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### **The Mr. "X" case vs. Colombia**

The Human Rights Committee of the United Nations Organization through their Ruling, Communication No. 1361/2005 considered that Colombia had violated Article 26 of International Pact of Civil and Political Rights, which prohibits discrimination based on sexual orientation by "denying the author his right to his permanent partner's pension on the basis of his sexual orientation"

The Committee concluded that "the author, as the victim of a violation of Article 26, has the right to effective recourse, including having his request be re-examined without discrimination founded on motives of sex or sexual orientation. The party of the State has the obligation to adopt measures to impede that analogous violations be committed in the future" and granted Colombia 90 days and made the ruling public.

At this date the Constitutional Court, by decision C-336 of 2008, considered that same-sex couples can be the beneficiaries of pensions; nevertheless this decision only affected the general pension regime, and not the so called exceptional pension regimes that Mr. X is found in.

The Colombian State responded to the Committee that many cases are being carried out, nonetheless at this date it has not reexamined Mr. X's case, nor has it adopted measures relating to the exceptional pension regimens, nor has it made the ruling public, even though more than a year and a half has gone by since the ruling was issued. Mr. X is found now in the same condition he was on July 27, 1993, (more than 15 years ago), the date his partner died, and besides going without any pension, he has no health protection, no income, and no housing from family solidarity.

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