



**End of mission statement by Mr. Olivier De Schutter**  
**Special Rapporteur on extreme poverty and human rights**

**Visit to Colombia, 26 August-4 September 2024**

**Bogotá, 4 September 2024**

## **1. Introduction**

The Special Rapporteur on extreme poverty and human rights visited Colombia between 26 August and 4 September at the invitation of the government. In the course of his visit, the Special Rapporteur met with eight Ministries as well as with four Administrative Departments and the Director of the Victims' Unit. He spoke with the Vice Minister of Labour, as well as with representatives of the Ministry of Interior, Ministry of Foreign Affairs, Ministry of Finance and Public Credit, Ministry of Justice and Law, Ministry of Agriculture and Rural Development, Ministry of Health and Social Protection, and Ministry of National Education. He also met with directors of the Administrative Department of the Presidency of the Republic, the National Planning Department (DNP), the Administrative Department for Social Prosperity (DPS) and the National Administrative Department of Statistics (DANE).

He had meetings with members of the Constitutional Court as well as with the President of the Human Rights Commission at the Senate and with the office of the Colombian Ombudsperson.

The Special Rapporteur travelled to Bogotá, Buenaventura, Cali, Soacha and visited Ciudad Bolívar in Bogotá, meeting with local, regional and national government officials, international institutions and UN agencies, civil society organizations, and people affected by poverty in both urban and rural areas. He spoke with over 150 people living in poverty, including residents of informal settlements in Bogotá, Buenaventura, Cali, Ciudad Bolívar and Soacha. He also met with victims of the armed conflict, including internally displaced people, as well as with the “Mothers of Soacha”, who lost their sons when they were falsely presented by the armed forces as guerilla fighters and arbitrarily executed (the “false positives”). The Special Rapporteur met with persons with disabilities, Afro-descendants, Indigenous Peoples, women, peasants, young leaders and LGBTIQ+ persons living in poverty and subjected to various forms of violence and segregation throughout his visit. In Buenaventura, he heard from representatives of the “paro cívico”, from whom he learned about the efforts of community representatives and international organizations to implement a total of 176 agreements reached since 2017 to improve public service delivery and social investment in their communities.

In the course of his visit, the Special Rapporteur witnessed firsthand many community-led projects seeking to fill the gaps due to the failure of the State to provide basic public services in areas such as education, social protection, or access to water, and to protect the most vulnerable from the violence and hardship imposed by non-state armed groups and different forms of organized criminal groups, including drug traffickers.

## **2. Context**

### **a) The state of poverty**

Despite the enormous challenges resulting from the legacy of armed conflict, Colombia is making progress in the fight against poverty. The monetary poverty line at national level was set in 2023 at 435,375 pesos per month, an increase of 9.70 percent in comparison to the year 2022 to take inflation into account; extreme poverty was set at 218,846 pesos per month. Both measures vary, however, between the urban and rural areas, and between localities, to take into account differences in the cost of living. Based on these measures, monetary poverty decreased from 36.6 percent of the population in 2022 to 33 percent in 2023, and extreme poverty was reduced from 13.8 percent to 11.4 percent. This represents a significant improvement from only a few years ago: in 2020, as a result of the Covid-19 pandemic, monetary poverty at the national level reached 42.5 percent, erasing a decade of slow but continuous reduction of poverty levels in the country. Multidimensional poverty has also been decreasing: it declined from 19.1 percent in 2018 (and 18.1 percent in 2020, a slight increase from the preceding year due to the pandemic), to 12.1 percent in 2023.

Enormous gaps remain, however. First, certain segments of the population are significantly more impacted by poverty: 58.4 percent of the indigenous population were living in poverty in 2023, a poverty rate that is almost 50 percent higher than that of the national average. Secondly, regional differences remain important. The highest poverty rates are found in the departments of Chocó, La Guajira, Sucre and Bolívar: in Quibdó, the capital city of Chocó department in the Pacific Region, 60 percent of the population lives in poverty, and 28 percent are in extreme poverty (in contrast, 23.7 percent of the

population were in monetary poverty in the capital city of Bogotá, and 5.1 percent were in extreme poverty). Finally, while poverty has gradually decreased, income inequality remains very high: the Gini coefficient is 0.543, one of the highest rates in the world.

Because inequality is so high in the country, it is welcome that the National Development Plan now tasks the Statistics Office DANE with also measuring wealth inequalities, including inequalities in land, financial assets and immovable property. In addition to the Gini coefficient, which is insufficiently sensitive to changes at the two extreme ends of the distribution ladder, the Palma ratio should be used, measuring inequality by dividing the share received by the richest 10 percent by the share of the poorest 40 percent. In addition, DANE could be tasked with measuring social mobility, in order to inform the public debate about the need to ensure real equal opportunities to children from all social backgrounds.

#### **b) The vicious cycle between armed conflict and poverty**

Despite the Peace Agreement of 2016 and the dismantling of the Revolutionary Armed Forces of Colombia (FARC), Colombia continues to be trapped in a vicious cycle linking conflict to poverty. On the one hand, the continuation of conflict, with armed groups now occupying the space left empty by the former political guerillas, perpetuates poverty. 9.72 million people have been registered as victims of armed conflicts, and 8.66 million have been internally displaced; of these, over 1 million have fled violence since the 2016 Peace Agreement. They form a cohort of people living in poor housing conditions, with sometimes limited social connections and employment opportunities. These displaced people are routinely subject to extortionary money lending practices (known as "gota a gota"), and they may have to pay high levels of rent by the day, under the threat of eviction from unscrupulous landlords. In the areas under the control of the armed groups, forced confinements may disrupt access to work, to healthcare, and to school; entrepreneurs are forced to pay "vacunas" under the threat of violence (including execution), leading the UNHCR to identify victims of such extortions as a specific "social group" facing persecution under Article 1A, (2) of the 1951 Geneva Convention on the Status of Refugees. Finally, the delivery of public services in these areas is made particularly difficult, and municipal agents may not be able to register potential beneficiaries into the Sisbén system for access to subsidized healthcare or education, or to cash transfer programmes.

On the other hand, poverty breeds violence. Children and young adults are an easy target for recruitment into the armed groups, in the absence of other employment opportunities. Coca farmers continue to contribute to the illicit economy of drug production and trafficking, because they have no other economically viable alternatives, thus channelling resources into the armed groups who prey on narco-trafficking.

The immediate concern should be to protect the rights of victims of forced displacement. They form a particularly disadvantaged segment: 51.4 percent of the displaced were living in poverty in 2024 and 21.9 percent were in extreme poverty, compared to 34.7 percent and 12.7 percent in the general population -- and the gap has in fact increased since 2019. Women are disproportionately affected: 53.2 percent of displaced women are in poverty, compared to 49.7 percent of men.

While commendable efforts are made to improve the situation of victims, the 2004 judgement of the Constitutional Court (T-025) remains unevenly implemented, and the Victims' Law (Law 1448 of 2011), while providing important support through the Victims' Unit, does not address the poor living conditions of people displaced by armed conflict. For most victims of forced displacement, the priority is that their properties be "legalized", by being provided with legal titles recognizing their property of the land they occupy. This would allow them to be protected from evictions; to mortgage their land in order to obtain credit from banks; and to demand to be better served by public utilities. In the course of his visit, the Special Rapporteur was repeatedly explained how displaced persons were awaiting "legalization" for many years (sometimes thirty years or more), while authorities invoke environmental risks such as flooding or landslides to refuse titling or explain such refusal by their unwillingness to condone illegal forms of occupation, referred to as "invasions". If such environmental risks are real, however, these groups should be provided with adequate resettlement options; and with the passage of years, justifications based on the need to discourage "invasions" lose much of their weight.

At the same time, a cautionary note is in order. Titling of land should not be seen as a magic bullet for development and for the improvement of living conditions. Indeed, it may have the perverse effect of encouraging over-indebtedness of beneficiaries tempted to use their property as a collateral to take loans, and it may encourage speculation on land, especially in rural or peri-urban areas, by "terroros" buying off land just as its value is increased by legalization. In rural areas, titling processes should be combined with comprehensive agrarian reform, providing small-scale farmers (campesinos) with the full range of services and access to markets needed to earn decent livelihoods from their work, in line with Point 1 of the 2016 Peace Agreement: titling should serve as a means to allow peasant farmers to live from farming, not as an opportunity to sell off their land at an inflated price.

Beyond improving the protection of victims of armed conflicts, the larger challenge is to break the vicious cycle between poverty and violence. All Colombians have an interest in combating poverty and reducing inequalities, since this is a condition for lasting peace. And peace will provide enormous dividends to all. The following sections identify the priorities that could be pursued in this regard.

### **3. Combating social segregation and improving social mobility**

#### **3.1. The challenge**

Colombia has the dubious distinction of being the country with the worst social mobility in the world: according to the OECD, it would take 11 generations, or two centuries and a half, for the average Colombian raised in the bottom 10 percent of income earners to reach the mean income level -- although by that time, that person would be dead. In comparison, OECD countries on average require 4.5 generations for that gap to be bridged.

The single most important reason for this lack of social mobility is the stratification system on which the country relies. This system essentially classifies households into various "strata", ranging from 1 ("Bajo-bajo") to 6 ("Alto"), depending on the neighbourhood in which they live; reference is also made to an informal "zero" stratum, which refers to people entirely deprived of public services as they live in informal settlements or slums. This stratification system is ostensibly intended to allow for the provision of subsidized public services to households in the lowest strata, who therefore pay less for access to water, gas and electricity, while the better off strata pay higher prices and thus subsidize access to these services for poorer households. This cross-subsidization system has initially been enjoying some level of support, at both ends of the social ladder it relies on: whilst low-income housing blocks are provided public services at a lower cost to households, residents of housing blocks ranked 5 or 6 live apart from the rest. The system, however, results in a perverse form of enforced social segregation. It should be abolished as soon as practically feasible.

First, the stratification system does not even perform well the targeting function it was initially intended to achieve: it may happen that relatively better-off households live in impoverished areas and thus pay less, whereas low-income households may exceptionally reside in higher-income neighbourhoods, which obliges them to pay a higher price for public services. While the system discourages such situations (high-income families prefer to live surrounded by richer neighbours, and low-income households will try to avoid living where expenses for utilities are higher), such mistargeting may still occur.

Secondly, stratification is a major factor explaining the very low levels of social mobility in the country. It provides a textbook example of how poverty is perpetuated from one generation to the next, where people living in low-income housing blocks fail to build connections beyond their extended families and neighbours (all of whom, typically, will also be living on low incomes) - a problem made even worse by the long commuting time needed for people living in areas classified as strata 1 or 2 to work in other areas, which deprives these groups from the ability to strengthen community ties and to contribute to social activities. Lack of social ties results in children raised in the lowest strata having few role models to relate to, thus lowering their aspirations to pursue higher education or to the most rewarding jobs.

Thirdly, stratification has profound political and social consequences. The better-off ranks of society don't see poverty, and thus may care less about it: the result may be the increased political polarisation

along class lines. Even more importantly, negative stereotypes about people in poverty ("povertyism" or "aporophobia", as described by the Spanish literature) are perpetuated, in a social organization in which interactions between social classes are kept to a minimum: most rich people in Colombia know about people in poverty only what they learn from the security guards protecting their building, from their housekeeper, or from the woman waking up early every morning to take care of the children.

It is therefore welcome that Colombia plans to move away from social stratification towards the establishment of a Universal Income Registry (RUI, Registro Universal de Ingresos). This social registry should allow all households to pay for public utilities in proportion of their contributing capacity, rather than based simply on the stratum in which they are classified based on where they live.

### **3.2. Desegregating society**

#### **a) Employment**

Significant progress has been achieved in improving the situation of workers and in reducing in-work poverty. Consistent with article 53 of the Constitution and Law 278(1996), the statutory minimum wage was increased by 16 percent in 2023 and by a further 12 percent in 2024: it now stands at 1,300,000 COP, about 200 percent above the monetary poverty level, to which 162,000 COP in transportation allowances should be added. As a result of this increase, even taking into account the high inflation rates of recent years (the Consumer Price Index increased by 13.25 percent in 2023, following a similar increase in the preceding year), 1.6 million people have moved above the poverty line between 2022 and 2023.

A legislative Labour Reform Bill, awaiting approval in Congress at the time of the visit, should put an end to the institution of the "contrato sindical", which has raised concerns from the International Labour Organisation (ILO) as well as from international partners of Colombia: indeed, the "contrato sindical", defined in article 482 of the Labour Code as an agreement between one or more workers' unions and one or more employers, results in practice in a form of casualization of labour, as it treats workers as if they were independent contractors, thus depriving them from the full set of guarantees normally associated with the status of employee.

The most significant challenge facing Colombia concerns the weight of the informal sector. 55.8 percent of the workforce was considered to be informal, according to official estimates. While attempts were made in the past, particularly through Law 789 (2002), to flexibilise labour, in order to make formalization more attractive, such attempts have largely failed: they resulted in precarisation of work, without significantly increasing formalization.

Various programmes have been put in place under the Petro administration to encourage formalization: 128.197 new jobs were created in 2024, more than half of which for young workers, under the "Empleos para la vida" programme, which subsidizes the creation of new jobs, with higher subsidies going to the employment of persons with disabilities, of young workers, or of women; the "Campesena" programme was established in support of small farmers' access to services; "Saber hacer Vale" allows for the recognition of skills acquired through practice, thus favouring access to employment for the most vulnerable segments of the workforce, who were not able to acquire formal qualifications; "Full Popular" seeks to provide support to small businesses.

Consistent with ILO's Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204) and the general comment of the Committee on Economic, Social and Cultural Rights dedicated to just and favourable conditions of work, Colombia should be encouraged to pursue a two-tracks approach towards formalization. First, the human rights of informal workers should be protected, in order to avoid instances of exploitation by unscrupulous employers: health and safety at work regulations, minimum wage, union rights, and the right to equal treatment, should be extended to informal workers and enforced by labour inspectorates. Secondly, social security should be progressively extended to informal workers, and the methodology to include households as "extremely poor", "poor", or "vulnerable" under the Sisbén identification system of people in need of public support should not result in formalization immediately and automatically leading to exclusion from such support.

Formalization should also be encouraged by providing incentives to employers who choose to formalize workers, for instance by reducing the levels of social contributions during an initial period following formalization, or by making the awarding of public contracts or access to credit conditional upon formalization. Consistent with its approach towards healthcare, in which it found that subsidized access to healthcare could not result in the provision of health services worse than those benefiting patients who were able to pay contributions and thus be covered by healthcare insurance, the Constitutional Court could contribute to this process by ensuring that fundamental rights of informal workers are protected.

## **b) Social protection and public services**

### **Identifying people in need of support**

Social protection consists of a mix of non-conditional and conditional social programmes including those managed by the DPS Social Prosperity Department (Departamento de Prosperidad Social) such as its flagship cash transfer programme, Citizen Income (Renta Ciudadana). Cash transfers falling under Citizen Income include those targeted at single-parent households with children under the age of six or households with people with disabilities, Valuing Care (Valoración del Cuidado), and transfers targeted at households in extreme poverty with children under the age of 18, Colombia Without Hunger (Colombia sin Hambre).

Within the context of social protection, Colombia should be applauded for its recognition of the vulnerable situation of older persons, including the recently approved pension reform which will increase coverage for those without sufficient savings. The increase in benefits through its Elderly Colombia (Colombia Mayor) programme, from 80,000 COP to 225,000 COP, is also a step in the right direction. The Special Rapporteur was also encouraged by the launch of Emergency Care (Atención de Emergencias), an adaptive cash transfer programme which provides benefits to individuals, households or communities affected by crisis situations, including ecological emergencies. Given Colombia's high vulnerability to climate-related disasters, it is vital that the authorities continue to assess how to best protect individuals from the new risks resulting from climate change.

While the number and scope of social programmes on offer from the Social Prosperity Department and other Ministers is laudable, important challenges remain as regards expanding coverage and ensuring appropriate targeting.

Many of the beneficiaries of social protection programmes, including healthcare, are identified through the System for the Identification of Potential Social Programs Beneficiaries, or Sisbén (Sistema de Identificación de Potenciales Beneficiarios de Programas Sociales), a national targeting mechanism used by the government to identify potential beneficiaries. This tool – which classifies individuals into groups from A-D, with A being those in extreme poverty and D neither in poverty nor vulnerable – is based on in-person surveys which measure income, living conditions and other measures of well-being such as education and access to public services.

As noted by the Constitutional Court however, the targeting achieved through Sisbén is far from perfect, despite several reforms to the system since its inception in 1995. This continues to be the case in 2024 with Sisbén IV. Most vulnerable groups live in rural and often extremely remote areas: as a result, not all of those who should be in the system are included and therefore don't receive benefits. Moreover, as already noted by the Special Rapporteur, information on Sisbén is available only in Spanish (with the surveys also carried out in Spanish), which represents an obstacle for indigenous peoples whose primary language is not Spanish and risks worsening the non-take-up of rights: the gap between rights on paper and rights in practice.

The Special Rapporteur was extremely concerned by the many stories he heard of [povertyism](#) – negative attitudes and behaviours towards people living in poverty – against those relying on their Sisbén classification for social protection. Just as “strata” have become a way to classify people, not buildings, it seems being “sisbenizado” has become a measure of whether an individual has made the wrong choices in life, rather than needing support from the State in order to address structural inequalities that have been entrenched over centuries.

Efforts within government Ministries, primarily the National Planning Department (Departamento Nacional de Planeación), to move away from Sisbén IV and to consolidate national databases under a single registry of beneficiaries – the Universal Register of Income (Registro Universal de Ingresos), as proposed under Article 70 of the National Development Plan 2022-2026 (Plan Nacional de Desarrollo 2022-2026), should be encouraged. It is crucial, however, that at the same time, discrimination against people in poverty is confronted head-on in Colombia, so that this new system is perceived not as state charity, but as an instrument for ensuring the human rights of all in the country.

## **Healthcare**

Colombia's record in extending health insurance is impressive: 98.6 percent of the population was covered in 2023, compared to just one in six in 1990. Out-of-pocket spending on healthcare, at 14 percent of total health expenditure in the country, is also lower than the OECD average of 18 percent and one of the lowest in the region.

Healthcare services are provided through two regimes, contributory or subsidised. The contributory regime, through which formal workers and their employers, as well as self-employed workers, contribute 12.5 percent of their salary each month, provides access to a wide range of public and private healthcare services. The subsidised scheme is funded through taxes and transfers, and is designed for low-income individuals who cannot afford the contributory regime, including individuals within certain Sisbén categories, so that they can access public healthcare services.

Yet despite several Constitutional Court rulings, that regardless of their regime, all Colombians should have equitable access to essential healthcare, the gaps in access to and quality of healthcare in Colombia are immense. While Bogotá can boast some of the best private hospitals in Latin America, huge swathes of the population are still unable to access even the most basic of primary care services.

The situation is significantly worse outside of cities and particularly in geographically isolated areas where people are often hours from a public health centre, let alone a hospital. The Special Rapporteur was informed of sick patients in rural areas travelling for hours to be picked up by an ambulance which would then spend hours gathering other patients before transporting them to hospitals lacking basic facilities, medication or specialists. When people in rural and remote regions need to travel to other regions to see a specialist, they are expected to pay out of their own pocket – an impossible sum for so many. It is unacceptable that in an upper-middle-income country such as Colombia so many cannot access healthcare or medication, and that children are still dying of malnutrition.

A proposed bill to reform healthcare is expected to be presented to Congress in the current legislative session. While the text has not yet been submitted, the need to expand access to health services and increase the quality of care, particularly in rural Colombia, is urgent. More equal societies have healthier populations – a message Colombia should take to heart.

## **Education**

The story of education in Colombia is one of inequality: not only in the quality of education that children from lower-income households receive, particularly in rural areas, but how this inequality shadows them for the rest of their lives, perpetuating poverty from one generation to the next.

Educational inequality is attributable largely to the extreme disparity between public and private education – with parents choosing private schools for their children if they can afford to do so, leading to undervaluing and underinvesting in public education. 97 percent of children in Colombia are in public schools, yet 97 of the 100 best schools in the country are private. Private schooling is increasingly the only “good” option in the country – an option only a tiny elite can afford.

This gulf in the country's educational system – both in terms of quality and access – has led to extremely poor learning outcomes for children from low-income backgrounds. In some areas of Colombia, particularly those with large populations of ethnic minorities and a history of conflict, learning poverty – not being able to read and understand a simple text at age 10 – exceeds 90 percent, with public schools often lacking basic infrastructure, resources, and qualified teachers.

Drop-out is a major challenge facing the education system. Enrolment in the final two grades of high school was just 48.7 percent in 2021. For every 100 students that do complete high school, only 39 percent move on to higher education. And once there, the drop-out rate is 46 percent at university and over 50 percent for technical courses. Unsurprisingly this phenomenon affects mainly those living in poverty. The higher education drop-out rate is 70 percent for students from low-income households, compared to less than 10 percent for students from high-income households.

This educational apartheid between those who can afford fees and those who cannot is a major source of the social segregation that exists in Colombia. Children and adolescents from different income-levels simply do not come into contact with one another. And when they do, through government concessions that place children in private schools, or university scholarship programmes, students report a daily onslaught of humiliation and exclusion from their higher-income peers. An analysis of the impact of this stigmatisation on drop-out rates, in addition to the fact that many students cannot pay for basic materials, transport to class, or simply have to return to work to support their families, would be worthwhile.

Despite support across the political spectrum for an urgent reform of the education system in Colombia – focused primarily on increasing funding for public education and addressing the enormous gaps in educational quality and coverage between rural and urban areas –, the government has been unable to move forward with major reforms. The draft bill presented by the Minister of Education (Ministro de Educación Nacional) on 3 September 2024 – which seeks to guarantee sustainable funding for higher education and increase coverage in historically excluded regions – and any future initiatives to bolster public education, should be adopted as a matter of urgency.

Schools should be institutions that compensate for inequalities between children of different socioeconomic backgrounds, not a mirror of a highly unequal and segregated society. Investing in education, from early childhood to adult learning, is key to breaking the cycles that perpetuate poverty.

### **c) Promoting an inclusive society which values diversity**

The Political Constitution of 1991 enshrines the principles of equality and non-discrimination in Articles 13 and 43, ensuring that all people, regardless of their status, are entitled to equal protection under the law. Article 13 of the Political Constitution establishes the principle of equality and prohibits discrimination. It asserts that all individuals are equal before the law and that discrimination based on sex, race, national or family origin, language, religion, political opinion, or any other personal or social condition or circumstance is forbidden. Colombia's anti-discrimination framework includes a range of institutions and legal instruments aimed at promoting equality and protecting marginalized groups. Practical barriers and systemic inequalities persist, however, especially for those living in poverty. While the Special Rapporteur recognizes the many challenges faced in the country by people of African descent and Indigenous Peoples, due to the recent visit of the Working Group of Experts on People of African Descent and the Special Rapporteur on the rights of Indigenous Peoples, he focuses on other groups at risk that face discrimination in the country.

#### **People in poverty**

Article 13 of the Political Constitution should be read in line with international human rights law. Article 2(2) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) mentions "social origin" and "property" (in French: "fortune"; in Spanish: "posición económica") among the prohibited grounds of discrimination, alongside, *inter alia*, race, colour, sex, language or religion. The Committee on Economic, Social and Cultural Rights notes that "[d]iscrimination may cause poverty, just as poverty may cause discrimination", and it insists that such grounds should be included in the anti-discrimination framework adopted by the States parties to the Covenant.

Considering the considerable levels of negative stereotyping of people in the country, whether they are labelled "sisbenizado" or considered to belong to a low stratum, priority should be given to addressing prejudice against people living on low incomes. The Special Rapporteur encourages Article 134B of the Criminal Code (inserted by Law 1482 of 2011 and further amended by Law 1752 of 2015), which currently makes it a criminal offence to commit discrimination against "a person, group of persons, community or people on grounds of their race, ethnicity, religion, nationality, political or philosophical



ideology, disability, sex or sexual orientation", to be amended with this objective in mind by including the ground of "social origin" or "socio-economic status". Similarly, where a less favourable treatment is imposed on grounds of socio-economic disadvantage – or, in the Colombian context, on grounds of "stratum" membership or registration among the A or B levels within Sisbén -- in fields such as employment or housing, this should be considered as a violation of the principle of equal treatment.

## **Women**

Poverty in Colombia, as in many other countries, has a woman's face. Over 40 percent of households headed by women are in a situation of monetary poverty, compared to a third of households headed by men, while numbers for extreme poverty were respectively 16.7 percent versus 11.6 percent in 2022. The Colombian government is working towards addressing this gap, including via cash transfer programmes and subsidies specifically targeting single mothers. Colombia has furthermore taken steps towards acknowledging unpaid care work. Law 1413 of 2010 supports the care economy, providing that unpaid household work will be included in the National Accounting System, and the pension reform granted additional pension for women who have carried and raised children, acknowledging the lost monetary income of childbearing, often leaving women in vulnerable monetary situations.

Further progress can be expected in two domains. In rural areas, equal access to land can be crucial to women's economic empowerment. While article 58 of the Political Constitution recognizes that men and women have equal rights in access to owning land, men still own 64 percent of rural land, while women only own 36 percent. The comprehensive agrarian reform envisaged by point 1 of the 2016 Peace Agreement should therefore include a strong gender dimension.

Finally, levels of gender-based violence (GBV) remain high in the country. A 2021 UN Women Survey found that 6 out of 10 Colombian women had experienced GBV, a reality that is especially frequent in rural areas affected by armed conflict. As the levels of poverty are higher and the levels of public services provided are lower in rural areas affected by conflict, it is important for the Colombian state to expand their outreach of services and especially psychosocial support and easier access to health facilities in rural areas. One of the instruments the government is using to address this issue is the NDP National Development Plan, which has more than 40 measures with an explicit gender focus including combatting GBV.

Given the above differentiated impacts of gender and poverty, the Special Rapporteur is encouraged by the establishment of the Ministry of Equality and Equity. While he notes that, in Judgment C-161 of 2024, the Constitutional Court has called the Ministry unconstitutional due to its organizational structure, he is confident that this can be remedied, and the Ministry re-established in conditions that comply with the Constitution's requirements.

## **Persons with disabilities**

Law 1618 of 2013 protects the rights of persons with disabilities, and Law 2297 of 2023 aims to establish effective and timely measures for the benefit of the autonomy of persons with disabilities and their carers or personal assistants under a human rights and biopsychosocial approach. Under this legislation, incentives are provided for their training, access to employment, entrepreneurship, income generation and health care.

The instruments used to ensure full inclusion of people with disabilities face one major limitation, however: the requirement, to have access to certain specific forms of support, to be certified as a person with a disability. According to information provided by the Ministry of Health and Social Protection, an accumulated total of 381,044 persons accredited their disability status as of 15 August 2024. However, this number is far from the number of 1,784,372 persons with disabilities estimated by the DANE on 30 November 2020. According to the same source, in 2020, out of 1,487,354 households with at least one person with a disability, 70 percent are in "strata" one (1) and two (2).

The Special Rapporteur regrets, in this regard, that the full realization of the rights for persons with disabilities, even so more for persons with disabilities living in poverty, are hindered due to the lack of updated, consistent and disaggregated data on the population living with disabilities, as well as to the

small percentage of certificates issued and included in the Registry of Localisation and Characterisation of Persons with Disabilities to date. The Special Rapporteur met with a person with a severe disability living in poverty who had waited for years to obtain his certification. Due to his socio-economic status, and the lack of public services in his neighbourhood, including accessible transportation, the process was enormously complicated and unjustifiably delayed. According to information received, this is not an isolated case. Across the country, persons with disabilities living in poverty face real barriers including for having their disability recognized. In this regard, the Special Rapporteur emphasises the need to ensure that public spaces, transportation, and digital platforms and assistive technologies are accessible for persons with disabilities as outlined in Law 1618 of 2013, including those living in low-income communities, that targeted social services are provided, including financial assistance and access to assistive devices, and that policies that enhance the participation of persons with disabilities in all aspects of life, including inclusive education and employment, are promoted.

### **Peasants**

Peasants are acknowledged in Article 64 of Colombia's Constitution, and the 2016 Peace Agreement commits to comprehensive agrarian reform. In 2023, Colombia also endorsed the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas. Yet peasants continue to face a range of obstacles in achieving a decent standard of living. The recognition of peasants' rights under the Constitution creates the basis for a framework for the promotion and protection of rights that should ensure the fulfilment of the State's obligations and commitments to the peasantry. This can serve as a basis for overcoming the multiple vulnerabilities that peasants face such as land dispossession and violence in the territories by non-State armed groups and corporations, which have resulted in millions of peasants being displaced from rural areas to informal settlements and peripheral areas in the cities. Peasants also face a lack of access to programmes, which is the result of a vacuum in access to services such as healthcare, education, transport, credit and technology, as well as to social services.

### **Youth**

Young people living in poverty, both in urban and rural areas, often face barriers to education, employment, and social inclusion. They are also more vulnerable to violence and exploitation, including drug trafficking and gang violence.

Despite the programmes put in place by the Ministry of Labour like "Job for life" ("Empleos para la Vida"), created under Decree 533 of 2024 which incentivises hiring young people, those living in low-income neighbourhoods continue facing difficulties accessing the formal labour market. During the visit, the Special Rapporteur met with youth-led initiatives and organizations that promote social change and community engagement. These organizations were working with young people in low-income neighbourhoods to address mental health and substance abuse, as well as to prevent violence. Such community-based prevention programmes and support services' initiatives would greatly benefit from further support of local and national authorities.

### **d) Mobilizing resources**

None of the policies outlined above will be achievable unless the broader macroeconomic framework is improved, and the fiscal space expanded. This is particularly the case since Colombia has adopted a fiscal rule (initially under Law 1473 of 2011, now complemented by Law 2155 of 2021) limiting to 55 percent the debt-to-GDP ratio. This "golden rule" is highly contestable from the point of view of human rights, since it could result in making it impossible to mobilize sufficient domestic resources in order to adequately finance public services and social protection. As long as the rule stands, however, it should be seen as an encouragement to adopt taxation reforms that increase progressivity, in order to allow for the adequate mobilization of domestic resources for the full realization of economic and social rights. Indeed, tax revenues as a percentage of the country's GDP stand at 19.7 percent, significantly lower than the average in the Latin American and Caribbean region (21.5 percent) and the OECD average of 34.0 percent. Many high-income individuals are subject to effective tax rates on their incomes lower than the statutory tax rate, since much of their income comes from dividends and occasional gains rather than

work; and a higher proportion of Colombia's tax revenues are from consumption taxes, which reduces progressivity.

The tax reform introduced by Law 2277 of 2022 is an important step in the right direction, by improving progressivity, consistent with article 363 of the 1991 Political Constitution: a number of deductions and exemptions benefiting high income earners have been closed; the income tax rates they are subjected to have been increased; and a permanent wealth tax was introduced. The reform does not reduce dependency on indirect taxes, however. It thus fails to address a major obstacle to achieving a more progressive taxation system: although higher taxes on ultra-processed foods and sweetened beverages have proven health benefits, reducing overweight and obesity rates especially among the poorest segments of society, other consumption taxes, raised on food or other essential consumer items, will impact low-income groups the most. Moreover, an important component of the fiscal reform, removing the possibility for companies in the extractive industry to deduct the royalties they pay (as a compensation for the use of non-renewable resources) from their taxable income, was struck down by the Constitutional Court, on grounds that eminent jurists find highly contestable: the loss in public revenue is considerable, estimated to 6.800 billion COP annually, the equivalent to the budget of the DPS Department for Social Prosperity.

#### **4. The drug policy**

The implementation of the 2016 Peace Agreement includes a commitment towards comprehensive agrarian reform, as well as towards encouraging coca growers to move away from coca cultivation. The Outcome document of the thirtieth special session of the General Assembly on the "world drug problem" (General Assembly resolution S-30-1, annex (19 April 2016)) also refers to "comprehensive and sustainable alternative development programmes, including, as appropriate, preventive alternative development, as an essential part of successful prevention and crop control strategies to increase the positive outcome of such programmes" (para. 7, e). The social and environmental costs of a policy seeking to eradicate illicit crop production only through a law enforcement approach are considerable, since it leads to the militarization of society and provides considerable revenues to armed groups, fuelling the cycle of violence in the country. The 200,000 hectares of land on which coca leaves are currently cultivated in Colombia provide a clear example.

Crop substitution, however, will only succeed if farmers are supported to shift to agroecological practices, allowing them to comply with environmental regulations in the areas in which they operate. And if they are provided with truly viable alternatives, which include access to markets and fair prices for their produce, as well as local logistical facilities for the processing of agricultural products and access to inputs. In other terms, if illicit crop production is seen as a problem, comprehensive agrarian reform and food sovereignty provide the best answers. Moving beyond the mid-term objective of encouraging crop substitution, the long-term objective should be to encourage a global dialogue, involving countries producing illicit crops, countries where the end users are located, and countries of transit, to assess the impacts of the current international approach to drug control, and explore whether alternatives, grounded in human rights, could be encouraged instead.

#### **5. Refugees and migrants**

Since the economic collapse in Venezuela in 2014, Colombia has received almost 3 million Venezuelan refugees and migrants (official numbers being 2,857,528 at the beginning of 2024). Of the total 7.7 million refugees who have left Venezuela, Colombia is therefore hosting 44 percent, making Colombia the host of the third largest population of refugees and migrants in the world.

Over 70 percent of the Venezuelan migrants in Colombia have been granted 'Temporary Protection Statute for Venezuelan Migrants' (Estatuto Temporal de Protección para Migrantes Venezolanos, ETPV), providing the document 'Temporary Protection Permit' (Permiso por Protección Temporal, PPT), which grants access to health, education, financial services and, crucially, the right to work. These rights are granted for 10 years with the possibility of applying for a permanent residency in this period, when all requirements are met.

The open-door policy towards Venezuelan migrants and strong efforts of the Colombian government to legalize and provide services and opportunities for the Venezuelan migrants is a remarkable example of international solidarity, and rightfully described by UNHCR as “an extraordinary example of humanity, commitment towards human rights, and pragmatism”. It is therefore particularly disappointing that since 24 November 2023 it is no longer possible to apply for a PPT, and that access to this status is open only to the Venezuelan migrants who have arrived in Colombia before 31 January 2021 if arriving irregularly, and 28 May 2023, if arriving legally. This change leaves almost half a million Venezuelan people as irregular migrants in Colombia.

Any refugee (including Venezuelan) can apply for refugee status in Colombia, and if granted receive access to basic services such as health and the right to take up formal work. While awaiting the process of the application, the so-called Safe Conduct (*salvoconducto*) will be granted, providing the right to stay in Colombia, and the possibility of applying for health care. This temporary status, however, does not allow access to employment. The Special Rapporteur welcomes the Constitutional Court ruling T-056/2024 concluding that Venezuelan migrants no longer have to cancel their PPT, if applying for asylum status. However, most refugee and asylum seekers are still left without the possibility of taking up formal work, as this ruling was only recently conducted, and after the application process for PPT has been dismantled.

This is a violation of the International Covenant on Economic, Social and Cultural Rights. As noted by the Committee on Economic, Social and Cultural Rights, "Although States parties to the Covenant should accommodate refugees and migrant inflows commensurate with the extent of the maximum resources available, they would not, in principle, be justified in restricting the enjoyment of the essential content of the Covenant rights on the basis of a lack of resources, even when confronted with a sudden and quantitatively significant flow of refugees." This includes the right to work. By allowing refugees to seek and take up employment, Colombia would reduce the dependency of refugees from Venezuela on public charity or on informal and exploitative work.

The high coverage of the PPT has not prevented Venezuelan migrants from experiencing hardship. A 2023 survey conducted by DANE found that 60.1 percent of Venezuelan migrants faced difficulties in buying food, and 82.3 percent ascribed this to insufficient monetary funds, and according to the World Food Programme (WFP) 1.3 million migrants in Colombia (including but not limited to Venezuelan refugees) are food insecure. Of the 600.000 Venezuelan migrants who live in Bogotá, 62.2 percent live in monetary poverty, and 20.8 percent in extreme poverty, about three times higher than the percentage for the rest of the population in Bogotá. Women migrants from Venezuela fare significantly worse: the monetary poverty rate is 7 percent higher for women than for men, and 66.3 percent of Venezuelan migrant female-headed households experience poverty, with 25.4 percent experiencing extreme poverty, which is much higher than for male led households. An additional barrier is that although PPT holders have the right to open a bank account, banks are reluctant to do so especially since the ID verification of a PPT holder has been raised from 300 to 1400 COP (in comparison, the cost is 90 COP for a Colombian with a national ID). The economic insecurity they face puts Venezuelan and other migrants in Colombia at a high risk of being recruited by armed groups and be subject to violence, sexual violence and exploitation.

In May 2024, the Government announced plans to legalize 600.000 additional migrants. The Rapporteur commends the government on this announcement and encourages the Government to provide information to migrants on how to obtain this regularization and the implementation plan. He further recommends the government to guarantee the rights of asylum seekers to take up work, and to provide the migrants in vulnerable situations such as female-headed households with the necessary support to get out of poverty.

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The Special Rapporteur will prepare the final report on his visit to Colombia for a presentation to the Human Rights Council at its 59th session (June-July 2025). He looks forward to his continued collaboration with the Government of Colombia.