

**Universal Periodic Review (30th session, Apr-May 2018)**  
**Contribution of UNESCO**  
**Contribution of UNESCO to Compilation of UN information**  
**(to Part I. A. and to Part III - F, J, K, and P)**

**Colombia**

**I. Background and framework**

Title	Date of ratification, accession or succession	Declarations /reservations	Recognition of specific competences of treaty bodies	Reference to the rights within UNESCO's fields of competence
Convention against Discrimination in Education 1960	Not a State Party to this Convention	Reservation to this Convention shall not be permitted		Right to education
Convention on Technical and Vocational Education 1989	Not a State Party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	24/05/1983 Acceptance			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	19/03/2008 Ratification	The instrument of ratification contained the following declaration : <i>“Statement:  Amendments to Article 5 and other amendments that have entered into force at such time as Colombia becomes a Party to the Convention, as referred to in Article 38, paragraphs 5 and 6, will only enter into force for Colombia once the internal procedure has been completed for the approval and revision of these amendments prior to ratification as provided for under Article 150, paragraph 16, and Article 241, paragraph 10, of the</i>		Right to take part in cultural life

		<i>Political Constitution of Colombia.</i> ” [Original:Spanish]		
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	19/03/2013 Acceptance			Right to take part in cultural life

### Right to education

#### II. Promotion and protection of human rights on the ground

1. The right to education is recognized in Article 67 of the Constitution of 1991.<sup>1</sup> It frames education as an individual right and a public service that holds a social function. Education is mandatory between the age of 5 and 15 free of charge in public institutions and supervised by the State. The Law No 115 on General Education of 1994 provides the legal framework for education.
2. In terms of reporting to UNESCO, Colombia has submitted a report within the framework of the **9th (2016-2017) Consultation of Member States** on the measures taken to implement the UNESCO Recommendation against Discrimination in Education, but did not report within the framework of the **8th (2011-2013) Consultation**. Colombia reported on the measures taken for the implementation of the 1974 UNESCO Recommendation within the framework of the **5th (2012-2013)** and the **6th (2016-2017) Consultations of Member States**.

### Freedom of opinion and expression

#### ➤ Constitutional and Legislative Framework:

3. The freedom of expression, freedom of association, free press and the right to access to information are guaranteed by the Colombian Constitution. Art. 20 provides guarantees for freedom of expression. Art. 73 provides guarantees for freedom of the press. Art. 74 guarantees the right for access to information.
4. The Transparency and Access to Public Information Act (Law No. 1712)<sup>2</sup> was adopted in 2014. An office at the Procurator-General of the Nation<sup>3</sup> was set up for ensuring the right for access to public information.
5. Defamation remains criminalized under Arts. 220 and 221 of Colombia’s Penal Code,<sup>4</sup> with possibility of imprisonment of up to four years. On social networks, defamation is regulated and penalized in the same terms as in print media, television and radio.<sup>5</sup>

<sup>1</sup> Accessible on UNESCO’s Global Database on the Right to Education (accessible in Spanish) :

<http://www.unesco.org/education/edurights/media/docs/eff0907e55a796cb766d46d5958fe458bf700512.pdf>

<sup>2</sup> [http://www.mintic.gov.co/portal/604/articles-7147\\_documento.pdf](http://www.mintic.gov.co/portal/604/articles-7147_documento.pdf)

<sup>3</sup> <https://www.procuraduria.gov.co/portal/grupo-transparencia.page>

6. The legal framework on the protection of the journalistic sources relies on the Art 74 of the Constitution. During the transition process, in few cases, military courts ordered journalists to disclose their sources.<sup>6</sup> The order was in violation of the Constitution on the professional secret.<sup>7</sup>
7. The recent Peace Agreement "Political Participation: Democratic opening to build Peace"<sup>8</sup> recognizes the practical value and outreach capacity of the community media for the development and promotion of a culture of participation, equality and non-discrimination.
  - Implementation of legislation:
8. Two official bodies are responsible for regulating and licensing Colombia's broadcast media: the Ministry of Information Technologies and Communications and the National Television Authority. No licensing is necessary for print media.<sup>9</sup>
  - Safety of journalists
9. Since 2008, fifteen journalists have been killed in Colombia. The Government has responded to UNESCO requests concerning fourteen of the cases.
10. To guarantee the safe exercise of freedom of expression (as provided for in the National Constitution) in the context of the historical situation of violence, the government continues its policy of protecting journalists through the Unit for the Protection of Victims.<sup>10</sup>
11. In 2015, Colombia's Program for the Protection of Journalists completed 15 years of operation. Since 2000, every year around 100 journalists receive protection provided by the State, which can range from escorts, armed agents available 24 hours a day to the use of armored vehicles for transportation.<sup>11</sup>
12. There has been a significant downward trend in the murders of journalists. In the last year 2016, for the first time in 7 years, no journalists were murdered because of causes associated with their work.

### III. Recommendations

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<sup>4</sup> [http://perso.unifr.ch/derechopenal/assets/files/legislacion/l\\_20130808\\_01.pdf](http://perso.unifr.ch/derechopenal/assets/files/legislacion/l_20130808_01.pdf)

<sup>5</sup> <http://www.enticconfio.gov.co/redes-sociales-leyes-para-tener-en-cuenta#sthash.AUwIf8QY.x4mpuy7P.dpbs>

<sup>6</sup> <http://www.semana.com/nacion/articulo/claudia-gurisatti-fuerzas-militares-presionan-a-rcn-por-documento/528605>

<sup>7</sup> [https://www.constituteproject.org/constitution/Colombia\\_2005.pdf](https://www.constituteproject.org/constitution/Colombia_2005.pdf)

<sup>8</sup> <http://www.altocomisionadopalapaz.gov.co/procesos-y-conversaciones/Documentos%20compartidos/24-11-2016NuevoAcuerdoFinal.pdf>

<sup>9</sup> <https://freedomhouse.org/report/freedom-press/2016/colombia>

<sup>10</sup> [http://www.oas.org/es/cidh/expresion/docs/informes/2014\\_04\\_22\\_Violencia\\_ESP\\_WEB.pdf](http://www.oas.org/es/cidh/expresion/docs/informes/2014_04_22_Violencia_ESP_WEB.pdf)

<sup>11</sup> <http://wsp.presidencia.gov.co/Normativa/Decretos/2011/Documents/Diciembre/26/dec491226122011.pdf>

13. Below are the recommendations made within the framework of the 2nd cycle of the Working Group (16th session) on the Universal Periodic Review (July 2013):<sup>12</sup>

**116.93.** *Strengthen the measures regarding education and reduction of poverty of minority populations.*

**116.99.** *Intensify its efforts aimed at providing access of all children to free and compulsory primary education.*

**116.100.** *Further strengthen efforts to combat discrimination in education.*

**116.101.** *Continue adopting new measures to combat discrimination in education and to protect minority groups.*

**116.102.** *Continue prioritizing education opportunities for the largest possible proportions of rural inhabitants and vulnerable populations.*

**116.103.** *Ensure access of all children to free and compulsory primary education and accede to the UNESCO Convention against Discrimination in Education.*

**116.120.** *Continue with the policy of universal coverage of education to reach the rural areas.*

**121.** *Advance in the design of a public policy on human rights education and culture encompassing all State agencies and the general public.*

### **Review and specific recommendations**

14. Colombia was recommended to ratify UNESCO's Convention against Discrimination in Education during the previous UPR cycle. Colombia has communicated to UNESCO its endeavour to ratify it. In the context of SDG 4 on education,<sup>13</sup> ratifying the Convention would provide Colombia with a supportive legal environment towards providing and ensuring "inclusive and equitable quality education and lifelong learning opportunities for all". Colombia should be encouraged to continue actively the process of ratification of the Convention and, if needed, to seek UNESCO's assistance during this process.

15. Other recommendations concerned the education of minority populations, access to free and compulsory primary education of all children, education in rural areas as well as human rights education.

16. Enrolment in basic schooling continues to expand and the school dropout rate falls at all levels.<sup>14</sup> Access to education is also targeted by Colombia's National Development Plan 2014-2018.<sup>15</sup> By a decree issued in 2011, education has become free of charge for students in the public system from transition level to grade 11. Yet, indirect costs for learning materials or transport continue to exist<sup>16</sup> and Colombia's proportion of

<sup>12</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/154/35/PDF/G1315435.pdf?OpenElement>

<sup>13</sup> See Education 2030 – Incheon Declaration and Framework for Action:

<http://unesdoc.unesco.org/images/0024/002456/245656E.pdf>

<sup>14</sup> OECD, 2016, Education in Colombia, Reviews of national policies for education, Paris, OECD Publishing, p 172, Committee on Economic, Social and Cultural Rights, Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant of Economic, Social and Cultural Rights, Sixth periodic reports of States parties due in 2015, Colombia, 21 July 2016, E/C.12/COL/6, p 40

<sup>15</sup> OECD, 2016, Education in Colombia, Reviews of national policies for education, Paris, OECD Publishing, p 38

<sup>16</sup> OECD, 2016, Education in Colombia, Reviews of national policies for education, Paris, OECD Publishing, p 34, Committee on Economic, Social and Cultural Rights, Consideration of reports submitted by States parties

children who fail to complete basic education remains high. One of Colombia's central goals to date is to achieve universal access to *quality* education.<sup>17</sup> Several programs have been set up in this regard. "Let's all learn" has been created in 2012 and continues to be implemented under the current national development plan.<sup>18</sup> In 2015, the initiative on Basic Learning Rights has been set up to inform teachers and parents about the basic knowledge that students have to acquire in each grade.<sup>19</sup> Colombia is also working on progressively implementing full-day schooling to strengthen quality and equity in education and on reforming the General Participation System to close education gaps via a more efficient and equal allocation of resources.<sup>20</sup> To improve further access to quality education, Colombia could be encouraged to strengthen the teaching and learning practices in school, to improve teachers' training and to assist better schools and local governments in achieving improvements.<sup>21</sup>

17. The expansion of enrolment in basic schooling is also a result of the introduction of flexible schooling models that enable students in rural areas to receive an education. The *Escuela Nueva* as the most prominent model of flexible schooling provides basic education through multi-grade classes.<sup>22</sup> Colombia should be encouraged to address these identified weaknesses in order to raise learning standards in remote areas and to close the gap between urban and rural areas.<sup>23</sup>
18. The Indigenous Own Education System has been established since 2007. In this framework, Decree 1953 of 2014 allows ethnic communities (indigenous peoples, Afro-Colombians) to create their own educational institutions in indigenous territories, giving them considerable autonomy on how schools and curricula are organized.<sup>24</sup> A training plan for teacher training in multilingual and multicultural contexts seeks to advance teacher training when implementing community-based educational models. Some measures directly target the Afro-Colombian population. The Fund for Black Communities works to facilitate access of Afro-Colombian students to Higher Education, and by 2015 disposed of a total of 26 billion pesos. Additionally, the

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under articles 16 and 17 of the International Covenant of Economic, Social and Cultural Rights, Sixth periodic reports of States parties due in 2015, Colombia, 21 July 2016, E/C.12/COL/6, p 37

<sup>17</sup> OECD, 2016, Education in Colombia, Reviews of national policies for education, Paris, OECD Publishing, p 151, 172

<sup>18</sup> OECD, 2016, Education in Colombia, Reviews of national policies for education, Paris, OECD Publishing, p 38

<sup>19</sup> OECD, 2016, Education in Colombia, Reviews of national policies for education, Paris, OECD Publishing, p 136; Colombia aprende, Derechos básicos de aprendizaje:

<http://www.colombiaprende.edu.co/html/micrositios/1752/w3-article-349446.html> (accessed 30 June 2017)

<sup>20</sup> Departamento Nacional de Planeación, 2015, Plan Nacional de Desarrollo 2014-2018: Todos por un nuevo país, Tomos 1 y 2, Bogotá, Departamento Nacional de Planeación, p 92, 361

<sup>21</sup> OECD, 2016, Education in Colombia, Reviews of national policies for education, Paris, OECD Publishing, p 151

<sup>22</sup> OECD, 2016, Education in Colombia, Reviews of national policies for education, Paris, OECD Publishing, p 136, 172

<sup>23</sup> OECD, 2016, Education in Colombia, Reviews of national policies for education, Paris, OECD Publishing, pp 173

<sup>24</sup> Committee on Economic, Social and Cultural Rights, Annex No. 9, Consideration of Reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights; OECD, 2016, Education in Colombia, Reviews of national policies for education, Paris, OECD Publishing, pp 136

elaboration and implementation of 35 ethno-educational projects benefits about 16 per-cent of the Afro-Colombian student population.<sup>25</sup> Whereas the measures taken by Colombia to improve access of minorities to education should be particularly welcomed, indigenous and Afro-Colombian children continue to face discrimination in accessing education and differences in education coverage continue to exist.<sup>26</sup> Colombia should therefore be encouraged to further increase its efforts to ensure that minority groups enjoy their rights in the area of education.

19. One of the areas of recommendations during the last UPR cycle concerned the development of a public policy on human rights education. Article 67 of the Constitution spells out the training of respect for human rights as a task of education. With the implementation and expansion of the Human Rights Education (HRE) Programme, the National HRE Plan was introduced in 2010 to create a public policy on HRE, both in formal education and informal education. Act No. 1620 of 2010 set up a human rights socialization and training for schools.<sup>27</sup> Colombia set up a Chair for Peace in all its educational institutions with Act No. 1732 of 2014 in order to create and strengthen a culture of peace.<sup>28</sup> Colombia could be recommended to gather and share information with UNESCO, particularly within the framework of periodic consultations of countries on the implementation of UNESCO's Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms.

➤ **Specific recommendations:**

1. Colombia should be strongly encouraged to ratify the UNESCO Convention against Discrimination in Education and to seek UNESCO's assistance in this process.
2. Colombia should be recommended to continue its efforts to improve access to quality education and address urban and rural disparities.
3. Colombia should be encouraged to strengthen its efforts to overcome discrimination against minority populations in education and to ensure they fully enjoy their right to education.
4. Colombia should be encouraged to submit state reports for the periodic consultations on UNESCO's education-related standard-setting instruments.

<sup>25</sup> Committee on Economic, Social and Cultural Rights, Annex No. 9, Consideration of Reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights

<sup>26</sup> Committee on the Rights of the Child, Concluding observations on the combined fourth and fifth periodic reports of Colombia, 6 March 2015, CRC/C/COL/CO/4-5, p 5

<sup>27</sup> Committee on Economic, Social and Cultural Rights, Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant of Economic, Social and Cultural Rights, Sixth periodic reports of States parties due in 2015, Colombia, 21 July 2016, E/C.12/COL/6, pp 36; Eduderechos, El Plan Nacional de Educación en Derechos Humanos, <http://www.colombiaaprende.edu.co/html/productos/1685/w3-article-312145.html> (accessed 03 July 2017)

<sup>28</sup> Committee on Economic, Social and Cultural Rights, Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant of Economic, Social and Cultural Rights, Sixth periodic reports of States parties due in 2015, Colombia, 21 July 2016, E/C.12/COL/6, pp 36

5. Colombia should be encouraged to share with UNESCO any relevant information to update its country profile on UNESCO's Global Database on the Right to Education.<sup>29</sup>

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### **Freedom of opinion and expression**

20. The Government is encouraged to decriminalize defamation and subsequently incorporate it into the civil code in accordance with international standards.
21. The Government is recommended to ensure that its broadcast licensing systems operate through an independent licensing authority.
22. The Government is recommended to apply the Constitutional right of journalists to protect the confidentiality of their sources and to refrain from bringing investigations to force journalists to reveal their sources.
23. The Government is urged to continue its efforts to protect journalists and to continue to investigate the cases of killed journalists, and to voluntarily report on the status of judicial follow-up to UNESCO. The Government may wish to consider taking advantage of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity as a means to strengthen protection of journalists.

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### **Cultural Rights**

24. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972),<sup>30</sup> the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)<sup>31</sup> and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005),<sup>32</sup> Colombia is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Colombia is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

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<sup>29</sup> <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/right-to-education/database/>

<sup>30</sup> Periodic Report available at: <http://whc.unesco.org/document/123037>

<sup>31</sup> Periodic Report available at: <https://ich.unesco.org/doc/download.php?versionID=37514>

<sup>32</sup> Periodic Report not available

**Freedom of scientific research and  
the right to benefit from scientific progress and its applications**

25. **Colombia** submitted its National Report on the implementation of the **Recommendation on the Status of Scientific Researchers** (1974) for the **Second Consultation** covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002527/252798e.pdf>). Colombia reported that action had been taken in the country to promote the guiding principles of the 1974 Recommendation among multiple stakeholders, including the principles of respect for autonomy, freedom of research, non-discrimination and respect for the human rights of researchers.