 2024, and one of its fundamental principles is precisely the comprehensive protection of victims, which includes not only "preventive" protection but

also a special focus on comprehensive assistance in order to avoid revictimization and promote the restoration of victims' rights.

169. National Economic and Social Policy Council document No. 4100 sets out the Strategy for the Integration of the Venezuelan Migrant Population to Promote National Development. This document addresses, among other issues, the risk faced by Venezuelan migrants in Colombia of being subjected to human trafficking.

170. The economic, social and cultural approach used in this strategy is aimed at providing an institutional response to newly arising needs in relation to the integration of Venezuelan migrants so that they may contribute to the country's development and prosperity. This initiative thus indirectly helps to protect the migrant population from falling victim to human traffickers.

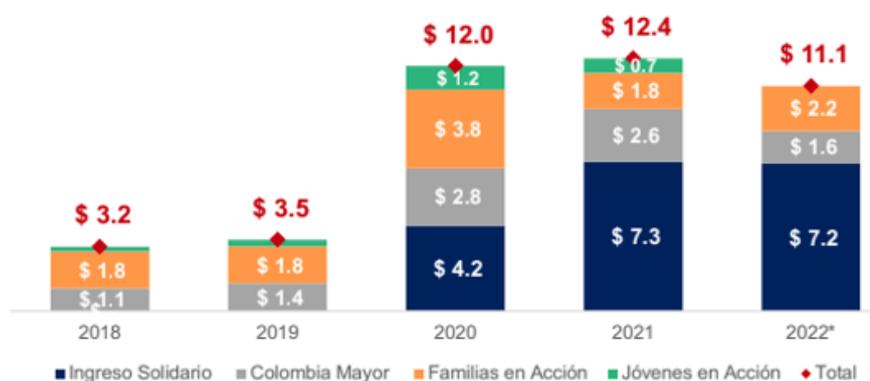
171. By Resolution No. 0-0261 of March 2022, the Attorney General's Office established the Strategy to Combat Trafficking in Persons, Migrant Smuggling and Related Crimes. The Office has developed a targeted, sustainable tool that enables its staff to supervise and monitor the State's anti-trafficking activities at the national, departmental, district and municipal levels.

Article 11 Right to an adequate standard of living

172. The entire world has experienced one of the worst social, economic and health-care crises of recent times as a result of the COVID-19 pandemic. Colombia was no exception. In 2020 and 2021, the COVID-19 pandemic negatively impacted economic factors and social and development indicators in all countries of the world, including Colombia. The atypical events associated with the pandemic require special consideration when looking at different development indicators. To tackle the challenges posed by the pandemic, the Government has strengthened its social programmes, with a particular emphasis on vulnerable populations and young people, in line with the three pillars of the National Development Plan.

Figure 1
Investment in cash transfer programmes, 2018–2022
(In trillions of Colombian pesos)

Gráfica 1. Inversión programas de transferencias monetarias 2018-2022 (cifras en billones de pesos)



Fuente: MHCP con insumos del DPS

173. With regard to recommendation 48 on programmes to combat poverty and inequality, the Government more than tripled its investment in cash transfers during the public health emergency caused by COVID-19. Notably, the solidarity income scheme was implemented to counteract the negative effects of the pandemic, and one-off transfers were received by beneficiaries of the Families in Action, Youth in Action and *Colombia Mayor* programmes, as mentioned in section 9.3.

174. The above reflects the efforts made by the Government to protect the incomes of the most vulnerable households, as confirmed by the poverty indicators for 2020 and 2021, which attest to the significant impact that cash transfers had in reducing monetary and extreme poverty nationwide. In particular, in each of the aforementioned years, the rate of extreme poverty was 3.6 percentage points lower than it would have been without cash transfers, and the rate of monetary poverty was 4.7 percentage points lower than it would have been without cash transfers in 2020 and 4.0 percentage points lower in 2021. Specifically, according to results recently published by the National Department of Statistics, cash transfers prevented 1.7 million people from falling into monetary poverty and 2.0 million people from falling into extreme poverty in 2021.

175. In addition, the Mitigation and Emergency Fund was created pursuant to Legislative Decree No. 444 of 2020 as a fund without legal personality within the Ministry of Finance and Public Debt, which: (i) allows for the independent management of such resources; and (ii) guarantees timeliness, speed and efficiency in the distribution of resources from the Fund once they have been allocated.

Table 3

Mitigation and Emergency Fund budget allocations and execution, 2020–2022

(In Colombian pesos as current prices)

Tabla 3. Recursos FOME apropiación y ejecución 2020 - 2022 (cifras en pesos corrientes)

Vigencia	Apropiación	Compromisos	Obligaciones	Pagos
2020	\$40.527.300.000.000	\$22.030.812.584.187	\$18.661.180.817	\$18.661.113.766.735
2021	\$24.977.487.415.812	\$23.357.112.353.253	\$21.884.713.481	\$21.763.791.023.903
2022	\$1.620.375.062.559	\$724.314.555.000	-	-

Fuente: Ministerio de Hacienda y Crédito Público SIF

Nota: Información 2020 y 2021 con corte a 31 de diciembre de 2020. Información 2022 con corte a marzo 2022.

Right to the continuous improvement of living conditions

176. In table 2 of annex 6, a link to the National Quality of Life Survey from 2016 to 2021 is provided. The survey is designed to provide information which may be used to analyse and compare the socioeconomic conditions of the country's households.⁴

Methodology used to measure poverty in Colombia

177. The State officially adopted methodologies and institutional arrangements for measuring poverty in Colombia through National Economic and Social Policy Council document No. 150 of 2012.

178. Two factors are used to measure monetary poverty: the per capita income of an individual or household and the poverty and extreme poverty lines. The general integrated household survey is used to calculate income. Poverty lines are calculated using income and expenditure surveys, which are conducted approximately once every 10 years. The new poverty lines were calculated using information from the 2006/07 National Income and Expenditure Survey.

179. The Multidimensional Poverty Index, developed by the Oxford Poverty and Human Development Initiative, is an indicator of different dimensions of household deprivation. This index traces patterns of poverty other than monetary poverty by measuring different groups of types of deprivation. Being able to analyse multiple dimensions of poverty is one of the reasons Colombia has adopted a multidimensional poverty index. The methodology also has a number of useful properties for analysing multidimensional poverty, and since it is made up of variables which may be modified through public policy, it is a useful instrument for the design and follow-up of public poverty reduction policy in Colombia. The Colombia Multidimensional Poverty Index includes five dimensions: (i) educational attainment levels of household members; (ii) conditions relating to children and young people; (iii) work; (iv)

⁴ Available at: <https://www.dane.gov.co/index.php/estadisticas-por-tema/salud/calidad-de-vida-ecv>.

health and access to residential utilities; and (v) housing conditions. Multidimensional poverty is calculated using the National Quality of Life Survey. In Colombia, a nested weighting structure is used in which each dimension has the same weight (20 per cent) within the index and each indicator has the same weight within each dimension. Thus, when a household (or all the people in it) is subject to deprivation as measured by at least 5 of the 15 (33.3 per cent) of the indicators, it is considered to be multidimensionally poor.

National Plan on the Elimination of Poverty

180. The Department for Social Prosperity has plotted out a road map for reducing poverty levels in the country. The road map draws on the entire range of available programmes for generating sustainable incomes and overcoming social barriers.

Right to adequate food

Measures to ensure the availability of sufficient quantities of affordable food of an acceptable quality

181. In order to promote the consumption of safe and healthy food and reduce foodborne diseases, a risk-based health alignment chart is being perfected on the basis of a normative list developed in line with the work of leading international organizations in the area of animal welfare such as the World Health Organization, the Codex Alimentarius of the Food and Agriculture Organization of the United Nations (FAO) and the World Organization for Animal Health.

182. In 2020, 483 outbreaks involving 4,550 cases of foodborne disease were reported. In the first quarter of 2022, 42 outbreaks of foodborne disease were reported by the National International Health Regulations Focal Point and regional health agencies. Outbreaks of foodborne disease occur mostly in educational institutions and the home.

183. As part of the effort to reduce food risks, official inspections are carried out based on the risk levels detected in different establishments. Vehicles used for transporting food in general and vehicles specifically authorized to transport meat are also inspected.

184. A network of public health laboratories check food quality and safety. Sampling related to foodborne diseases, follow-up of rejected laboratory results and routine sanitation monitoring activities are also carried out.

185. The Intersectoral Food and Nutritional Security Commission, based on the results of an institutional evaluation of the national food security and safety policy, has been working to review and update different public policy tools for incorporating a rights-based approach to food into the national framework.

186. The State has made progress in developing the following public policy instruments:

System for progressively guaranteeing the right to food (legislative bill)

187. A multilevel coordination and governance mechanism for food security and safety is being established that entails the restructuring of the Intersectoral Food and Nutritional Security Commission to improve its operations. The mechanism also involves the establishment of a food security and safety system that defines roles and responsibilities for all actors; the promotion of regional development; local capacity-building for the management of food security and safety policies; and the adaptation and design of programmes and emergency plans to combat hunger and malnutrition.

National Economic and Social Council Policy for Progressively Enhancing Guarantees for the Right to Food

188. The Intersectoral Food and Nutritional Security Commission is formulating a policy to progressively enhance guarantees for the right to food. The work in this area is being led by the National Planning Department. This policy is designed to promote the transition from an approach centred around food security and safety to a rights-based approach to the progressive enhancement of guarantees for the enjoyment of the right to a sufficient quantity

and quality of food on a regular, ongoing, sustainable, free and culturally acceptable basis, thereby satisfying the food and nutritional needs of the country's inhabitants through the implementation of strategies focusing on availability, accessibility, appropriateness and sustainability.

System for progressively enhancing guarantees for the right to food: National Rural Plan

189. The National Rural Plan of the system for progressively enhancing guarantees for the right to food is a planning tool for coordinating the work of the constituent entities of the Intersectoral Food and Nutritional Security Commission and other entities related to the food system in order to progressively enhance guarantees for the rural population's right to food. The Ministry of Agriculture adopted this plan by Joint Resolution No. 00213 of 2022 pursuant to items 1 and 1.3.4 of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace.

190. The achievements and progress made under each of the strategies and courses of action set out in the Plan, up to 2021, are shown in table 1 of annex 5.

National Plan for Food Security and Safety: Towards the Progressive Enhancement of Guarantees for the Right to Food

191. The Intersectoral Food and Nutritional Security Commission is developing this plan with the help of a methodological road map for transitioning towards the progressive enhancement of guarantees for the right to food as a key public policy instrument for guiding national and regional decision-making on food issues in Colombia. The methodology incorporates a cross-cutting regionalized approach based on the regions established in the National Development Plan. This allows for more comprehensive recommendations, guidelines and region-specific goals that address needs at a local level more directly.

Policy for the Prevention of Food Loss and Food Waste

192. To contribute to the achievement of the Sustainable Development Goals, and more specifically target 12.3 of Goal 12: Ensure sustainable consumption and production patterns, Act No. 1990 of 2019 established the need for a policy to combat food loss and food waste involving all actors in the agrifood chain, from production to final consumption.

193. Pursuant to this law, Decree No. 375 of 2022 provides for the design, formulation and implementation of a comprehensive public policy to reduce food loss and food waste in the food supply chain, to support the provisions of Act No. 1990 of 2019 and to create incentives for the groups targeted by the associated policy measures.

194. The Counsel General's Office, working through the Special Committee for the School Meals Programme and regional committees, continually monitors the steps taken to guarantee the right to school meals for nearly 5.6 million students in urban and rural areas of the country. A follow-up report on the steps taken by local agencies to address undernutrition in children from 0 to 59 months of age was also prepared, with a focus on the actions taken by national and regional agencies to prevent and promptly address cases where children are at risk of, diagnosed with or die as a result of malnutrition or related factors.

Dissemination of knowledge concerning the principles of nutrition and healthy diets

195. In 2016, under an agreement with FAO, the Ministry of Health adopted a revised version of the Information, Education and Communication Strategy on Food and Nutrition Security in Colombia, which conforms to the territorial, social, cultural and economic realities of different groups in the country.

196. The Ministry of Health provides guidelines to stakeholders in the General Health and Social Security System (health service providers, health insurance providers and regional health directorates) as part of its comprehensive health-care policy. Emphasis is placed on the interventions and forms of care provided for in the comprehensive health-care road maps devised in line with Resolution No. 3280 of 2018 for the development of individual and collective health information and education programmes that include components for the

promotion of healthy diets, beginning with promotional and protective measures and support measures for breastfeeding and complementary feeding.

197. Since 2019, the Ministry of Health, in coordination with the Colombian Family Welfare Institute, has been implementing the “Not Even One More” (Ni 1+) Plan for combating undernutrition, which entails cooperative efforts on the part of all constituent entities of the Intersectoral Food and Nutritional Security Commission. The plan was first launched in 7 priority departments and, by 2022, was active in 17 districts. It is based on intra- and intersectoral operational agreements aimed at quickly identifying children under 5 years of age with moderate and severe acute malnutrition, providing them with health care, monitoring their nutritional recovery, providing support to their families during their treatment where services are available and guaranteeing access to the range of available services in their area in order to avoid relapses.

198. In 2021, the 10-Year Breastfeeding and Complementary Feeding Plan was approved.

199. Act No. 2120 of 2021 provides for measures to promote healthy food environments and prevent non-communicable diseases, including measures that specifically target children and adolescents, through the provision of access to clear, accurate, prompt, visible, appropriate and sufficient information on food products in order to promote healthy eating habits.

200. In 2021, the Ministry of Health issued Resolution No. 810, which establishes the technical regulations governing the conditions and requirements to be met by nutritional and warning labels on packaged food products and beverages for human consumption. The purpose of these regulations is to provide the final consumer with sufficiently clear and comprehensible nutritional information about food products, prevent deceptive or misleading practices and allow the consumer to make an informed choice.

Adoption of the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security.

201. As part of the public food security and safety policy established in National Economic and Social Policy Council document No. 113 of 2008, the Intersectoral Food and Nutritional Security Commission is working to adopt a number of different public policy instruments related to the right to food. This right is also promoted by the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, which have been approved by FAO and used as a normative and technical framework for the progressive enhancement of guarantees for the right to food in Colombia.

The right to water

202. Current levels of access to drinking water and basic sanitation (sewerage) systems in the country are reflected in the following indicators from the Quality of Life Survey carried out by the National Department of Statistics:

Water access coverage – total, urban and rural (2021)

	<i>Total (%)</i>	<i>Urban (%)</i>	<i>Rural (%)</i>
National	89.1	97.5	58.9

Sanitation system coverage – total, urban and rural (2021)

	<i>Total (%)</i>	<i>Urban (%)</i>	<i>Rural (%)</i>
National	89.6	92.9	77.8

Measures to ensure adequate access to water and the system for monitoring water quality

203. The Ministry of Housing has strengthened the specific, differentiated schemes for ensuring that the requisite technical, operational and management conditions are in place to provide access to water and sanitation services in areas which require unconventional solutions that meet the special cultural and local needs of different regions.

204. In 2021, the National Plan for the Supply of Rural Drinking Water and Basic Sanitation Services was adopted. This plan establishes a road map for institution-building, improved regional planning, technical regulations, funding, technical assistance and intersectoral coordination for the development of solutions in rural areas.

205. The necessary groundwork was done for supplying water works to organized communities (Decree No.1688/2020), regulations were enacted to permit the issuance of subsidies for rural water utilities to allow them to cope with the COVID-19 emergency and to help reduce rural household expenses (Decree No.1688/2020), relevant technical guidelines for rural areas were modified by Resolution No. 799, and regionalization initiatives were promoted to allow utilities to operate more efficiently where potential markets exist (Decree No. 086/2022).

206. Four key initiatives were launched to close gaps in terms of the adequate access to water: the Rural Water Programme, the Urban Water Programme, the Programme for Intra-household Connections and the Blue Guajira Programme. Descriptions of these programmes are furnished in table 1 of annex 7.

207. Thanks to these institutional efforts, more than 3.5 million Colombians gained access to running water for the first time and more than 3 million gained access to basic sanitation services for the first time.

Educational activities concerning hygienic water use, the protection of water sources and methods for minimizing water wastage

208. The Ministry of Housing has a sanitation and waste management programme that was launched in 2006 as the primary mechanism for implementing the Wastewater Management Plan. Thanks to the implementation of this programme, the percentage of treated wastewater rose from 42.8 per cent in 2018 to 52 per cent in 2020. This increase was mainly due to the opening of the Aguas Claras Wastewater Treatment System in the municipality of Bello, in Antioquia Department.

209. The Ministry of the Environment and Sustainable Development has made a determined effort to develop technical and regulatory tools to improve the environmental authority's control and monitoring of water use, as well as to raise awareness among water users about water use planning and collective action for water conservation. These advances are listed in table 1 of annex 8.

The right to adequate housing

Overview of access to adequate housing in Colombia

210. According to the 2021 Quality of Life Survey, 39.4 per cent of the country's households owned their own home. (This figure includes persons still making mortgage payments and those who own their houses outright.) The next-largest category of tenure was tenant or subtenant households (38.6 per cent), followed by occupants living rent-free with owner permission (15.4 per cent), de facto occupants (3.6 per cent) and collective ownership (3.1 per cent).⁵

211. According to the results of the 2021 Quality of Life Survey, the total number of households whose members were living in housing other than traditional indigenous

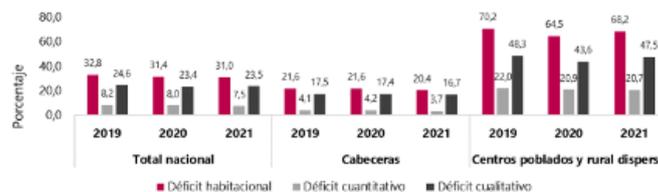
⁵ Available at: https://www.dane.gov.co/files/investigaciones/condiciones_vida/calidad_vida/2021/Boletin_TecnicoECV_2021.pdf.

dwellings was 16,908,000, or 99.1 per cent of all households in the country. Of those households, the housing conditions of 5,240,000, or 31.0 per cent of households nationwide, were deficient, which was lower than the 31.4 per cent figure recorded in 2020.

Figure 2

Percentage of households affected by the housing deficit, by type, national and area totals, 2019, 2020 and 2021

Gráfica 2. Porcentaje de hogares en déficit habitacional según tipo Total nacional y área 2019, 2020, 2021



Fuente: DANE, ECV

Measures to ensure access to adequate housing with legal security of tenure

212. Act No. 2079 of 2021 accords official recognition to the public housing policy as a policy of State, allowing adequate housing to be recognized as an element of decent housing and a right to be enjoyed by disadvantaged persons in accord with the cultural conditions of each area, in line with the principle of differentiated measures established in the Act.

213. Act No. 2044 of 2020 set standards for use in the redistribution of land occupied by illegal human settlements, including the parameters for the issuance of land titles to occupants of public property. These procedures allow the State to distribute land titles in accordance with the Government's housing policy. Awarding land titles to the persons living on that land facilitates administrative procedures on their behalf, the granting of subsidies and other measures associated with property ownership.

214. The Decent House, Decent Life Programme of the Ministry of Housing works to simplify existing regulations and expedite the transfer and formalization of title to illegally occupied public properties by facilitating the transfer of public properties owned by any public entity free of charge and thereby guaranteeing legal security of tenure to the beneficiary households, either through direct transfer or conveyance; the provision of collateral to the banking sector to facilitate access to bank loans; and the management of subsidies for housing improvements.

215. In order to measure the results of this new titling policy, a "titled social housing" indicator has been created and the goal of titling 56,600 homes (14,150 homes annually) has been set.

Measures to ensure secure housing

216. Act No. 400 of 1997 established general standards for the construction of earthquake-resistant buildings that were rolled out in a number of different regulatory decrees. These decrees utilize the NSR-10 Colombian Regulation for Earthquake-Resistant Construction as the technical standard that must be met by all buildings intended for human occupancy or habitation.

217. Subsequently, Act No. 1796 of 2016 amended and supplemented Act No. 400 of 1997 by, among other provisions, establishing measures focused on protecting homebuyers, increasing building safety and expanding upon the public duties of inspectors. The Act also provides for obligatory homebuyer protection measures such as credit, insurance or trust contracts that guarantee compensation for homebuyers in the event of a loss.

Forced evictions and displacement

218. Decree No. 579 of 15 April 2020 was issued in response to the COVID-19 pandemic. This regulatory instrument established temporary measures regarding commonhold and lease agreements, including, notably, the prohibition of evictions from April to 30 June 2020.

219. With regard to the issue of forced displacement, the Ministry of Housing has incorporated differentiated measures into its programmes to improve the targeting of subsidies and allowances for rental housing, home improvement projects and the acquisition of new social housing for the most vulnerable groups in the population, including victims of the armed conflict. The measures taken are listed in table 2 of annex 7.

Article 12 Right to health

220. In addition to the information provided in the preceding report, it should be noted that Statutory Act No. 1751 of 2015 establishes the following groups as subjects of special protection: children and adolescents, pregnant women, displaced persons, victims of violence and armed conflict, older persons, persons with orphan diseases and persons with disabilities. It also stipulates that their health care may not be limited by administrative or economic restrictions of any kind and, in particular, that victims of sexual violence have the right, as a matter of priority, to the psychological and psychiatric treatment they need. Furthermore, a psychosocial and comprehensive health-care programme has been developed for the victims of violence and armed conflict covered by Act No. 1448 of 2011.

221. Developments in relation to the digital transformation include a new framework for telehealth and interoperable clinical history management systems. More than 337 health-care providers are now equipped to provide telemedicine services.

Child and maternal health and sexual and reproductive health

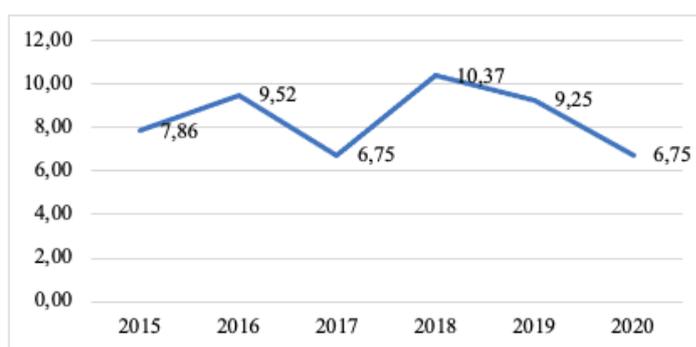
222. A health promotion and maintenance road map in the national health system has been launched (see Resolution No. 3280 of 2018) that provides for comprehensive assessments to be conducted at each stage in the life course to allow changes in nutritional status to be detected. This makes it possible to identify, for example, children with moderate and severe acute undernutrition.

223. The technical guidelines for the comprehensive management of treatment for moderate acute and severe acute undernutrition in children aged 0 to 59 months were updated by Ministry of Health Resolution No. 2350 of 2020. These guidelines are aimed at health insurance providers, health-care providers and institutions, and regional health directorates and are to be used as a tool for the identification, treatment and monitoring of cases of moderate acute and severe acute undernutrition.

224. The undernutrition mortality rate for children under 5 has fluctuated over the last five years. It had increased in 2018, possibly as a consequence of high migration levels and more accurate reporting and identification systems. The figure has decreased since 2019 as a result of intersectoral action taken to address the problem in Colombia, such as steps taken under the “Not Even One More” Plan for combating undernutrition described earlier.

Figure 3: Undernutrition mortality rate in children under 5, 2015–2020

Gráfica 3. Tasa de mortalidad por desnutrición en niños menores de 5 años, 2015 - 2020



Fuente: DANE, EEVV 2022

Immunization programmes and the fight against infectious diseases

225. The broad coverage of the health-care system in Colombia enabled the country to mount a strong response to the COVID-19 pandemic. For instance, during the pandemic, Colombia went from having 5,346 intensive care beds to 13,200 beds in intensive care units and from a single laboratory to a network of 180 laboratories throughout the country with the capacity to conduct more than 150,000 tests daily, including polymerase chain reaction and antigen tests. In addition, 173,484 units of equipment were acquired, including ventilators, monitors and other medical supplies. Furthermore, thanks to Colombia's national immunization plan and an investment of Col\$ 507,924,000,000, in the first year more than 77 million vaccine doses were administered, more than 80 per cent of the population received a first dose, 66 per cent completed their vaccination schedule and more than 8 million people received booster doses.

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

226. According to the most recent population study – the 2019 national survey on the use of psychoactive substances conducted by the National Department of Statistics and the Ministry of Justice – the use of all psychoactive substances among the general population has fallen for the first time. The first report on the 2019 study gives disaggregated data on lifetime prevalence of substance use, which had been on the rise: this figure increased from 6.5 per cent in 1996 to 9.13 per cent in 2008 and to 12.98 per cent in 2013 but fell in 2019 to 9.7 per cent, a figure similar to the level reported in 2008. Some 2.6 per cent of persons aged 12 to 65 years reported that, in the last 12 months, they had felt they needed help to stop using a certain psychoactive substance (tobacco, alcohol or another substance). This feeling was reported the most by the 18-to-24 years age group (3.1 per cent), followed by the 45-to-65 years group (2.9 per cent).

227. Further information is provided in annex 9, table 2.

Prevention of HIV/AIDS and other sexually transmitted diseases

228. Actions implemented by the Ministry of Health are listed in table 1 of annex 9.

Mental health of the Colombian population

229. According to the national mental health survey, nearly one in six adults and adolescents experience anxiety, depression, psychosis or seizures. In the last 12 months, one in every 20 to 25 children experienced a mental disorder such as a separation anxiety disorder, panic disorder, generalized anxiety disorder, depressive disorder, oppositional defiant disorder, attention deficit hyperactivity disorder or conduct disorder. A study conducted by the Ministry of Health in 2020 on mental health risks and resilience found that 30.1 per cent of respondents presented affective symptoms, representing a risk three times higher than the risk level reported in the 2015 national mental health survey.

230. Health-care coverage for treatment for depression was increasing up to 2019, before the pandemic, with 207,227 cases being managed in 2019 in comparison to 121,437 cases in 2016. This was also the case for older adults: 306,278 older adults received treatment for depression between 2016 and 2020. In the case of neurocognitive disorders, the coverage of treatment for dementia, especially for Alzheimer's disease, has increased in the last five years. In fact, coverage increased by 345 per cent between 2015 (6,626 cases detected) and 2020 (29,458 cases diagnosed).

231. National Economic and Social Policy Council document No. 3992 and Ministry of Health Resolution No. 4886 of 2018 and Resolution No. 089 of 2019 stipulate the actions that are to be taken with regard to mental health care and psychoactive substance use

prevention and treatment in Colombia. These actions take a prevention-based approach that focuses on strategies aimed at reducing environmental risk factors (see annex 9, table 2).

232. The following five areas of focus are outlined in these two resolutions. Area 1: Promotion of good interpersonal relationships and mental health in all settings; Area 2: Prevention of individual and collective mental health conditions, mental health disorders and epilepsy; Area 3: Comprehensive support for persons experiencing mental health problems, mental disorders and epilepsy symptoms; Area 4: Comprehensive rehabilitation and social inclusion; and Area 5: Sectoral and intersectoral coordination, management and organization. Progress made in each area is presented in table 3 of annex 9.

Article 13

Right to education

233. The sector with the largest government budget in Colombia is the education sector, and that budget increased from Col\$ 38 trillion pesos in 2018 to Col\$ 47.3 trillion in 2021. Free preschool education has also been guaranteed for 1,596,431 children aged 0 to 5 years, of whom 256,561 are victims of violence. Around 695,000 young people benefit from free higher education, representing 97 per cent of undergraduates at Colombian universities. Funding for the school meals programme has been increased by 50 per cent, enabling it to serve more than 5.6 million students.

Aims and objectives of education in Colombia

234. In addition to the information provided in the preceding report, it may be noted that the first guiding principle of the National 10-Year Education Plan 2016–2026 is that the education system should support students’ personal development. One of the challenges that the plan is designed to address in order to fulfil the country’s vision for education during this decade is the establishment of a pedagogical approach oriented towards human development in which all elements of students’ education contribute to the nation’s development in a context of cultural and social diversity and increasing internationalization.

Compulsory and free primary education

The level or grade until which education is compulsory and free

235. According to the Constitution of Colombia: “The State, society and family are responsible for education, which shall be compulsory between the ages of 5 and 15 years and shall comprise at least one year of preschool and nine years of basic education.” One of the provisions of the National Development Plan 2014–2018 aimed at ensuring greater coverage and school retention indicates that “education shall be compulsory up to grade 11”. All children, adolescents and young people therefore enjoy equal opportunities in access to education without distinction on the basis of nationality, race or gender.

School fees

236. Decree No. 4807 of 2011 (compiled in Decree No. 1075 of 2015, the Consolidated Regulatory Decree for the Education Sector) governs the free provision of education for all students registered at public educational institutions between the initial year (grade 0) and grade 11. For this purpose, the Ministry of Education funds the provision of instruction free of charge at State-run schools to improve the quality of education and enable students to gain access to, and remain within, the education system. The free provision of an education is understood to entail exemption from paying school fees or paying for complementary services; State-run schools may therefore not charge tuition or fees for complementary services.

Measures to ensure the affordability of technical and vocational education

237. More than Col\$ 4.6 trillion in additional resources have been allocated to strengthen the operation of the country's public institutions of higher learning and to increase its investment in those institutions.

238. The country's 64 higher education institutions are located in all the departments of Colombia and use various instructional modalities (such as in-person teaching, distance learning and virtual classrooms). They also offer programmes, along with subsidies and allowances, that enable people living in rural municipalities and sparsely populated areas to gain access to such institutions. Approximately 77 per cent of the population registered with these institutions belongs to social strata 1 or 2, and 97 per cent belong to social strata 1, 2 or 3. This provides an indication of the fact that everyone in Colombia has ample opportunity to gain access to higher education through the public education system.

239. The Ministry of Education has launched the "Generation E" programme for the promotion of higher education access and excellence. This programme has three components: equity, excellence and investment. Work is carried out across all three components to support the goals of social mobility and regional development. Under the equity component, for the first time in Colombia's history, a progressive fees model has been implemented to support access to public institutions of higher education. Under the excellence component, the academic merit of young people obtaining the top results in the Saber 11 examinations is recognized, allowing them to gain access to higher education institutions of recognized excellence. By April 2022, 276,954 young people had benefited from the programme, a figure that is projected to reach the target of 336,000 by the end of 2022. Pursuant to the free education policy, a further 732,000 young people will receive funding from the Education Solidarity Fund, from other national and regional strategies and from public higher education institutions themselves.

240. To strengthen student loan financing for higher education, the Colombian Institute for Student Loans and Studies Abroad (ICETEX) has enhanced its user-centred focus with a view to offering even greater benefits. For example, it has managed to lower its interest rates by identifying new sources of funding and issuing more than Col\$ 650 billion in social bonds. It has also opened new lines of educational credit for vulnerable groups that are tailored to the specific situations of members of such groups and has developed an income-contingent payment model that allows new users to set their loan payments at a certain percentage of their income, which in no case amounts to more than 20 per cent. A relief and stimulus plan has also been created that provides users with several ways to pay their debts and recognizes students who excel academically or in their contribution to research, culture or sport.

241. Finally, the ICETEX Community Programme helps young people and their families by providing vocational guidance and support, well-being activities and activities designed to encourage young people to remain in education and to help them to enter the world of work, with the end goal of assisting young people to follow their educational pathways through to completion.

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

242. The national illiteracy rate fell by one percentage point between 2018 and 2022. The Ministry of Education has made progress in the implementation of the first integrated special school cycle component of its literacy strategy, with priority being placed on educational activities aimed at ensuring access to the education system for illiterate young people, adults and older adults living in rural and sparsely populated areas. The strategy includes a special budget line item, resourced out of the Ministry of Education-ICETEX Administration Fund established under the terms of Contract No. 277 of 2019, for financing 48 regional education projects led by 48 certified local education authorities in partnership with highly regarded higher education institutions. A total of 28,000 individuals are able to benefit from this initiative thanks to an investment in the amount of Col\$ 22,602,733,341.93.

Education for children belonging to minority and Indigenous groups

243. Strategic, cross-cutting educational support is provided to members of ethnic groups by the Ministry of Education based on a broad regulatory framework that is grounded in articles 7 and 10 of the Constitution, Act No. 115 of 1994 (part III, chapter 2), Regulatory Decree No. 804 of 1995 and international treaties and conventions. The aim is to provide members of ethnic groups with a relevant, high-quality education that reflects the country's cultural and linguistic diversity. The adoption of the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 107) and its incorporation into Colombia's legal framework by Act No. 21 of 1991 was an important step in the establishment of a participatory policy that is attuned to the community-based, intercultural educational systems of such groups.

244. In this regard, the Ministry of Education has developed and implemented actions to consolidate three policy areas:

- Improvement of the quality and relevance of education through the adoption of a holistic perspective on support for the development of public policy with a special focus on ethnic groups at all levels of the education system
- The consensus-based definition of the public education policy for ethnic groups
- Compliance with the educational components of Judgment T-025 of 2004, Orders Nos. 004 and 005 of 2009 and Victims Decree-Law No. 1448 of 2011

245. Through community education projects, the various peoples of Colombia are developing the educational and training components of their life plans. The participating ethnic groups collectively agree on the conceptual, pedagogic, methodological and operational elements needed to guide their members' education in accordance with the group's interests, cultural objectives and historical and geographic context.

246. Table 1 in annex 10 provides information on affirmative action taken in coordination with Indigenous Peoples.

247. Over the last decade, education models and projects have been developed, designed and implemented for 97 of the 102 Indigenous Peoples present in Colombia under the terms of 194 different conventions and contracts concluded between different government agencies and Indigenous Peoples' organizations.

Admission criteria for boys and girls at all levels of education

248. Under section 18 of Resolution No. 00797 of 2015, the certified local education authority in a given area is responsible for "defining and promoting mechanisms, procedures and instruments for the registration of new students". The Secretariat for Education therefore determines which documents are needed in order to enrol students in primary, lower secondary or upper secondary education.

Reduction of dropout rates among children and young people in primary and secondary education

249. The total dropout rate for basic and upper secondary education fell from 2.91 per cent in 2017 to 2.55 per cent in 2020.

250. One of the strategies developed to address conditions affecting school attendance is based on a comprehensive road map that takes into consideration local contexts and the links that communities and families have with the schools. Considerations relating to the quality of education are integrated into student retention strategies focusing on nutrition, infrastructure, residential accommodations and school transport.

251. The area of the strategy concerning student integration, well-being and attendance is composed of various action areas covering: (i) active searches, retention plans and monitoring of student progress; (ii) strategies for encouraging students to remain in school; and (iii) learning environments. The key outputs are attained by means of monitoring and

technical guidance for certified local education authorities in connection with active searches, retention plans, student accommodations, supplementary school days, school transport, flexible education models and support for victims and persons in vulnerable situations.

252. As part of a short- and medium-term plan, the SIMAT enrolment information system has been upgraded. More than 144 functional adjustments were made to SIMAT and to the SIMPADE information system for tracking, preventing and analysing cases where students drop out of school. Operational updates have increased coverage management capacity. In addition, the databases of the Families in Action programme were cross-referenced with the SIMAT databases to allow identification of at-risk groups and follow-up on individual cases.

Article 14

Right to education (see article 13)

Article 15

Cultural rights

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

253. With the outbreak of the COVID-19 pandemic, the culture sector lost 20.7 per cent of its value added and, at its most critical point, around 64,000 jobs were lost. However, thanks to the National Council for the Orange Economy, which is overseen by the Ministry of Culture, and in the light of the importance attached to the cultural and creative sector by the Government, Col\$ 2 trillion was allocated to stimulate the sector's development in 2020.

254. By the end of the third quarter of 2021, 100 per cent of orange economy jobs lost to the pandemic had been recovered. Between 2020 and 2021, 37 projects were awarded audiovisual investment certificates, generating over Col\$ 900 billion pesos in investment commitments and directly or indirectly creating more than 20,000 jobs.

255. Within the framework of the Comprehensive Orange Economy Policy – whose general objective is to implement strategies for working with the public and private sectors to support the application of a management model aimed at the holistic development of the creative and culture industries – orange development areas have been created to bring together artists, creators, entrepreneurs, and cultural infrastructure and facilities to strengthen the creative, production and distribution processes and access to cultural services, performances and goods. There are now 85 orange development areas across 45 municipalities and districts in Colombia that account for over Col\$ 80 billion in investment.

Affordability of concerts, theatre, cinema, sport events and other cultural activities

256. The launch of the *Crea Digital* (“create digitally”) programme has strengthened digital entrepreneurship and promoted the creation of digital initiatives that give all segments of the population the opportunity to attend concerts, theatres, cinemas, sport events and other cultural activities.

257. With a total budget of Col\$ 22,982,640,000 over 10 iterations of the programme, the range of organizations, collectives and ethnic communities participating in the programme has been expanded in an effort to incentivize the country's various ethnic groups to create digital content that reflects their universe, customs, traditions and cosmogony. During the latest iteration of the programme, Col\$ 5,701,800,000 was allocated to strengthen creative industries' production, marketing and distribution of video games and digitally animated series.

258. Because of the pandemic-related restrictions on large-scale events, in 2022 the public broadcaster Telecaribe screened several programmes covering the Barranquilla carnival. In 2021, the broadcaster Telepacífico televised the Blacks and Whites Carnival.

Access to the cultural heritage of humankind

259. By financing public media and community plans, programmes and projects, the Ministry for Information and Communications Technology indirectly channels economic resources into the production, broadcasting and audiovisual recording of events that form part of Colombia's intangible cultural heritage and into upgrades of the technology used in such events. The direct beneficiaries of this support are public service media and producers of audiovisual materials. The indirect beneficiaries are the audiences and the communities involved. Each year, an average of Col\$ 2 billion has been channelled into television coverage of events that form part of humankind's intangible cultural heritage.

260. The Ministry for Information and Communications Technology does not just ensure that the proper budget allocations are transferred to the country's nine public service television broadcasters each year in order to provide access to Colombian cultural heritage; it also promotes programmes and projects focused on digital ownership, digital skills-building and access to information as a form of digital inclusion to enable Colombians – especially the most vulnerable population groups – to gain access to educational, cultural and social content and thus participate in the digital transformation.

261. For instance, in 2021, 181,181 digital skills certificates were issued across the country by the *Llegamos con TIC* (“we're getting there with ICTs”) programme. In addition, 154,275 persons attended various digital literacy courses.

Children's participation in cultural life

262. The Ministry for Information and Communications Technology runs projects in areas related to science, technology, engineering, arts and mathematics (STEAM). The *Chicas STEAM* (“the STEAM girls”) project provides training and mentoring for girls, adolescents and young women aged between 12 and 15 years. The programme is implemented using web-based communications tools and is led by professionals working in various areas in the sciences, engineering, education and the humanities.

263. Between January 2020 and December 2021, 6,430 girls and adolescents received cultural and professional training in areas of the sciences and in technical subjects. The target for 2022 is 2,855 participants.

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

264. The Ministry for Information and Communications Technology created the *Con Sentidos TIC* (“with ICT senses”) programme, which includes communication, access and training strategies for persons with disabilities and enables them to develop skills that will enable them to become competitive and creative agents in digital environments. This programme has benefited around 28,000 persons with disabilities.

265. In addition, the Relay Centre has been set up to enable deaf persons across Colombia to meet their basic communications needs using information and communications technologies (ICTs). This initiative provides the deaf community with access to interpretation services when any of its members need to communicate with Colombian institutions or offices. To date, 319,446 licences have been downloaded.

Benefits of scientific progress

266. In 2022, 1,108 municipal capitals (98.75 per cent) were reported to be connected to high-speed ICT networks. A number of initiatives have been developed to promote ICT access for all Colombians: 346,732 urban households have been connected to landline Internet service at subsidized rates; 340,821 SIM cards have been sent to students and women entrepreneurs; 1,494 urban and rural digital zones have provided free wireless Internet access in high-traffic public places; and the launch of the largest rural connectivity project in Colombia's history has thus far resulted in the establishment of 3,715 digital centres, of which 1,515 are in operation in 381 municipalities in 15 departments nationwide.

267. In the area of entrepreneurship and the development of applications and content, 17 “Vivelab” ICT innovation centres have been established; more than 55,000 entrepreneurs have received support through the Apps.co programme; the adoption of ICTs has been promoted in more than 17,000 micro-, small and medium-sized enterprises; over 1,000 procedures and services that are frequently used by members of the public have been digitized; and the average number of children per computer or tablet computer in public schools has fallen from 20 to 4.

Access to the benefits of scientific progress for all

268. Invitations for applications under the National Intellectual Property Strategy of the Ministry of Science, Technology and Innovation are open to all natural and legal persons resident in Colombia that have a patentable invention. Since 2015, the Ministry (formerly the Department of Science, Technology and Innovation) has partnered with regional stakeholders in order to maintain close contact with interested parties across the country’s different regions.

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

269. There are standards in place, such as article 20 of Decision No. 486 of the Andean Community, which establish that the following are not patentable: (a) inventions whose commercial use in the territory of a member country must be prevented in order to protect public order or morality; (b) inventions whose commercial use in the member country must be prevented to protect human or animal health or life or to protect plant life or the environment; (c) plants, animals and essentially biological processes for the production of plants or animals other than non-biological and microbiological processes; and (d) therapeutic or surgical methods for the treatment of humans or animals and diagnostic methods used for humans or animals. Evidence must be provided that patenting a certain invention would endanger public morals, health or life.

Effective protection of the moral and material interests of creators

270. Section 15.6 addresses this subject in further detail. In line with copyright regulations, when the Ministry of Science, Technology and Innovation issues calls for applications, it reiterates that applicants must respect the moral rights of others. The commitment to respect any applicable moral rights is established in Resolution No. 0361 of 2020.

271. The Ministry of Science, Technology and Innovation has in-house guidelines on intellectual property that delineate how intellectual property rights, including authors’ moral rights, are to be applied in practice.

Moral and material interests of Indigenous Peoples

272. The provisions of article 26 of Decision No. 486 of the Andean Community apply to calls for applications for the protection and management of new inventions under the National Intellectual Property Strategy. When it calls for applications, the Ministry of Science, Technology and Innovation therefore requests applicants to submit, where applicable, a copy of the document that attests to the licence or authorization to use the traditional knowledge of Indigenous, African-American or local communities in the member countries where the products or processes whose protection is being requested were obtained or developed on the basis of such knowledge originating in any one of the member countries, pursuant to the provisions of Decision 391 of the Andean Community and its effective amendments and regulations.

Legal provisions in place to protect freedom in scientific research

273. There are national, Andean Community and international intellectual property regulations in place that specifically protect the output of the intellectual efforts of natural persons as rights holders. The main such regulations are reproduced in annex 4, table 1.

Measures taken for the conservation, development and diffusion of science and culture

274. The Ministry of Science, Technology and Innovation has made significant progress in determining which research outputs, processes and developments are to be accorded official recognition based on the established standards. This type of recognition has prompted the cultural sector to seek to validate, highlight and disseminate the output of creative processes – such as those developed at the crossroads of art, culture, science and technology – in knowledge societies. The most significant advances are indicated in annex 4, table 2.
