



REFERENCE: 2019-103/CESCR/FU

10 December 2019

Excellency,

In our capacity as Chair and Rapporteur for follow up to concluding observations of the Committee on Economic, Social and Cultural Rights respectively, we have the honour to refer to the examination of sixth periodic report of Colombia at the Committee's sixty-second session, held in October 2017. In the concluding observations (E/C.12/COL/CO/6), the Committee requested Colombia to provide, within 18 months, written information on the steps undertaken to implement the recommendations contained in paragraphs 10, 16 and 50 (a) of the concluding observations.

The Committee welcomes the follow-up report (E/C.12/COL/CO/6/Add.1) received in May 2019 under its follow-up procedure. The Committee examined the report at its sixty-sixth session, held in October 2019, and wishes to communicate the following assessment:

Paragraph 10: Human rights defenders – Insufficient progress. The State party has taken a number of steps relating to the protection of human rights defenders. Although the processing of 55 per cent of cases of killings of human rights defenders between January 2016 and January 2019 represents progress, there is still a substantial need for improvement.

Of the 250 verified cases reported by the State party, only 22 have led to a conviction. According to the Attorney General, the large number of cases are at different stages of the legal proceedings. Moreover, the number of victims remains very high. According to information received, on many occasions, protection measures granted to human rights defenders do not respond to the risks and complexities of the context in which they carry out their work. More attention is needed to preventive and protective measures targeted to address the specific risks faced by women and Afro-Colombians and indigenous peoples.

The Committee requests the State party to improve the situation and to provide further information in the context of its next periodic report on measures taken and progress made on this recommendation. Information is also requested on measures taken to combat organised crime and to dismantle criminal organisations.

Paragraph 16: Exploitation of natural resources – Lack of sufficient information. In its follow-up report, the State party refers to the role played by the National Environmental Licensing Authority (ANLA) under decrees Nos 1076 of 2015 and 3573 of 2011. However, ANLA's role is primarily to examine compliance with environmental regulations. It does not appear, from the information received, that the role has been enhanced to include a legal duty to engage in meaningful consultations with communities affected by development projects. Nor does there appear to be any legal duty imposed on companies involved in such projects to engage in such consultations.

While reference was made, during the constructive dialogue held on 19 and 20 September 2017, to the implementation of the Business and Human Rights National Action Plan (“NAP”) of 2015, the State party on that occasion acknowledged that this NAP did not foresee the adoption of binding regulatory instruments ensuring that companies exploiting the country's national resources would be placed under a legally binding duty to engage in meaningful consultations with the communities affected. The Committee has been not been provided with any information concerning the upgrading of this NAP or concerning the inclusion, among its implementation measures of such a duty.

Therefore, the Committee finds that there is a lack of sufficient information to make an assessment. The State party is requested to provide information in its next periodic report on the measures taken to ensure compliance with this recommendation.

Paragraph 50: Access to land – Insufficient progress. In its follow-up report, the State party details a number of measures relating to equitable access to land and land restitution, including in the context of the implementation of the Comprehensive Rural Reform contained in the Peace Agreement.

The Committee notes that the monitoring of the implementation of land-related strategies of the Peace Agreement by the Attorney-General is a step in a positive direction. However, the Committee regrets the lack of annual or mid-term targets for several indicators to enable the monitoring of progress (e.g. hectares of land to be transferred through the land bank). Moreover, the Committee notes a number of land-related institutional processes whose implementation is due, such as the mechanisms of prevention and solution to the inconsistencies between the planned land use and the effective uses of land (2019).

Therefore, the Committee assesses that there has been insufficient progress in relation to this recommendation. It requests the State party to provide further information on the recommendations in paragraph 50(a) in the context of its next periodic report, including annual land restitution and reform targets to enable a more accurate assessment of progress made.

The Committee looks forward to continuing its constructive dialogue with the Government of Colombia, with a view to providing it with assistance in its efforts to ensure the effective implementation of the Covenant.



Please accept, Excellency, the assurance of our highest consideration.

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Renato Zerbini Ribeiro Leão
Chair
Committee on Economic, Social
and Cultural Rights

A handwritten signature in blue ink, consisting of a stylized 'S' followed by 'Lieberberg' and a long horizontal stroke.

Sandra Liebenberg
Rapporteur for follow-up
Committee on Economic, Social
and Cultural Rights