



Introduction

1. This submission is being made ahead of the 78th Session of the Committee on Economic Social and Cultural Rights that will take place between 08 September 2025 - 26 September 2025 in relation to the examination of the Seventh periodic report submitted by Colombia on their compliance with the International Covenant on Economic, Social and Cultural Rights (ICESCR).¹ The submission will cover issues relating to Articles 7 and 12 of ICESCR.
2. This submission draws on findings from research conducted by the Digital Health and Rights Project (DHRP)² outlined in their report titled 'Paying the Costs of Connection: Human rights of young adults in Colombia, Kenya, Ghana and Vietnam'.³ The research included interviews with 302 young adults ages 18-30 who were either living with HIV, sex workers, gay men and other men who have sex with men, transgender or gender diverse, or cisgender women. DHRP conducted 33 focus group discussions, eight of which took place in Colombia (three in Bogota (Cundinamarca), three in Medellin (Antioquia) and two in Cali (Valle del Cauca). As well as interviews with 41 experts from UN agencies, government and civil society.

The right to the enjoyment of just and favourable conditions of work (Article 7)

3. DHRP's field research in Colombia involved participants who were members of groups whose identities and behaviours are stigmatised or criminalised (including women, sex workers, gay men and other men who have sex with men, and transgender people.) As such they face discrimination⁴ and barriers accessing their economic, social and cultural rights, including safe and healthy working conditions.

¹ See webpage of session of the Committee on Economic, Social and Cultural Rights for all relevant documents: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2704&Lang=en

² The Digital Health and Rights Project consortium brings together international social scientists, human rights lawyers, health advocates, and networks of people living with HIV to conduct research and advocate for rights-based digital governance in Colombia, Ghana, Kenya, Vietnam, and globally.

³ DHRP (2025), Paying the Costs of Connection Human rights of young adults in the digital age in Colombia, Ghana, Kenya and Vietnam. https://warwick.ac.uk/fac/cross_fac/cim/research/digital-health-rights/publications/paying_costs_report_2025_digital.pdf

⁴ In contravention of Article 2 and 3, International Covenant on Economic, Social, and Cultural Rights.

4. Colombian transgender sex workers and webcam models reported high rates of violence, with many accounts based on their personal experiences and those of community members who use online escort sites.⁵ Other participants described being stalked to their homes and violently assaulted by men who had found them online. In addition to violence reported by those using online escort sites, the research team in Colombia accumulated important accounts of severe workplace violence reported by webcam models in Medellín, consistent with reports documented in an investigation by Human Rights Watch.⁶
5. In the face of this violence, Colombian authorities are failing to act, thereby failing to protect the right of sex workers and webcam models to safe and healthy working conditions. Instead of protecting them, the authorities seem to be seeking to stifle their right to protest by subjecting them to surveillance measures. For example, in Bogotá, where in 2021, transgender study participants had organized a major street protest to demand police action on violence against transgender women, some participants described how police monitored social media posts of activists and used this information in court to question their credibility or link them to public disorder.⁷ In Cali, a participant in a group of men living with HIV worried about the future due to government surveillance online, and what risks they may be exposed to if the government becomes more autocratic.⁸
6. Similarly, a study conducted by Fundación Karisma⁹ found that the Office of the Attorney General of Colombia monitored public social media profiles and WhatsApp groups to

⁵ Ibid, p.30

⁶ Human Rights Watch (2024). "I learned how to say no": Labor abuses and sexual exploitation in Colombian webcam studios. Report. Available at: <https://www.hrw.org/report/2024/12/09/i-learned-how-say-no/labor-abuses-sexual-exploitation-colombian-webcam-studios>

⁷ See ADN, Las trans que se oponen a la policía, available at <https://www.diarioadn.co/noticias/las-trans-que-se-oponen-la-policia+articulo+52198/> and Analisis Urbano, Colombia: movimiento trans se opone a la Policía con «mariconeo», available at <https://analisisurbano.org/colombia-movimiento-trans-se-opone-a-la-policia-con-mariconeo/>

⁸ DHRP (2025), Paying the Costs of Connection Human rights of young adults in the digital age in Colombia, Ghana, Kenya and Vietnam, p.37 https://warwick.ac.uk/fac/cross_fac/cim/research/digital-health-rights/publications/paying_costs_report_2025_digital.pdf

⁹ Fundación Karisma (2025). Se están metiendo al perfil de al lado: Análisis de la política criminal y el uso de tecnologías para judicializar personas durante los paros nacionales de 2019 y 2021 en Colombia. Available at:

gather evidence for judicial proceedings related to the national protests of 2019 and 2021. Many of these cases were initiated and remain ongoing under narratives that contribute to the criminalisation of social protest. Taken together, these experiences and findings suggest that such surveillance practices may lead to a chilling effect, limiting people's ability to fully exercise their human rights, and thereby undermining the realisation of their right to just and favourable conditions of work, as protected under Article 7 of the ICESCR.

7. In his end-of-mission statement after his country visit to the Republic of Colombia, the United Nations Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity recommended that the government "Strengthen disaggregated data collection systems on violence and killings of LGBT individuals to improve the accuracy of institutional records and enable more effective, targeted prevention and protection measures across diverse territories." This recommendation is crucial for informing policies and actions that ensure just, favourable, safe, and healthy working conditions for LGBT persons, particularly in contexts where discrimination and violence remain prevalent.

The right of everyone to the enjoyment of the highest attainable standard of physical and mental health (Article 12)

8. DHRP's research found that people in Colombia, and transgender people in particular, face significant barriers to access digital health services. Reflecting on the diverse factors restricting their access to health information and services, study participants identified its causes in economic marginalisation and lack of rural internet infrastructure, as well as marginalisation based on gender identity and socio-economic status¹⁰.
9. Transgender sex workers have reported discrimination in accessing digital health services because of their gender identity. In Bogota, a 22-year-old participant in a focus group of transgender sex workers reported that transgender women struggle with registering their

¹⁰ In contravention of Article 2 and 3, International Covenant on Economic, Social, and Cultural Rights.



gender identities on online health platforms. She said that after the digital boom during the Covid-19 pandemic, health systems had largely moved services onto online platforms.

10. In his end-of-mission statement after his country visit to the Republic of Colombia, the United Nations Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity recommended that the government “Take urgent steps to ensure that access to quality health care is widely available to trans persons”.¹¹ This underscores the importance of developing inclusive and accessible digital health systems that adequately recognise and accommodate diverse gender identities, thereby ensuring equitable access to healthcare for all individuals.
11. The DHRP report demonstrates the range of barriers that transgender women experience, including struggling to pay for airtime, or struggling to master the needed digital literacy skills. This, one transgender woman reported, made her feel that she and her peers had been abandoned by the health system.¹²
12. Given that many participants belonged to groups whose identities and behaviours are stigmatised or criminalised (including sex workers, gay men and other men who have sex with men) they expressed concerns about having browser history, social chat messages and social media activity monitored by those closest to participants. These concerns were rooted in fears of stigma, technology-facilitated abuse, and inadequate data protection. Moreover, sex workers highlighted fears around sharing personal data with private companies and the government. These testimonies underscore how a loss of privacy, or the perception that adequate safeguards are lacking, can reinforce existing vulnerabilities and ultimately act as a barrier to the full realisation of the right to health in Colombia. General Comment 14 outlines the that the realisation of the right to health is dependent

¹¹ United Nations Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, End-of-mission statement, Country visit to the Republic of Colombia (19 to 30 May 2025), , Available at: <https://www.ohchr.org/sites/default/files/documents/issues/lgbt/20250530-ie-sogi-stm-colombia-en.pdf>

¹² DHRP (2025), Paying the Costs of Connection Human rights of young adults in the digital age in Colombia, Ghana, Kenya and Vietnam. https://warwick.ac.uk/fac/cross_fac/cim/research/digital-health-rights/publications/paying_costs_report_2025_digital.pdf p.28



on other rights including the right to privacy, and healthcare should respect confidentiality and privacy.¹³

13. As governments increasingly move services online, exclusion from digital spaces affects intersecting and interdependent human rights, including the right to health, right to privacy, and other social and economic rights.
14. Unreliable Internet coverage was reported by participants part of DHRP's research in Colombia as restricting access to health services, such as telemedicine appointments.¹⁴ For example, in a focus group with rural women in Soacha, an agricultural town outside of Bogota, participants stated that the satellite dishes they rely on for Internet access were often knocked out during storms.
15. Colombia is still emerging from a prolonged internal conflict and working towards equitable digital access and connectivity. Research has found that in municipal capitals, 2.7% of people rate their internet service as poor, while 22.7% consider it average, and these numbers are considerably higher than rural areas.¹⁵ While the Colombian government has responded with nationwide and departmental programmes, such as an initiative to install free internet points including 1,180 free Wi-Fi zones in 162 rural municipalities, urban areas have higher skill acquisition of digital skills than those in rural areas.¹⁶ Throughout DHRP's research, study participants based in Colombia highlighted diverse gaps in literacy, digital literacy (ability to navigate and share information online), or digital health literacy (ability to access, understand, and judge reliability of information

¹³ CESCR General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12)

<https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WRGS/Health/GC14.pdf>

¹⁴ DHRP (2025), Paying the Costs of Connection Human rights of young adults in the digital age in Colombia, Ghana, Kenya and Vietnam, pg. 24. https://warwick.ac.uk/fac/cross_fac/cim/research/digital-health-rights/publications/paying_costs_report_2025_digital.pdf

¹⁵ Ministerio de Tecnologías de la Información y Comunicaciones [Ministry of Information Technologies and Communication] (2021). Encuesta de Tecnologías de la Información y las Comunicaciones en Hogares. [Survey on Information and Communication Technologies in Households] Available at: https://www.dane.gov.co/files/investigaciones/boletines/entic/bol_entic_hogares_2021.pdf

¹⁶ Ibid, Ministerio de Tecnologías de la Información y Comunicaciones [Ministry of Information Technologies and Communication] (2021))



to make health decisions) as factors blocking their access to reliable health information and services.¹⁷

16. While foundational policies for regulating digital technologies have been put in place, a national digital health strategy that meets the needs of diverse populations is needed.¹⁸

Recommendations

Based on these observations, we recommend the Committee on Economic, Social and Cultural Rights considers the following recommendations for the concluding observations to the Colombian government:

1. Protect the right to healthy and safe working conditions for all sex workers and webcam models without discrimination based on their gender identity, sexuality, or socio-economic status including their profession.
2. Review and address the ongoing concern in Colombia regarding the use of surveillance technologies without adequate guarantees of transparency and democratic oversight. These practices disproportionately affect LGBTIQ+ individuals, human rights defenders, people living with HIV, and sex workers, creating a chilling effect on the exercise of their economic, social and cultural rights. In the health sector, ensure that no one is deterred from accessing services or digital platforms due to fear of being identified, exposed, or discriminated against. Public health systems must protect privacy, ensure robust data protection safeguards, and promote access for all, upholding the principle of universality.
3. Progressively improve quality and coverage of meaningful Internet access, particularly in rural areas.
4. Address the roots causes of economic and social barriers to digital inclusion and work with stakeholders to identify risks and eliminate causes of mobile debt spiral.

¹⁷ DHRP (2025), Paying the Costs of Connection Human rights of young adults in the digital age in Colombia, Ghana, Kenya and Vietnam. https://warwick.ac.uk/fac/cross_fac/cim/research/digital-health-rights/publications/paying_costs_report_2025_digital.pdf p.24

¹⁸ Ibid, DHRP (2024). Digitalisation, health and participation: a brief on Colombia.



5. Ensure that everyone has full access to health services and information, including people of all gender identities. Where digital health service options are provided, ensure there are also options for access offline.
6. Ensure that any public-private partnerships in the delivery of digital health services and/or health information uphold and expressly incorporate human rights standards and include human rights due diligence and mechanisms for effective oversight.
7. Ensure that the protection of personal data in the health sector guarantees confidentiality, security, and individuals' autonomous control over sensitive information, particularly for trans people, people living with HIV, sex workers, and other historically discriminated groups. The leakage or misuse of such data can deepen stigma, exclusion, and violence — especially in digital environments where adequate safeguards are often lacking. At the same time, data protection frameworks must not be misused to unduly restrict freedom of expression or access to information in the public interest, such as citizen monitoring of public policy or reporting institutional abuses.
8. Ensure available funding for, and to operationalise comprehensive and accessible digital literacy and training, for all ages, that is responsive to emerging needs and technological developments. Digital literacy programs must go beyond purely instrumental skills. It is essential to promote critical education in digital citizenship, privacy, online safety, and mechanisms for reporting digital violence, with an intersectional and territory-based approach.
9. Facilitate the meaningful participation of young people and communities in the formulation of policies which impact their human rights in an increasingly digitalised world.