

# Management Sciences for Development Consulting SAS



## Independent Report on Human Rights

For Colombia's candidacy for the  
Female Football World Cup - FIFA 2023

Noviembre 30 - 2019

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A vertical photograph of the Colombian flag, showing the yellow, blue, and red stripes waving against a light blue sky. The flag is positioned on the left side of the page.

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## ABBREVIATIONS AND ACRONYMS

ACOPI	Small and Medium Sized Entrepreneurs Association
AMI	International Framework Agreements
ANDI	Colombia’s Entrepreneurs and Industrialists National Association
ASOBANCARIA	National Banks Association
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERAC	Resource Centre for Analyses of Conflicts
CG	Clan del Golfo (Gulf Clan)
CGT	General Labour Confederation
CP	Political Constitution
CIDH	Inter American Court of Human Rights
CNT	National Labour Confederation
CPI	International Criminal Court
CDPC	Colombia’s Public Officers Confederation
CTU	Medellín Urban Labourers Corporation
CTC	Colombia’s Labourers Confederation
CUT	Labourers’s Unitary Central
DANE	Statistics National Administrative Department
DCIP	Civil and Political Rights
DESCA	Environmental, Cultural, Social and Economic Rights
DH	Human Rights
DIH	Humanitarian International Law
ELN	National Liberation Army
ENS	Trade Union National School
EPL	Popular Liberation Army
FARC	Colombia’s Revolutionary Armed Forces
FENALCO	Merchants National Federation
FIFA	International Federation of Association Football
FIP	International Federation of Journalists
FGN	National Attorney’s Office
FSI	International Trade Unions Federations
GAO	Organized Armed Groups
GDO	Organized Delinquency Groups
GLO.ACT	Programme of Global Action to Prevent and Fight Trafficking Persons and Illegally Trafficking Migrants
HPOTI	Homicides per One Hundred thousand Inhabitants

ICBF	Colombian Institute for Family Welfare
ICM	International of Construction and Wood
IE	International Education
INMLCF	National Institute for Legal Medicine and Forensic Sciences
ISP	Public Services International
ITF	Transport Labourers International
JEP	Peace Special Jurisdiction
MSD	Management Sciences for Development Consulting SAS
NNA	Boys, Girls and Adolescents
OACNUDH	Office of the United Nations High Commissioner for Human Rights
OEA	Organization of American States
ONU	United Nations Organization
OIM	Migrations International Organization
ILO	International Labour Organization
PGN	Office of the National Attorney General
PIDCP	International Covenant for Civil and Political Rights
PIDESC	International Covenants for Cultural, Social and Economic Rights
RUV	Victims' Single Registry
SAC	Colombia's Agricultors' Society
SDG	Sustainable Development Goals
SIJVRNR	Justice, Truth, Remedy and non-Repitition Guarantees System
TGP	Global Participation Rate
TO	Rate of Employment
TD	Rate of Unemployment
UARIV	Victims' Assistance and Comprehensive Remedy Unit
UE	European Union
UITA	International Unit for Workers in the Food, Agricultural, Hotelry, Restaurants, Tobacco and similar industries
UNI	Union Network International
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNP	National Protection Unit
UTC	Colombian Worker's Union

## INTRODUCTION

“Football is an inclusive, cohesive and transforming sport for society which has to be developed peacefully, safely and within the community, contributing to encouraging social and community development”

The FIFA as an international sports organization, included in the third article of its by-laws, its responsibilities regarding human rights, and developed a statement of policies and due diligence procedures in order to put into practice the Guiding Principles on Business and Human Rights-.

Within the framework of these principles, the companies and organizations have three obligations with reference to human rights:

1. Respect	The organizations have to adopt all the necessary measures to analyze, warn and act on the risks detected in order to prevent the occurrence of acts which violate human rights derived from their operations.
2. Promote	The organizations have to promote the respect for human rights by their value chains and groups of interest.
3. Remedy	The organizations have to remedy and/or repair the violations to human rights which might occur because of their operations.

This is how FIFA, according to the recommendations by Professor Ruggie in his report called “*For the game and for the world*” and the recommendations of the human rights Counselling Committee, (FIFA, 2018), adopted the decision to request from the countries which are willing to become candidates of their events, the provision of statements and institutional analyses of the situation of human rights in their corresponding countries and the preparation of an independent report that will enable FIFA to assess in an autonomous and objective form the situation of human rights and determine in advance the possible impacts of the Cup in the rights of their groups of interest in order to adopt the necessary measures to prevent that the risks detected might become true and promote the rights and take the remedy measures in case they are violated.

<sup>1</sup>Plan Decenal de Fútbol de Colombia 2014 - 2024.

Given the fact that the government of Colombia is a candidate to host the 2023 Female Football World Cup, and in compliance with the FIFA requirements mentioned, Management Sciences for Development Consulting SAS, MSD, is issuing this independent report.

MSD is a private firm which has been present in Colombia and Central America for over 20 years developing programmes and projects for the design and assessment of public policies on human rights, strategic design and institutional development to guarantee rights within the framework of the mission each entity has, the reinforcement of the organizations of civil society for the incidence and enforceability of rights and technical advice on corporate social responsibility and human rights, with a technical approach based on the international best standards and policies.

## METHODOLOGY

This report was developed by using the bidirectional risk analysis methodology, taking into account the Guiding Principles on Business and Human Rights implementing the United Nations 'Protect, Respect and Remedy' (OANUDH , 2011).

Under this methodology, the report responds to the following questions: How could the context of human rights in the country affect the 2023 Female Football World Cup? And how could the World Cup affect the human rights of the different groups of interest?.



To respond the first question, the following variables are analyzed: i) If the Colombian state has recognized and adopted the conventions, treaties and other international instruments which determine the standards for the respect and guarantee of human rights in general; ii) if the state has deployed the international standards within the regulatory, political and domestic institutional framework to enable it guarantee said rights; and iii) which qualitative and quantitative elements make it possible to describe the actual level of existence of said rights in the political context. With regard to this third factor, the national context is analyzed and, in particular, the context of the cities which are candidates as a venue for the Cup.

To respond to this second question, for each group of interest detailed below, MSD analyze which rights could be affected by the Cup's operations, defining for each right: i) the international standard; ii) the legal framework and Colombia's institutional capacity to guarantee said right; iii) the situation of the country with regard to the right in question; and iv) finally, a statement of the potential risks of violation and the possible preventative and/or remedy measures.

The groups of interest identified are the following:

## GROUPS OF INTEREST



The rights analyzed by interest group are:



Finally there is a transversal analysis: for all the groups of interest, the right to a healthy environment and legal guarantees.

The result of the comprehensive and bidirectional risk analysis, will enable the organizers of the host country and FIFA determine an action plan which favours the guarantee of the human rights of all those participating in the Cup, providing a positive balance for the promotion of human rights.

## **RESTRICTIONS**

Given the short time for the development of this independent analysis, it was mainly based on secondary sources. By virtue of this, it is suggested that if Colombia is chosen to be the host of the 2023 Female Football World Cup, this study should be done more deeply with field work in the 8 venues so that the prevention and remedy plan be as precise as possible.

Besides, considering that the Cup will take place in four years' time, it is advisable to update it with the new socio-political, regulatory and institutional developments. President Iván Duque's mandate ends in 2022, for which reason there may be important institutional changes or setbacks to be analyzed in its corresponding context.

# Chapter 1.

Institutional and contextual analysis regarding human rights respect and guarantees in Colombia

As mentioned in the methodological proposal under which this report is done, first it is necessary to present a structural analysis of human rights which, takes into account: i) if the country has signed, ratified and integrated to its domestic regulations the treaties and international covenants on human rights; ii) the institutional deployment by means of the development of structures, regulations and programmes which make it possible for international standards to count with the necessary institutional channels to actually apply them and; iii) finally, the measurement of the levels of guarantee for the rights according to the advances and declines of the indicators in this case applied to the rights to life, freedom and integrity in the country.

### **1.1 Adoption by Colombia of the international treaties and conventions on Human Rights**

Colombia is a Social State based on the rule of law as determined by its Political Constitution of 1991. By virtue of this concept, the protection of fundamental rights, the respect for human dignity and the prevalence of the general interest are the basic principles. At the same time, article 93 of the National Constitution, states that the *“International Treaties and Conventions ratified by the Congress that recognize human rights and prohibit their limitation under exceptional conditions, prevail in the domestic administration and the rights and obligations defined in the Constitution will be interpreted in agreement with international treaties on human rights, ratified by Colombia”*. (Colombia’s Political Constitution). In this way, the country applies the principle of the Constitutional Block according to which, all the low rank legal and regulatory standards issued by the State, will have to be adjusted or comply with international treaties.

Colombia is part of the Universal System (United Nations Organization), as well as the Inter American System (Organization of American States OAS). By virtue of this, the State has signed and ratified the main international treaties and conventions on human rights, Humanitarian International Law, HIL, and Criminal International Law, related in the table below. The reader will notice that in this detail we have included some Declarations which, although they are part of the Soft Law, have been of great importance for further domestic legal developments as well as to enhance the interpretation of some of the international instruments.

## HUMAN RIGHTS

### UNIVERSAL SYSTEM

- \* Universal Declaration of Human Rights. 1948
- \* Convention for the Prevention and Penalty of Genocides. 1948
- \* International Covenant on Civil and Political Rights and its Empowering Protocols. 1966
- \* International Covenant on Economic, Social and Cultural Rights. 1966.
- \* International Covenant on the Elimination of all forms of Racial Discrimination. 1965
- \* Covenant of the United Nations for the Elimination of all forms of Discrimination Against Women. 1979
- \* Empowering Protocol for the Covenant on the Elimination of all forms of Discrimination Against Women. 1999
- \* Convention on Refugees. 1950
- \* Convention on Women's Political Rights. 1952
- \* ILO Covenant No. 29 Regarding Forced or Obligatory Labour. 1930
- \* ILO Covenant No. 105 Regarding the Abolition of Forced Labour. 1957
- \* ILO Covenant No. 98 Regarding the Application of the Principles for the Right to Association and Collective Bargaining. 1949
- \* ILO Covenant No. 87 Regarding Trade Union Freedom and the Protection for the Right of Association. 1948
- \* ILO Covenant No. 100 Regarding Equal Remuneration between Male and Female Labour. 1951
- \* ILO Covenant No. 111 Regarding Discrimination on Employment. 1958
- \* ILO Covenant No. 182 On the Worst Forms of Child Labour. 2000
- \* ILO Covenant No. 138 On the Minimum Age to be Employed. 1976
- \* International Convention on the Protection of the Rights of all Migrant Workers and their families. 1990.
- \* ILO Covenant N. 169 On Aboriginal and Tribal Communities in Independent Countries. 1989
- \* International Convention for the Protection of all Persons Against Forced Disappearances. 2006
- \* Convention on the Rights of Disabled Persons. 2006
- \* Convention on Children's Rights. 1989
- \* Empowering Protocol for the Convention on Children's Rights regarding the participation of Children in Armed Conflicts. 2000

## HUMAN RIGHTS

- \* United Nations Convention Against Transnational Organized Delinquency and the Protocol to Prevent, Restrain and Sanction trafficking of persons. Convention Against Organized Transnational Delinquency. 2000
- \* Empowering Protocol for the Convention on Children's Rights Regarding the Sale of Children, Child Prostitution and Child Pornography. 2000
- \* International Convention on Repression and Punishment of Apartheid. 1973
- \* Second Empowering Protocol for the International Covenant on Civil and Political Rights to Abolish the Death Penalty. 1989
- \* Convention to Prevent and Sanction Terrorist Acts. 1996
- \* Convention against Torture and Other Treaties or Cruel Inhuman Punishments. 1984
- \* Protocol on Status of Refugees. 1966
- \* Fourth Women World Conference, 1995 Beijing's Statement and Platform 1995.

### **INTER AMERICAN SYSTEM**

- \* American Declaration on Rights and Duties of Man
- \* American Convention on Human Rights (San José Covenant). 1969
- \* Inter-American Convention on Women's Nationality. 1933
- \* American Convention to Prevent, Sanction and Eradicate Violence Against Women (Belem do Para Convention). 1994.
- \* Additional Protocol to the American Convention on Human Rights with regard to Economic, Social and Cultural Rights (San Salvador Protocol). 1988
- \* Inter-American Convention to Prevent and Sanction Torture. 1985
- \* Inter-American Convention Against Terrorism. 2002
- \* Inter-American Convention to Eliminate all forms of Discrimination Against the Disabled. 1999
- \* Inter-American Convention on Persons' Forced Disappearance. 1996
- \* Inter-American Convention on International Child Trafficking. 1987
- \* OAS Convention on Territorial Asylum. 1954
- \* Political Asylum Convention. 1933

**INTERNATIONAL  
HUMANITARIAN  
LAW**

- \* Geneva Covenants I. To Ease the Pain of those Injured and Diseased within Armed Forces in Campaign II. To Ease the Pain of those Injured and Diseased and castaways within Armed Forces at Sea. III. Relative to Due Treatment of War Prisoners, 1949 IV. Relative to Civil Population Protection.
- \* The Hague Convention for the Protection of Cultural Heritage in Case of Armed Conflicts. 1954
- \* Second Protocol of The Hague Convention 1954 for the Protection of Cultural Heritage in case of armed conflicts. 1999
- \* Convention on the Prohibition of the Use, Storage, Production and Transfer of Landmines and their Destruction. "Ottawa Treaty". 1997
- \* Additional Protocol (Protocol II) relative to the Protection of Victims in Armed Conflicts without International Character. 1977
- \* Convention on the Prohibition or restrictions in the Use of certain Conventional Weapons which might be considered Excessively Destructive or with Indiscriminate Effects, Geneva. 1980
- \* International Convention on the Prohibition for the Development, Production, Storage and Use of Chemical Weapons and their Destruction. 1993
- \* Convention on the Prohibition for the Development, Production and Storage of Bacteriological Weapons (Biological) and their destruction. 1972
- \* Additional Protocol (Protocol I) Relative to the Protection of the Victims of International Armed Conflicts. 197

**INTERNATIONAL  
CRIMINAL LAW**

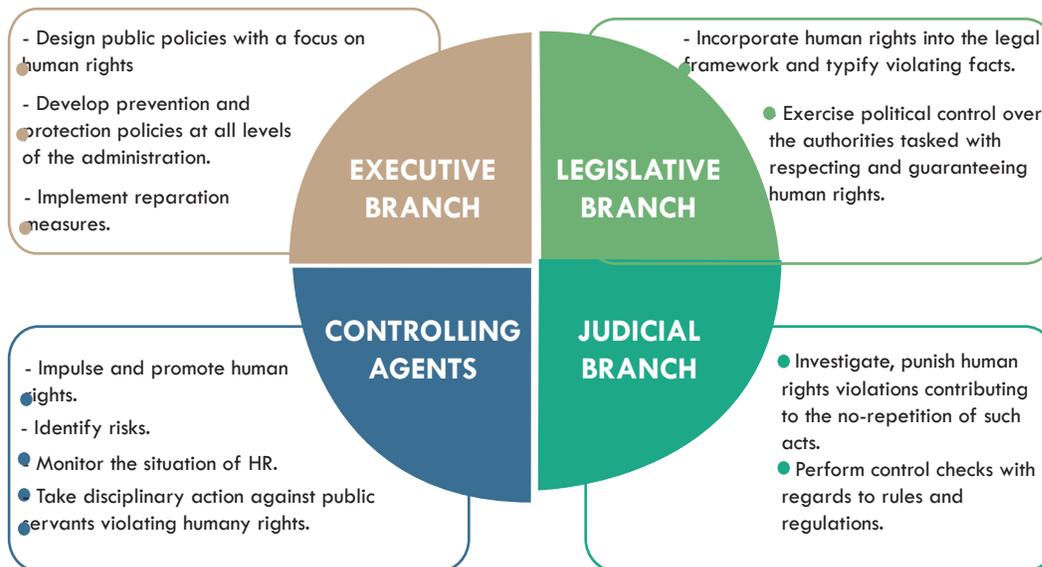
- \* Rome Statute of the International Criminal Court 1988

**Table 1.** Of our own preparation based on the data of the UN Office of the High Commissioner for Human Rights (UNHCHR) in Colombia

## 1.2 Institutional Deployment

In order to develop the positive action of the state regulation which enables the exercise of rights and that the nationals and foreigners who live in the country count with an institutional structure to exercise them, the Colombian State was divided into three branches of public power: the Executive Branch, the Legislative Branch, and the Judicial Branch. At the same time, the State has a Public Ministry composed of the Attorney General’s Office, the Ombudsman’s Office and the Municipal Agencies as controlling agents.

Their different power branches and the controlling agencies, have different tasks regarding human rights as can be seen below:



### 1.2.1 Executive Branch

The head of the Colombian government is the President of the Republic. President has 17 Ministries (Interior, Justice, International Affairs; Finance and Public Credit, National Defence, Labour, Agriculture and Livestock; Health Social and Protection; Mines and Energy; Commerce; Industry and Tourism; Education; the Environment; Housing, City and Territory; Ministry of Information Technology and Communications; Transport; Culture and the newly created Ministry of Sports) (Constitución Política, 1991), whose tasks are oriented by the targets set in the National Development Plan called “ Pact for Colombia, Covenant for Equity,” (Ley 1955 , 2019) of the current administration, which contains an approach on rights with progressive targets for the compliance of the Sustainable Development Goals (SDG).

Historically, governments have directed their efforts with reference to human rights with a vision focused on security issues (conditioned on account of conflicts and problems with the public order);

nevertheless, in the latest administrations, there has been a progressive evolution of said idea towards a more comprehensive and interdependent vision of the rights in which the population is not seen as a receptor of programmes for their benefits, but as subjects of rights with a power to participate and demand.

Regarding the structure to guarantee human rights, each of the Ministries in charge guarantees the rights in their corresponding areas and with specialized Agencies such as:

- The Agency for Human Rights and Humanitarian International Rights of the Ministry of Foreign Affairs.
- The Board of Human Rights of the Ministry of the Interior.
- The Board of Human Rights of the Ministry of National Defence.
- The Board of Human Rights of the National Police, among others.

At the same time the executive branch has a Presidential Counsellor for human rights, whose job, according to article 123 of Law 1753 of 2015, is to articulate, coordinate and supervise the implementation of the Comprehensive Policy on Human Rights.

Besides, in 2011, the country created the Human Rights National System and International Humanitarian Law whose purpose is to articulate and coordinate the regulations, policies, entities and instances of the national and territorial order thus promoting the respect and guarantee of human rights and the application of the IHL.

The System is composed of six subsystems:

- Citizenship, Culture and Education in Human Rights and IHL.
- Civil and Political Rights
- IHL and Armed Conflicts
- Economic, Social, Cultural and Environmental Rights (ECSER)
- Justice
- Equity, non-discrimination and respect for identities

### **1.2.2 Legislative Branch**

The legislative branch in Colombia is administered by the Congress which is divided into two chambers: the Senate and the Representatives.

The Congress works through Commissions for the creation of bills and other kind of regulations that then turn into laws. With regard to human rights, there are two commissions:

- First Commission of the Senate and Chamber
- Legal Commission on human rights and Hearings

■ Ad hoc Peace Commission

The Congress also has justice administration functions for specific cases of political responsibility of State Officers.

### 1.2.3 Judicial Branch

The judicial branch in Colombia is represented by the High Courts. Created in 1991, the Constitutional Court is in charge of the defence and interpretation of the Constitution and so the juridical defence of Colombians' fundamental rights.

At the same time, the citizens count with the subsidiary mechanism of “tutela” (Right of Legal Protection) for the defence of their fundamental rights. It can be claimed by any citizen before any judge in the republic.

Apart from the Courts, Colombia counts on the Attorney General's Office as an independent agency with investigative and accusative functions.

As a results of the Peace Agreement subscribed with the FARC in 2016, the Colombian Government determined a System of Justice, Truth, Reparation and Guarantees for no Repetition, (SIJVRNR), of which the Special Jurisdiction for Peace is part (PSJ), as the transitional administration court of justice whose objective is to investigate and judge the members of the FARC, the members of the Public Force and third parties who had participated in the Colombian armed conflict, in order to satisfy the right of the victims to justice (Jurisdicción Especial para Paz, 2018).

### 1.2.4 Public Ministry

Apart from the three branches of the public power as mentioned above, Colombia counts with the Public Ministry (PM) composed of the Nation's Attorney General's Office, the Ombudsman's Office and the local PM agencies.

The Attorney General's Office represents the citizens in front of the State, it guarantees the correct exercise of the functions granted by the Constitution and the Law to public officers by means of three main functions: i) The preventative function to warn of any facts which might violate the regulations in force; ii) The function for intervention before any jurisdictions in defence of fundamental rights and guarantees and; iii) a disciplinary function within which it investigates disciplinary failures against public officers and against private persons who perform public functions or manage state monies in compliance with the Single Disciplinary Code.

Besides, the object of the Ombudsman's Office is to promote, exercise and disseminate human rights and IHL within the social state of law. As part of its mandate: i) it makes recommendations and observations to the authorities and private persons in case of threat or violation to human rights and watches over their promotion and exercise; ii) it makes general scope diagnoses on economic, social, cultural, juridical and political issues with an impact on human rights; iii) it disseminates the knowledge of fundamental, social, economic, cultural, collective and environmental rights; v) it develops the National Public Ombudsman's System; iv) it applies public actions for the defence of the Political Constitution, the law, and general interest, among others.

As can be seen, the Republic of Colombia from the perspective of institutional deployment, has a legislative branch which issues regulations to respect and develop human rights standards, an executive in charge of designing and implementing policies, plans and projects to guarantee the actual exercise of rights by the population, a Judicial Branch in charge of investigating and sanctioning violations to human rights, and provide some urgent response to the protection mechanisms of guardianship and habeas corpus, with a Constitutional Court in charge of interpreting and performing the constitutional control of the regulations and defining the essential core of human rights with international standards, and finally, with monitoring agencies to promote rights and investigate and impose disciplinary sanctions on those officers who violate them.

Despite this institutional mechanism, the state as has great challenges to develop their functions more efficiently. To be able to get a reduction in poverty and inequality, guarantee in an effective way civil and political rights, and reduce the rates of impunity in cases of violations. Said aspects are detailed below.

## **1.3 Context of human rights in Colombia**

### **1.3.1 National Context**

As mentioned above, Colombia is a democratic and social state based on the law which has organized its regulations and institutions around the guarantee of human rights according to the principles established in international standards.

Notwithstanding this regulatory framework, it is a country which has suffered more than fifty years of domestic armed conflict which have affected the human rights of Colombians, especially those in rural areas or in more vulnerable territories who have been the victims of homicides, displacement, kidnappings, sexual violence, recruitment of boys, girls and adolescents, among other facts.

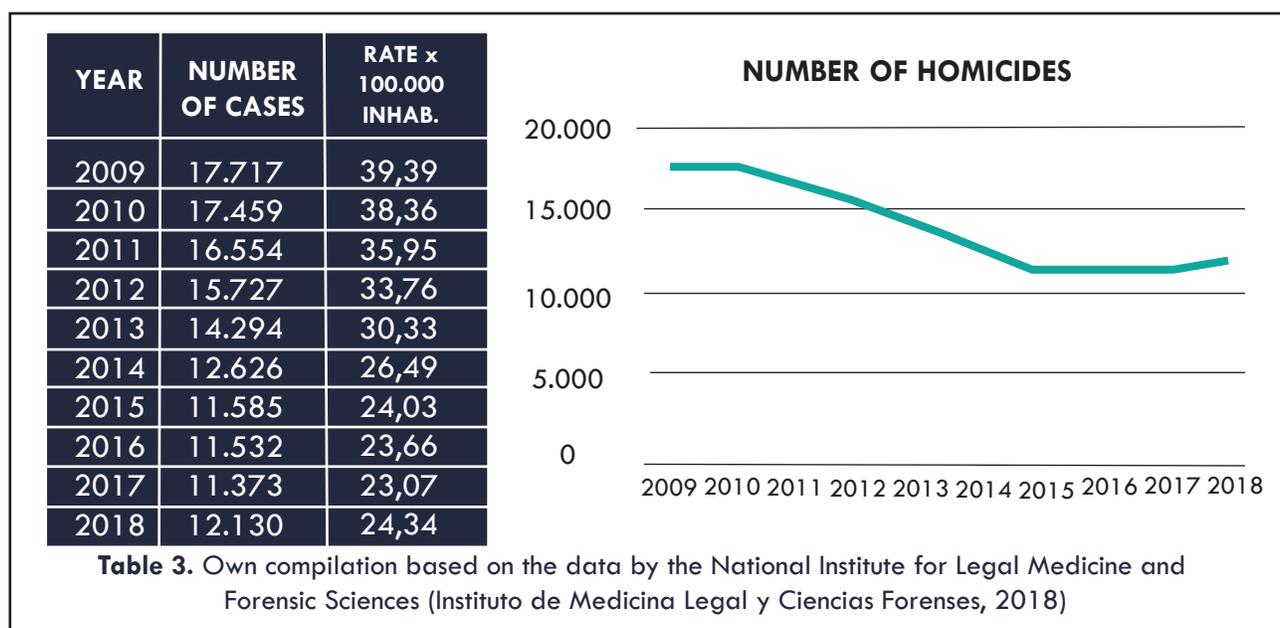
According to the figures by the UARIV for the period between 1986 and October 2019, there is a total record of over 9 and a half million victims distributed in the following cases.

<b>FACTS</b>	<b>PERSONS</b>
Abandonment or forced dispossession of lands	<b>14.918</b>
Terrorist Acts/Attacks/Battles/ Harassments	<b>82.534</b>
Threats	<b>421.942</b>
Confinement	<b>31.511</b>
Crimes against freedom and sexual integrity	<b>29.133</b>
Forced disappearance	<b>175.153</b>
Displacement	<b>7.564.164</b>
Homicide	<b>1.012.201</b>
Physical Injuries	<b>8.328</b>
Psychological Personal Injuries	<b>15.720</b>
Land Mines/Unexploded Munitions/Explosive Artefacts	<b>11.566</b>
Loss of property and real estate	<b>115.757</b>
Kidnappings	<b>37.025</b>
Without information	<b>6.936</b>
Torture	<b>10.711</b>
Association of Boys, Girls and Adolescents	<b>7.744</b>
<b>TOTAL</b>	<b>9.545.343</b>

**Table 2.** Prepared on our own from the Victims' Single Registry, VSR (Unidad para la Atención y la Reparación Integral a las Víctimas UARIV, 2019) data

The fight by the state against all forms of criminality, especially the one against organized delinquency groups such as drug traffickers, the citizens' security strategies adopted by capitals cities, together with the strategies to reach negotiated peace with organized armed groups, has been successful.

The country reduced its rate of 71 homicides per each 100.000 inhabitants in 1990, to a rate of 23.66, in 2016, which implies a reduction of 65%. (Portafolio, 2019)



In 2016 and after three years of negotiations with the Revolutionary Armed Forces in Colombia, FARC, the government subscribed the Agreement of the termination of the conflict for stable and long lasting peace, with the demobilization and integration to society of over 11 thousand soldiers.

As a consequence of the signature of the Agreement and as can be seen in the graphic, it was possible to get a new reduction in the number of homicides in 2017 reaching a rate of 23.07 homicides per 100.00 inhab. At the same time, thousands of displaced families have returned to their places of origin. According to studies by the Resource Centre for analyses of Conflicts RCAC- at least 3,800 lives have been saved with the Peace Agreement.

Despite this promissory advances for 2016 and 2017 which showed a reduction in the figures for all types of violations, for 2018 we can observe some new dynamics of violence, especially in the territories occupied by the FARC's extinct guerrilla. This new cycle of violence derives from the interest of Organized Armed Groups and of Organized Delinquency Groups which are still active such as ELN and the EPL, the Gulf Clan, the Caparros and the FARC dissident groups among

others, to keep territorial control and exploit illegal business derived from drug trafficking, illegal mining and extortion among others.

This is how in 2018 there is an increase in violence with 12,130 homicides at a national level in comparison with 11,373 in 2017. This implies an increase of 1 point in the rate of homicides, going from 23.07 in 2017 to 24.34 in 2018 every 100,000 inhabitants. (Insight Crime, 2019.)

Moreover, there has been an increase in the aggressions to human rights defenders. According to the reports made by different agencies, such as the Office of the United Nations High Commissioner for Human Rights (OACNUDH) (2017, 2018), The General Attorney's Office (2016, 2018), the Ombudsman and other non-governmental organizations (Indepaz, 2016, 2017; Justice and human rights Data Analysis Group, 2018; Somos Defensores, 2018; Fundación para la Libertad de Prensa 2018.) Even though the figures of the different situation systematization exercises are not coincidental between them, they agree to identify an increase in the number of homicides, threats and aggressions to human rights defenders, social, environmental, community leaders and journalists. (Ministerio del Interior, 2018).

In the efforts so far to characterize this situation, the National Government agencies know of 213 verified cases of homicides of leaders and human rights defenders between January 2016 and October 2018. These crimes took place mainly in rural areas (72%), affected by the presence of illegal economies (94%) and the existence of high levels of multidimensional poverty (92%) (UNO, 2018). The Attorney General's Office has advanced to clarify 113 cases equivalent to 53.05% of all the 213 reported by OACNUDH.

In response to the facts that affect the rights to life, freedom and integrity of the human rights defenders, social, environmental, community leaders and journalists, the Colombian Government has designed several instances and mechanisms in order to prevent new cases, to sanction those responsible and protect and guarantee the job of human rights defenders.

Specifically, there has been some advancement in strengthening institutions with measures such as the creation of the National Police Elite body, The Attorney General office's unit to investigate criminal organizations, (Decree 898/2017), (police enforcement agencies) the Instance of the High Level headed by the Ministry of the Interior, the National Commission for Security Guarantees (Decree Law 154/2017) and the Unified Command Post created in February 2017, with an inter institutional group in charge of articulating prevention, protection and investigation methods for those actions against the life and personal integrity of human rights defenders.

Moreover, the Public Force has taken action by means of military plans such as "Victoria Plus" and "Horus". The latter has meant to reinforce the bonds with the population in those areas which have

been affected by violence and organized crime; for which they have increased the military members in 15 departments, 67 municipalities. With this inter institutional articulation between the Military Forces and the National Police, it has been possible to prevent crime, anticipate threatening actions, control the illegal organizations in the territory and integrate intelligence for the execution of coordinated operations.

Finally, and in order to approach the structural causes of the conflict, the Presidential Counselling for Stabilization and Territorial Consolidation was created to find a balance between physical security and the development of multidimensional interventions to ensure the presence of the State and tackle the structural causes of violence in the territories affected by the conflict. 170 municipalities had priority and in them will be deployed an integral offer of the state with an emphasis on rural integration with the construction of roads and railways, the legalization of rural properties, the substitution of illegal crops, among other measures to be implemented within 15 years (Presidencia de la República).

### **1.3.2 Context in the municipalities selected as venues for the Female Football World Cup**

The Colombian government has prioritized 8 cities for the development of the Cup. The following is an analysis of the main statistics for human rights in each district to determine how the closest environment to the tournament might have a higher incidence in their development. Bogotá, as capital of the country, is the only city which in terms of administration does not depend on departments states, that is to say, its operation is administratively and politically autonomous. Bogotá is located in the Andean Region 2,600 meters above the sea level and in its urban area it consists of 20 districts divided into six socio-economic classes. According to the 2018 National Statistics Department's census the population in the city is 7,181,468 inhabitants: 3,447,105 are men and 3,734,363 are women.

The other proposed cities are all department capitals. In the case of Colombia, the departments (Article 298, Political Constitution 1991), are autonomous entities in terms of the administration of their sectional issues and the planning and promotion of socio-economic development within their territories. The territorial departments are composed of municipalities which are second level administrative units that are also politically and fiscally independent within the department limits. The capital cities have different social and economic classes.

According to its population, Medellín –Antioquia department- is the second biggest city in the country with a total of 2,372,330 inhabitants: 1,115,273 male and 1,257,057 female. The city is located in the Andean Region 1,500mts above the sea level, Cali – Valle del Cauca- is in the third place, and is located in the Andean Region at an average height of 1,000 masl and very close to

the Pacific Coast. The city population is 1.822.870 inhabitants 874.978 male and 947.892 female.

Barranquilla has a population of 1,120,107 inhabitants, 536.792 male and 583.315 female. The city is located in the Caribbean at sea level. As well as Barranquilla, Cartagena is also in the Caribbean on the Atlantic with a population of 887,946 inhabitants, 426.981 male and 460.965 female.

The cities of Manizales, Pereira and Armenia, are some of the smallest in the country and are located in the Andean Region – sub region of the Coffee Routes-; they are at between 2,100 and 1,500 masl, and Manizales is the highest; the population of Pereira (Risaralda) is 409.670 inhabitants, 19.306 male and 216.610 female; Manizales (Caldas) has 400.436 residents – 189.095 male and 211.341 female-. Finally, in Armenia (Quindío) there are 130.090 inhabitants: 145.552 male and 275.642 female.

These cities have tourist facilities with hotels and hostels of different costs; there is also a variety of restaurants, bars and similar shops and different types of tourism: sightseeing, ecotourism, and ethnic tourism and adventure tourism.

In these municipalities there is no territory control by Organized Armed Groups though there are delinquent groups dedicated to drug trafficking and micro-trafficking and the extortion of shop owners. The main figures on violence in these municipalities are the following:

## Rate of homicides, interpersonal violence, sexual violence, intra-family violence every one thousand inhabitants -2018-

Counties	Homicide rate per 100.000 inhabitants [2]			Interpersonal violence rate per 100.000 inhabitants [3]			Sexual violence rate per 100.000 inhabitants [4]			Intrafamily violence rate per 100.000 inhabitants [5]		
	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female
Bogotá	13.31	24.9	2.42	358.57	503.15	222.68	50.96	16.52	83.33	106.2	96.6	115.0
Medellín	25.07	49.65	3.21	232.78	339.31	138.08	59.5	19.83	94.77	86.5	67.2	103.6
Cali	49.03	95.9	6.11	193.46	243.13	147.98	49.48	15.4	80.69	56.6	44.2	68.0
Barranquilla	27.18	52.64	3.15	318.06	443.54	199.66	53.71	17.05	88.32	76.2	60.4	90.9
Cartagena	22.2	43.27	2.43	220.82	286.96	158.79	64.18	17.75	107.73	54.4	38.4	69.2
Pereira	23.08	42.6	5.57	227.64	308.38	155.22	82.24	27.95	130.4	65.9	54.9	75.7
Manizales	19.99	38.26	3.34	237.42	308.15	172.94	67.98	21.49	110.36	37.5	27.5	46.4
Armenia	30.54	60.5	2.57	340.94	424.18	263.22	82.66	34.37	27.76	93.6	55.3	127.8
Nationwide	24.34	45	4.1	233	307.97	159.89	52.3	15.26	88.43	59.4	24.1	35.2

[2], [3], [4], [5] Data taken from Forensis 2018 (National Institute for Legal Medicine and Forensic Sciences). The calculation for the Rate of intra-family violence was prepared by us taking the data included in Forensis and the results for populations corresponding to the 2018 DANE Census

## Absolute figures for thefts and forced displacements -2018-

Counties	Thefts [6]	Rejector total displacement [7]				Recipient total displacement [8]			
	Total	Total	Male	Female	LGBTI	Total	Male	Female	LGBTI
Bogotá	105201	314	160	150	4	7734	3934	3791	9
Medellín	21850	5326	2554	2755	17	20526	9389	1109	47
Cali	15993	1186	547	634	5	7712	3156	4547	10
Barranquilla	9547	165	89	75	1	697	351	346	0
Cartagena	4966	85	44	41	0	426	207	219	0
Pereira	2255	97	43	54	0	657	380	277	0
Manizales	1747	11	6	4	1	74	30	44	0
Armenia	1591	55	28	27	0	218	130	88	0
Nationwide	378636	112996	5382	58953	220	270103	130504	139198	398

[6] Total in 2018. Crime statistics by the Colombian National Police. [7], [8] Taken from the VSR.

With regard to homicides, in the country during 2018 there were 12,116 cases representing a rate of 24.31 every one hundred thousand inhabitants. According to the NILMFS, in more than 50 % of cases for both men and women, there is no information about the alleged aggressor.

Of the municipalities studied, the most affected was Cali with 1,199 cases and a rate of 49.03 homicides every one hundred thousand inhabitants -HPOHTI-, which takes it to 24 points above the national average. With regard to sexual crimes, the highest number of victims was for men (1,121 cases) with a rate of 95.9. Among women, the rate was 6.11 (78 cases) two points above the rate of women homicides in the country which was 4.1.

Of the remaining six municipalities, Armenia, Barranquilla and Medellín were also above the national average and it is related to the presence of criminal gangs which are in permanent dispute for the control of drugs trafficking and other urban illegal businesses.

Armenia is in second place for homicides with 30.54 HPOHTI (92 cases); in men, the rate was 60.5 (88 victims) and in women, 2.57 HPOHTI. The authorities have attributed these deaths to the disputes among drug traffickers and drug dealers for microbusinesses.

In Barranquilla the rate of homicides in 2018 was 27.18 (335 murders), again, the biggest proportion of the victims was men with a rate of 52.64 HPOHTI (315), while in women the rate was 3.15 with 20 homicides. According to police authorities, in comparison to 2017, homicides in 2018 declined because of the operations against 35 criminal gangs who “were scourging important urban areas as well as the southeast and southwest of Barranquilla” (El Heraldo, 2019)

In Medellín the rate of homicides was 25.07 points (634 victims); of these cases 591 were male -49.65 HPOHTI and 43 female, 3.21 HPOHTI. These murders were attributed to new criminal structures such as the one called “Oficina” which are related to the drug trafficking business. In this city, murders have been dynamic since the 80’s when the most dangerous mafia structures in the country took roots. After the disassemble of the Medellín Cartel by mid-1990 and between 1995 and 2005 after a period of territorial dispute between the guerrillas, paramilitaries and militias, the number of homicides has started to go down because the paramilitary groups surrendered their weapons in 2005 and signed the Habana Agreement in 2016.

Pereira, which had historically The FARC guerrilla shown high rates of homicides, reduced its indexes to 23.08 HPOHTI in 2018 one point below the country’s figure. According to, Mayor Juan Pablo Gallo this reduction is historical. “If we remember, he stated, in the very recent past in 2005, we had a rate of 120 homicides every 100 thousand inhabitants, this is a great effort, not only from this administration, the Police and the Attorney’s Office but from the whole city as well”. (El Tiempo, 2019)

In Cartagena the rate was 22.2 HPOHTI (230 cases), in men, it was 43.27 (217 victims) and for women 2.43 (13). The authorities associate homicides with the places with the highest sale and consumption of illegal substances in a micro traffic mode.

The rate of homicides in Manizales is under the national average at 4.35 points. In this city, the rate was 19.99 HPOHTI, among men it was 38.26 (73 persons) – the lowest in this population group – and among women it was 3.34 (7). The cause for homicides is apparently linked to intolerance and gangs.

Bogotá has the lowest rate of homicides in this group of cities with 13.31 HPOHTI. The logic for violence in the capital has been associated to criminal gangs linked to illegal businesses such as drug trafficking, sexual exploitation, extortions and thefts. The 1,089 homicides are divided into 987 male murders – 24.9 HPOHI- as opposed to 102 female victims for this crime -2.42 HPOHI-. The reduction of the rate of homicides in the capital of the country has been attributed by the Mayor to the “assessment of areas with the highest degree in violence and the focus of the institutional efforts on them” and the interventions in sectors of conflict in the city such as Bronx, in May 2016 (El Tiempo, 2019)

The homicide figures indicate a prevalence of this crime in the male sex, but it does not implies that homicides against women, are considered a minor issue in the Colombian criminal system. In fact, in 2015 was issued Law 1761 or Rosa Elvira Cely Law whose object - Article 1- is to typify femicide as an independent crime to guarantee investigation and sanctions on account of violence against women on gender and discrimination grounds and to prevent and eradicate said violence and adopt sensitization strategies for the Colombian society to guarantee women access to a violence-free life, to favour their full development and welfare according to the principles of equality and non-discrimination.

The second relevant indicator in the urban environment is interpersonal violence defined as the “*use of physical force between two unrelated individuals; with the intention of causing injuries, not death (no lethal violence) which generally occur away from home*” This include fights, assaults, robberies, public order actions and armed conflict. (Instituto Nacional de Medicila Legal y Ciencias Forenses, 2018)

In 2018 in the national level, the rate of injured persons every one hundred thousand inhabitants HPOHIT was 233 corresponding to 116,115 persons assisted by the NILMFS. The municipalities where there were more cases were Bogotá with 29,335 casualties and a rate of 358 IPHI followed by Armenia with 1,027 casualties and a rate of 340.94 IPHI. The third position is for Barranquilla with 3.920 persons assisted at the NILMFS, representing a rate of 31.06 IPHI.

This indicator also presents a male predominance among adolescents and young adults. “65.26% of the victims were male for a relation of two men, one woman.

Contrary to what happens with homicides and personal injuries, sexual violence and intra-family violence mainly affect women. In 2018 in the country 26,065 persons were assisted due to sexual violence; according to the NILMFS 87.45% (22,794 cases) correspond to boys, girls and adolescents BGA. The highest rate per one hundred thousand inhabitants (307.50) is present in the group between 10 and 13 years, which is almost six times over the national average of 52.30. (Instituto Nacional de Medicina Legal y Ciencias Forenses, 2018)

The same statistics reveal that the municipalities with the highest number of cases was Medellín (1,505), Bogotá (4,169), Cali (1,210), Cartagena de Indias (665), and Barranquilla (662).

Considering the rate every one hundred thousand inhabitants in the municipalities surveyed, the highest figures are in Armenia and Pereira, each with 82 cases every one hundred thousand inhabitants -CPHTH- and they are 30 points above the national average which was 52.3. In a lower proportion Manizales is also over the national average with 67.98 CPHTH; Cartagena 64.18 CPHTH and Medellín with 59.5.

Having the statistics been revised by gender, it is found that the rate of sexual violence against women in the national level, reaches 88.43 CPHTH and it is 73 points over the male rate which was 15.26 CPHTH. The municipalities with higher indexes of sexual violence against women in 2018 were Cartagena, Pereira and Manizales as can be seen in the tables.

Moreover, intra-family violence classified by the NILMFS gathers violence against boys, girls and adolescents, violence against older people and violence against other relatives. In this case we are not going into detail about violence between partners.

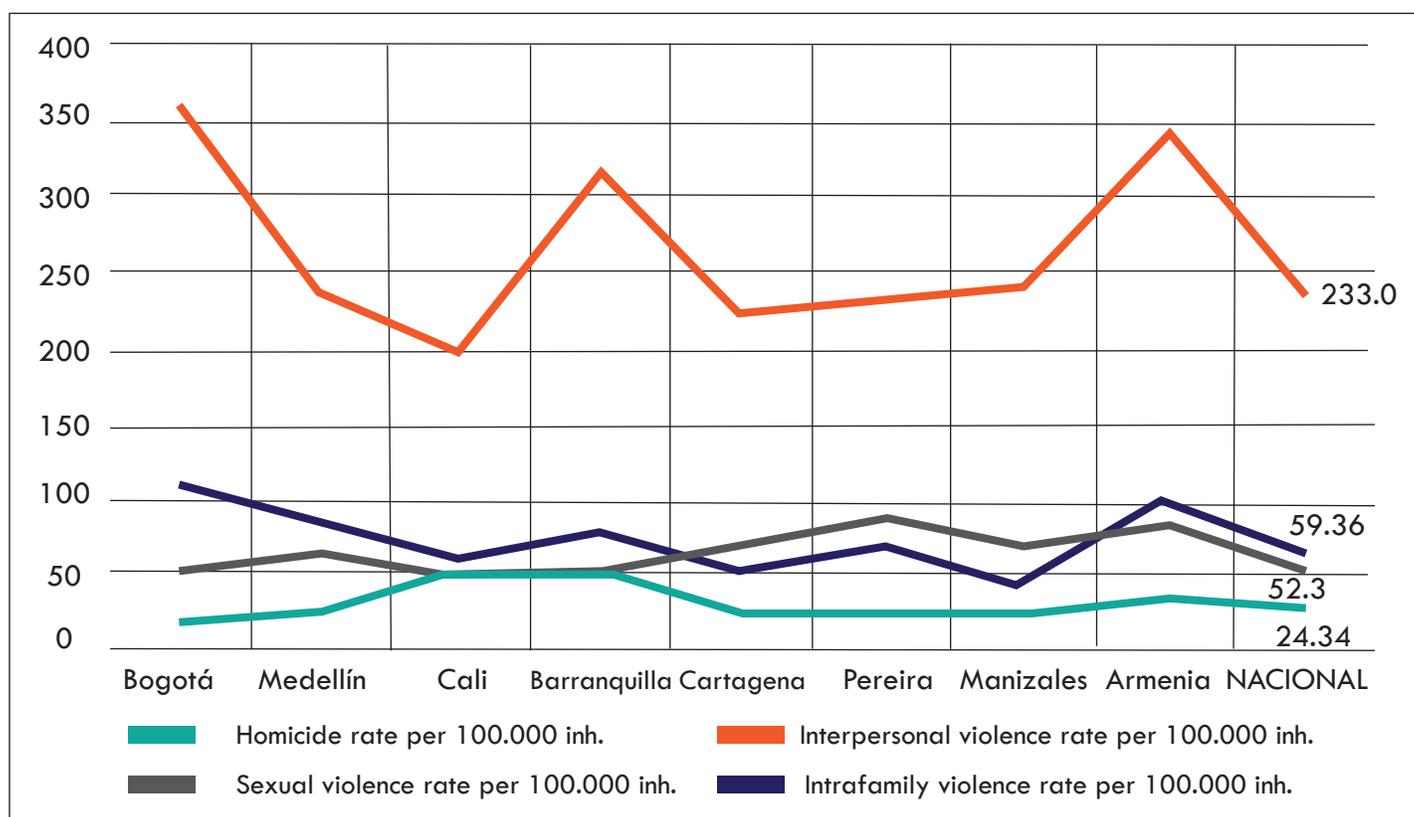
According to the NILMFS during 2018 in the forensic system, they recorded 28,645 cases of intra-family violence, corresponding to older people of 2,261 cases (7.8%), population of boys, girls and adolescents with 10,794 cases (37.6%) and last, violence between other relatives with 15,590 cases (54.4%). (Instituto Nacional de Medicina Legal y Ciencias Forenses, 2018)

To get a consolidated figure in the municipalities surveyed in the present study, were added the cases reported for boys, girls and adolescents, older adults and other relatives and to obtain the rate for one hundred thousand inhabitants, the results of the 2018 DANE census were taken into account.

According to this calculation, the intra-family violence rate in the country was 59.5 CPTH. In the male group, the rate was 24.1 and in the female group it was 35.2. It was in Bogotá and Armenia where are saw more cases, the rate in the former was 106.2 CPTH and in the latter 93.6 CPTH. In these same municipalities, the reported cases per women were up to 70 points over the national average.

The places where more cases of intrafamily violence are recorded in boys, girls, adolescents and older adults is in their own homes.

### Rate of homicides, interpersonal violence, sexual violence and intra-family violence every one hundred thousand inhabitants -2018-



**Source:** Data taken from Forensis 2018 (NILMFS). The calculation for the rate of intra-family violence is our own, based on the absolute figures of Forensis and the results of the 2018 DANE Census

Of the four criminal conducts analysed, personal injuries are the most weighed per one hundred thousand inhabitants and the most affected cities are Bogotá, Armenia and Barranquilla.

Intra-family violence has the same bias per cities affected as injuries. With reference to sexual violence, the most affected are Pereira and Armenia. For homicide the highest indexes are between Cali, Barranquilla and Armenia.

The other crimes taken into account are thefts and forced displacements analysed from absolute values. With regard to thefts, the total national is 378,636 claims to the National Police; in the cities surveyed Bogotá suffers the highest impact with 105,201 cases (28% of the national total); in Medellín thefts rose to 21,850 and in Cali 15.993.

As for forced displacement, the municipality with the highest number of displacement recorded by the Victims’s Assistance and Comprehensive Reparation Unit – UARIV- is Medellín with 5326 persons recorded in 2018. Medellín is the city which receives more displaced people with 20,562 cases known by the UARIV.

By virtue of the context in question, the following are identified as risks for the 2023 Female Football World Cup and transversally for all the groups of interest:

Potential Risks	Prevention or Remedial Measures
<p>Security risks derived from drugs micro trafficking around sports and entertainment venues, accommodation facilities for players, spectators, journalists and coaches.</p>	<p>Deployment of check points on roads, airports, bus stations and other points to monitor the income of narcotics to the cities.</p> <p>Development of preventative campaigns and claims nets in public venues such as bars and hotels.</p>
<p>Risk of homicides and to personal integrity for the consumption of alcoholic drinks and intolerance, street fights</p>	<p>Development of preventative campaigns in coordination with local administrations to improve citizens’ tolerance and prevent liquor consumption among youngsters and responsible consumption for people over 18.</p> <p>It is necessary to identify the areas with more conflicts for the tourists and national visitors who attend the event and warn from visiting them.</p> <p>It is necessary to determine the assistance protocol for people suffering from personal injuries within the framework of the event.</p> <p>Development of monitoring operations for liquor consumption in the areas of the cities identified as of higher conflict and around the sports stadiums to prevent street fights and situations in which the life of the general citizens and spectators is at risk.</p>

<p>Thefts caused to spectators affecting the right to security and integrity if physical violence is involved.</p>	<p>Deployment of a security plan around all the facilities involved in the Cup.</p> <p>Development of preventative or warning measures for the Cup spectators: protection of their belongings and safe behaviours in stadiums, buses, hotels and the traffic.</p> <p>Stadium entrance control in search of knives and fire guns.</p> <p>Police perimeter control in the sports venues.</p> <p>Setting up claims posts in all the stadiums to generate immediate reactions.</p>
<p>Extortion to work contractors or suppliers to the Cup which affect the right of security and integrity.</p>	<p>Develop with the National Police a relationship protocol with all the suppliers and contractors for the Cup per city to create reliability bonds and define a claims hotline.</p> <p>Establish in each city a prosecutor specialized in the investigation of this kind of crime.</p>
<p>Sexual Violence against women, boys, girls and adolescents with an emphasis on the potential phenomenon of trafficking persons.</p>	<p>As soon as Colombia is selected as the host to the Cup, it is necessary to design and implement sexual violence prevention campaigns according to the population age groups.</p> <p>In the case of boys, girls and adolescents, the campaigns must take place at schools and entertainment facilities.</p> <p>In the case of adults, the campaigns must be developed in mass media, land or aerial terminals, places of massive attendance and in the stadiums themselves where the Cup matches will take place. The Football Federation and the Ministry of Sports must get involved.</p> <p>It is necessary to work together to set up medical protocols and the assistance routes for the victims of sexual violence. The hotlines to make claims and assist the victims of sexual violence have to be opened and monitored.</p> <p>Around the stadiums, there must be police officers. The stadiums be duly illuminated and count with security cameras.</p>

### 1.3.3 Conclusion with respect to the risks derived from the context of human rights in Colombia

As mentioned in this chapter, after suffering more than fifty years of domestic armed conflict, the country signed a peace agreement with The guerrilla of the FARC in 2016. Nevertheless, the signature of this agreement is not enough. To consolidate it, it is necessary to develop collective projects to forge identity and national union to make Colombians proud of their country, as well as processes of development that modify the structural causes of the conflict.

The Football Female World Cup would contribute to encouraging these two purposes. As shown by the national football survey made for the construction of the Plan Decenal de Seguridad, Comodidad y Convivencia en este deporte (Ministerio del Interior, 2014), for the Colombians football is a reason for being united, for staying together with neighbours, for family integration and getting together with people from different ages, without distinction between race and gender. These aspects will be fuelled if Colombia is selected to be the venue for this event.

The Cup would also bring new opportunities to the country to develop tourism and other lines of the economy because the Cup is a world platform to show tourist attractions of the different regions of the country. This will improve local labour and new development areas which will ensure stability after years of conflict thus contributing to improving the population's life quality and welfare.

The Cup will also help to visualize and reach the Colombia targets in terms of Sustainable Development Goals SDG. (PNUD) in particular Goal 5 for Gender Equality to put an end to all forms of discrimination against women and girls as a basic human right and an essential condition for sustainable development. To be the venue for the Football Female World Cup would be very important to empower and consolidate in the long run, the gender equity strategic measures in the country.

This year FIFA and (UN Women) headed by Phumzile Mlambo-Ngcuka, signed a memorandum of understanding whose object is *“to create awareness of female football and its health benefits, empowerment and positive behavioural models for women and girls all around the world”* (ONU Mujeres). At the same time, both organizations will cooperate close with public authorities, international organizations, the private sectors and the mass media and sports organizations for football to be more accessible to women and girls and to spread different sports contents to promote gender equality.

As Colombia counts with the presence of -UNO Women, this is an opportunity to deploy this covenant subscribed with FIFA through the development of different activities and specific measures for women to take part, get involved and benefit from said development.

Within the country, there have been advances confirming the female football league of which 20 professional teams take part; football has also been encouraged at school. 48% of women have played it at school (Ministerio del Interior, 2014). Nevertheless, there is still much to be done for women's equity in the sports environment.

With regards to the risks derived from the context.

The Cup would take place in Bogotá and departments' capital cities which have a high level of security, with military forces and police perimetral control and higher levels of socio economic development, which makes it possible for potential risks to be under control.

The general risks would be mainly associated to the actions by ordinary criminals. To minimize this, preventative, control and remedy measures are suggested as in all other big cities in the world for this type of events.

## Chapter 2.

Analysis on how the operative deployment  
of the Female Football World Cup might  
affect the human rights of the groups of interest



## 2.1 GROUP OF INTEREST - WORKERS

### Related rights

Right to a minimum salary	Right to security in the work environment
Right to equal opportunities and treatment (Same work, same salary, non- discrimination)	Right to a maximum working hours
Right of freedom of association	Elimination of child labour
Right to collective bargaining and labour relations	Right of strike

For the 2023 Female Football World Cup, workers are one of the most relevant groups of interest for the fact that workers take part in each and every stage of the tournament and are the power for development. In the preliminary phases, by means of the constructive and adequacy plans for the physical infrastructure required for the development of the tournament; in the implementation phase, labour is concentrated in the assistance to spectators, entrance check points, cleaning and external services related to the provision of transport, cultural activities, hotels, restaurant and once the cup is over, in the recycling, cleaning, maintenance and dismantling of temporary structures such as spectators stands in parks and beaches, among others.

FIFA has determined that for this group of interest, the countries which are a venue for tournaments must ensure the compliance with the regulations for dignified and decent work as determined by the International Labour Organization (ILO), summarized in the introductory table.

This is why this chapter makes a statement of the international standards applicable to each right, determines the rules and Colombia's internal actions each right involves to ensure it is respected and guaranteed, and finally, determines the main risks the workers would have within the framework of the Cup.

In the country, the risks of the informal work contract (without social security, timetables or salaries under the minimum wage) are enhanced due to the immigration of people from Venezuela who are hired in a precarious way and accept said conditions on economic grounds.

By virtue of this, it is of outmost importance to determine preventative, monitoring and sanction measures so that the migrants get the same benefits as the nationals in terms of job quality.

### 2.1.1 International Standard

Colombia, as a member State of the International Labour Organization from 26 June 1919, counts with (61) ratified covenants, among which the most important are (8) covenants: i) C-29 Covenant on forced labour ratified in 1969; ii) C-87 Covenant on freedom of association and protection of the right of association ratified in 1976; ii) C100 Covenant on equal remuneration ratified in 1976; C-105 Covenant on the abolition of forced labour ratified in 1963; C-111 Covenant on job discrimination, ratified in 1969 and Covenants C-138 and C-182 on the minimum age of admission to employment and the worst forms of child labour ratified in 2001 and 2005 respectively. (OIT, 2019)

At the same time, Colombia has ratified three of the four governance covenants or so called priority covenants such as: i) Covenants on worksite inspections; ii) C129 on agricultural worksite inspections and C-144 on three-sided consultation, enforceable in 1999 and fifty technical covenants out of the 178 which are part of the set of international labour regulations which makes it possible to identify that, out of the 61 covenant ratified (fundamental, with priority and technical) 52 are in full force and 85 have been claimed. In the last 12 months, no covenant has been ratified although as a member state, Colombia has participated in the ILO dialogue processes for the adoption of the 189 covenants on domestic work and C-190 on violence and harassment which is starting its process for ratification to enter in force.

### 2.1.2 General situation of labour rights in Colombia

■ In Colombia, the female work force is 56.7% and the male force is 80.4%.

■ The rate of unemployment in women for the quarter July-September 2019 was 8.3% and in men it was 13.7% that is, 5.7 per cent points more, expressing a wider gap in the access to employment.<sup>2</sup>

<sup>2</sup> Own calculations based on the information provided by the DANE Bulletin published on 31 October 2019 [https://www.dane.gov.co/files/investigaciones/boletines/ech/ech/bol\\_empleo\\_sep\\_19.pdf](https://www.dane.gov.co/files/investigaciones/boletines/ech/ech/bol_empleo_sep_19.pdf)

- The global participation rate in September 2019 reached 62.8%, a rate of unemployment of 10.2%. (DANE)
- In Colombia, the percentage of employees who work more than 48 hours a week is 27.5% showing that workers in Colombia work around 44 hours a week
- The average income, compensations and benefits is \$1,236,610 per worker
- The percentage of work inspector every 10,000 persons is 0.4%
- Trade unions density is 9.5% and a coverage of collective bargaining of 9.5%
- The workers' poverty index is 18.2% (ILO) <sup>3</sup>
- Regarding the participation of the work force per economy sectors, 16% is dedicated to agriculture, to services: 63.7% and industries 19%, including in services, shops, hotels and restaurants which describes a high capacity of a response to demands such as for the development of an international competition (The Female Football World Cup in particular), to receive local as well as foreign tourists. Without a doubt the most important challenge is that the concentration of labour available in the dynamic sectors per economic sector is translated into the reduction of the levels of informality which between 2014 and 2016 in those sectors was 79.5% (Shops, hotels, restaurants) and 91% (agriculture, livestock and fishing) respectively. (Escue la Nacional Sindical, 2018).

### 2.1.3 Guarantee of rights in salary issues

Colombia has ratified the C026 – Covenant on the methods to determine a minimum salary; Covenant C095 on the protection of the salary and Covenant C099 on the methods to determine minimum salaries for the agricultural sector.

The country defines its salary basis on the standards set by law 278 of 1996 within the framework of the Comisión Permanente de Concertación de Políticas Laborales y Salariales (Permanent Commission to agree labour policies and salaries) which in 2019 is composed of the organizations representing workers (Workers, Unitary Central LUC, General Labour Confederation GLC, Colombia's Workers, Confederation; Confederación de Pensionados de Colombia and Confederación Democrática de Pensionados); organizations representing employers (Colombia's Entrepreneurs and Industrialists Association CEINA; Colombia's Agricultural Association; Banks' National Association, Federación Nacional de Comerciantes Fenalco; Small and Medium Sized Entrepreneurs Association SMSEA; and the entities appointed by the Government ( Labour Ministry; Finance Ministry; Ministry of Agriculture, the National Statistics Agency (DANE) and the Bank of the Republic).

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<sup>3</sup> According to the ILO countries profiles, poor workers are those who despite being employed, live under the poverty line. This indicator expresses the number of poor workers as a percentage of the population employed.

The salary for 2019 was \$828,116 equivalent to USD 251 and some transport additional of \$97,032 equivalent to USD 28,143. This minimum salary sets the country in an average position in Latin America, above countries such as El Salvador (US\$202), Dominican Republic (US\$184) and Nicaragua (US\$129), but it is far from the highest salaries in the list: Costa Rica, where the decreed value for 2019 is (US\$300.225) Panamá (US\$528), or Uruguay, the highest in South America where the minimum monthly salary is US\$460 for this year. (BDO, 2019)

On the other hand, in the latest measurement available at the World Bank, Colombia had a decrease in the GINI index of 0.497 respect of the <sup>4</sup>previous year calculated at 0.517 in 2016, Brazil 0.533 and Uruguay 0.395. In this information it is also possible to identify a poverty gap of US\$3.20 per day, 4%.

#### **2.1.4 Situation with regard to equal opportunities and treatment (Equal job Equal salary. Non-discrimination)**

In Colombia it is possible to identify new regulations for non-discrimination in the work environment among which are included:

- Law no. 1496 by means of which salary equality and retribution between women and men are guaranteed. Mechanisms to eradicate any form of discrimination and other stipulations are also issued
- Decree no. 4798 by means of which Law no. 1257 of 2008 is regulated. Some sensitization, prevention and sanctions against forms or violence and discrimination against women are issued. The Criminal Code and the Procedural Code are reformed and Law no. 294 of 1996 and other stipulations are sanctioned
- Law no. 1257 of 2008 by means of which sensitization, prevention and sanctions against forms or violence and discrimination against women are issued, the Criminal Code and the Procedural Code are reformed and Law no. 294 of 1996 and other stipulations are sanctioned
- Decree no. 1398 of 3 July 1990, by means of which law no. 51 of 1981 approving the Convention on the elimination of all forms of discrimination against women adopted by the United Nations.
- Law no. 51 of 1981 (June 2) by means of which the Convention on the elimination of all forms of discrimination against women adopted by the General Assembly of the United Nations on 18 December 1979 and signed in Copenhagen on 17 July 1980 is approved

And the following regulations related to workers with family responsibilities:

- Law no. 1361 of 3 December 2009 by means of which is created the Law on Family Protection.
- Law no.1232 of 2008 by means of which Law no. 82 of 1993, Law on Women as Head of Household is modified and other stipulations are sanctioned.
- Decree no. 1938 of 1994 by means of which the benefits plan in the National System for Health Insurance is regulated.

<sup>4</sup>[https://datos.bancomundial.org/indicador/SI.POV.GINI?locations=CO&most\\_recent\\_year\\_desc=true&view=map](https://datos.bancomundial.org/indicador/SI.POV.GINI?locations=CO&most_recent_year_desc=true&view=map)

- Decree no. 1902 of 1994 by means of which articles 39 and 190 of law no. 115 of 1994 on family subsidy for non-formal education and the family compensation boxes for basic and medium education programs are regulated.
- Decree no. 0784 of 18 April 1989 by means of which laws 21 of 1982 and 71 of 1988 are partially regulated.
- Decree no. 0341 by means of which law no. 25 of 1981 creating the Superintendencia del Subsidio Familiar (Family Subsidy Superintendence) is regulated and other stipulations are stipulated. Also law no. 21 of 1982 by means of which the family subsidy regime is modified and other stipulations are sanctioned.

The Senate of the Republic has analysed the gaps between men and women in terms of employment. In its latest analysis, it states a gap of 5.4% in 2019 in comparison to 4.6% in 2018.

The seventh commissions of the chamber and the senate which have to guard labour issues, have analysed the subject and suggest special and different strategies to reduce the gap in entering the labour market and access to employment. It is worth mentioning that when separating the DANE information at the level of capital cities, it is found that Quibdó, Cúcuta, and Valledupar have rates of 18.4%, 16.5% and 15.3% respectively compared to cities such as Cartagena, Barranquilla and Bucaramanga which presented rates of 6.6%, 7.9% and 9% where there are the lowest rates of unemployment. (DANE, 2019)

The first obstacle for the reduction of the gaps is to identify reliable methodologies which enables us to find, among others, where the salary gender gap is higher in terms of distribution and revise the efficacy of the existing work market institutions, to develop response strategies to the gender salary gap by means of education, the change of stereotypes and the fight against employers' prejudice on decisions related to hiring and promotion, among other actions (ILO).

On average, women earn 25% less than men. In a regional perspective, women's salary according to CEPAL represent only 84% of men's salary and according to the Global Report on Gender Gap of the World Economic Forum (2015), 11% of the women in Colombia were unemployed in comparison to 7% of men's unemployment rate. (Universidad del Rosario)

These gaps are worse if we look at them intersectionally taking into account the ethnic, economic, cultural, sexual and familiar or geographical conditions.

### **2.1.5 Situation in terms of freedom of association, collective bargaining and labour relationships**

In Colombia, considering the definition of freedom of association, collective bargaining and labour relationships and the international regulations classification, 15 regulatory actions can be identified:

- Decree no. 624 of 18 April 2016, by means of which was created the Mesa Permanente de Concertación con las Centrales Sindicales LUC, GLC, CLC and the FECODE for Collective Reparation to the Trade Union Movement.
- Resolution no. 810, of 3 March 2014, which determines the steps to register the first, second and third degree trade unions.
- Resolution no. 02270 of 2000 by which is determined the procedure to file the trade unions by-laws amendments.
- Decree no.1413 of 27 May 1997 by means of which is created the Inter Institutional Commission. (for the fortne, of labourers' human rights).
- Decree no.2293, of 8 October 1991, by which decrees which do not comply with Covenant no. 87 of the International Labour Organization are derogated.
- Resolution no. 1718, of 22 April 1991, by means of which some stipulations on the errands to file the first, second and third degree trade unions and the amendments to their by-laws are determined.
- Law no.39 by means of which the terms for the collective bargaining processes are modified.
- Decree no. 1469 relative to the exercise of freedom of association.

Taking into account the information available at the trade unions archive under the Ministry of Labour, at present there are 11.579 registered trade unions, out of which 3.174 are considered really active according to its union dynamic (meetings, changes or amendments to by-laws, among others). 1.711 are part of first degree trade unions and related to one of the 7 centrals or trade union confederations recognized by the Ministry of Labour and about 1.463 organizations are not confederated.

The population per central or confederation is distributed like this:

Trade union representation in sector level dialogues and within the framework of the Permanent Commission for the Agreement on Salary and Work Policies

Workers union	Men	Women	TOTAL
Central Unitaria de Trabajadores CUT	306.325	261.719	568.044
General Labour Confederation GLC	395.347	147.904	543.251
Colombia's Labourers' Confederation CLC	125.626	32.043	157.671
Medellin Urban Labourers' Confederation MULC	16.044	16.044	32.088
National Labour Confederation NLC	21.243	7.127	28.370
Colombian Labourers' Union CLU	3.456	3.456	6.912
Colombia's Public Officers' Confederation CPOC	2.737	2.978	5.715

Non confederated trade unionized workers	Confederated trade unionized workers	GENERAL TOTAL
43.575	1'342.051	1'385.626

Moreover in Colombia are present the following international workers' trade union federations –FSI:

- UNI, Union Network International; Banks Services Sectors, security transport services, papers, private security and hyper markets
- International Education
- International Public Services
- BWI, Building and Wood Workers International
- International Uniting Food, Farm and Hotel Workers Worldwide
- IFT, International Federation Transport Workers Federation ITF
- FJ, International Federation of Journalists FIP

The International Federations that are present in the country are included in the analysis since BWI made a Framework Agreement, (AMI), with FIFA in relation to the 2022 Qatar male world cup, which opens a window of opportunities for the 2023 Female Football World Cup in 2003.<sup>5</sup>

The AMI<sup>7</sup> are tools that offer a framework of action for the parties not only with regard to world supply chains, but to identify efficient practices to promote decent job defining global work relationships.

According to what was informed by the International Trade Union Confederation (ITUC) the agreement between BWI and FIFA, was possible thanks to the mediation of the Swiss Government stating that *“BWI is glad to announce the agreement between the International Association of the Construction and Wood Labourers and FIFA, regarding the working conditions of the construction labourers for the 2022 Qatar World Cup within the framework of the application of the OCDE directives for Multinational Companies, which confirms a series of commitments made by FIFA with regard to the monitoring of the working conditions, creating a supervision body in Qatar and different mechanisms to attend workers' complaints and their working conditions”*.

Finally, the international organization points that *“the BWI urges all the multinational companies which operate in Qatar to conduct the due diligence along all the supply chains in the country, in line with the United Nations Ruling Principles on Business and Human Rights, to allow their workers to democratically organize themselves within the companies and eradicate abuse in the hiring of migrant workers”*. It is worth mentioning that the BWI counts with a representative for Colombia and with affiliates within the framework of the net called inter-union for construction and woodworks. See (Intergremial construye, 2019) for which it would be viable to advance in this type of Framework Agreement for the 2023 Female Football World Cup, and in this way obtaining the BWI support for the training, supervision and control of the work guarantees.

### 2.1.6. Right to Social Security

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<sup>5</sup> Ibid

In Colombia there are over (179) regulatory actions to rule social security issues related to

i) medical assistance and monetary services in case of disease; ii) assistance to old age, disability and survival); monies on account of labour accidents and professional diseases; monies on account of unemployment; assistance and social, administrative and financial services. Among the most relevant we can mention:

- Decree no.0604 of 2013 by means of which is regulated the access and operation of the complementary social service for periodical economic benefits
- Law no.1580 of 10 October 2012 by means of which a family pension is created
- Law no. 952 by means of which law no. 700 of 2001 is modified to dictate measures to improve pensioners life conditions
- Law no. 860 by means of which some of the stipulations of the Pensions System provided for in Law 100 of 1993 are amended and other stipulations are made
- Decree no. 936 of 9 May 2013 by means of which the National Family Welfare System is reorganized
- Law no.1532 of 7 June 2012 by means of which some political measures are adopted and the operation of the Families in Action programme is regulated
- Decree no. 4048 of 2010 by means of which is added one article to Decree no. 3771 of 2007 by of which is regulated the administration and operation of the Solidarity Pension Fund

In the country, in 2016 out of a total of 22,156,151 of the population employed, the total of affiliates to labour risks is 10,039,257 out of whom 95% are dependent workers, and 5% independent workers. In this same analysis, about 8.5 million labourers are affiliated to an unemployment fund, out of which 82% are employees, 16% volunteers.

With regard to health care, in 2016 there were 19,993,086 affiliates, out of which 54% are affiliates to the contribution regime and 45% to the subsidized regime. Finally the total of contributors to the pension system in 2016 was about 8,507,571 with a total of 2,206,226 pensioners not only in the public system but also in the private system and special regimes.

## 2.1.7 Right to safety in the work environment

In Colombia, more than (66) regulatory actions can be identified, among which are those to regulate: i) protection against special risks and, ii) protection in certain areas of economic activity among which are included:

- Decree no. 2053 of 15 October 1999 by means of which the Covenant on the prevention of serious industrial accidents is issued, 1993 (no. 174) adopted in the 80th International Labour Organization Conference in Geneva on 22 June 1993. Decree no. 1833 of 1994 by which the administration and operation of the Professional Risks Fund is determined.

<sup>6</sup> See Escuela Nacional Sindical 2018. X Informe de Trabajo Decente Colombia 2007-2016 [http://www.ens.org.co/wp-content/uploads/2018/10/INF\\_TD\\_2016.pdf](http://www.ens.org.co/wp-content/uploads/2018/10/INF_TD_2016.pdf) Page 89

■ Law no. 436 of 7 February 1998 by means of which Covenant no. 162 is approved on the Use of Asbestos under Safety Conditions, Geneva, 1986.

Of the information obtained within the framework of the X Report on Decent Jobs published by the ENS in 2016 and as a reference standard, it is possible to identify that the “total of workers in the country in 2016, 45.3 % was protected against labour accidents and labour diseases. Out of the total of 3,571,102 labourers in the Colombian countryside, 356,929 were affiliated to the labour risks system equivalent to 10.2 %, followed by commerce, hotels, bars and restaurants employees taking into account that 24.2 % were affiliated in 2016. With regard to transport, storing and communications activities, 41.6 % of the population employed in these activities were affiliated and in industries, 2,549,962 persons are employed, 43.7 % were affiliated to the labour risks protection system (Escuela Nacional Sindical, 2018)

At the same time the report states “with respect to salary paid employees, 11,728,906 in 2016, the rate of affiliation to the labour risks system was 81.1 %, mainly concentrated in big cities (...), with some lower affiliation in the rest of the municipalities in Colombia. The coverage of the labour risks system includes 532,166 independent workers. This means that only 5.6 % of the independent workers are included in this protection.” (Escuela Nacional Sindical, 2018)

### **2.1.8 Guarantee of the working conditions (working hours)**

In Colombia according to the definition of working conditions and the international regulatory classification, more than (8) regulatory actions can be identified in which are included actions to regulate the working hours, weekly break and paid holidays among which are included:

- Decree no. 2205, of 30 December 2016, authorizing money recognition of compensatory days
- Decree no. 2564, of 30 December 2015, by which is authorized money recognition for compensatory days
- Law no.1280 of 2009 by which is modified the Labour Code
- Law no. 995 of 10 November 2005 by means of which is recognized a money compensation for holidays to private sector employees and the public administration employees in their different categories and levels

The maximum working day in Colombia is regulated by article 161 of the labour code. The rule determines the maximum working day in 8 hours and the week in 48 hours.

There are exceptions to the maximum working day, as follows: i) maximum working day for minors; ii) working day for managers and in reliability positions; iii) working hours for the domestic service; iv) working hours for those residing where they work. Within the internal regulatory framework in Colombia, the following must be analysed: a) exception to the maximum working day agreed between the

employer and the employee; b) authorization by the ministry of labour to exceed the maximum legal hours; c) maximum working hours including overtime; d) 36-hour working day per successive shifts; e) guards' working day of no more than 12 hours according to the stipulations of law 1920 of 2018 and; e) distribution of the working day as defined in article 167 of the Labour Code in which at least two sections with a break not computable for the working day, must be distributed. Any other period will be computed in the regular working period. (Ministerio de Trabajo )

### **2.1.9 Elimination of child labour, protection of children and adolescents**

In Colombia in compliance with the definition of elimination of child labour and children and adolescents' protection, more than (17) regulatory actions can be identified among which are included actions to identify, among others, dangerous child labour. In this matter, among other regulatory actions, it is possible to identify:

- Resolution no. 3597 of the Ministry of Labour of 3 October 2013, which determines and updates those activities considered as the worst forms of child labour and defines the classification of dangerous activities and unhealthy working conditions for the physical or psychological integrity of the persons under 18.
- Resolution no. 1677 of 16 May 2008 by which are mentioned the activities considered as the worst forms of child labour and is defined a classification of dangerous activities and unhealthy working conditions for the physical or psychological integrity of the persons under 18.
- Decree no. 4690 by which is created an intersectorial commission for the prevention of recruitment of boys, girls, adolescents and young people by illegal organized groups.
- Law no. 1098 by which is issued the Code of Infancy and Adolescence.
- Law no. 1008 of 23 January 2006 by which are set some competences and procedures for the application of international covenants regarding childhood and family.

In Colombia the population between 5 and 17 years of age represents 22.4% of the total population, that is, a total of 10,974,000 of children. Of those, 2,501,000 persons are in the age range of 15 to 17. According to the DANE's Gran Encuesta Integrada de Hogares (home survey) in the Module for Child labour, the percentage rate for child labour dropped from 10.2% in 2012 to 5.9% in 2018 with a reduction of 0.7 percentage points per year.

For the October - December 2018 period, the national total of the working population between 5 and 17 years, added to the ones who did housework for 15 hours or more, was 1,119.000 people marking a reduction of 10.5% in comparison to the fourth trimester in 2017.

It means that in te country there is a risk of hiring child labour; by virtue of this, it is necessary to reinforce the monitoring mechanims to prevent this phenomenon in the value chain for the 2023 Female Football World Cup.

### 2.1.10 Right of Strike

In Colombia the right of strike is stipulated in article 56 of the Political Constitution it is coherent with the right of freedom of association and collective bargaining incorporated in the International Covenants of ILO 87 on Trade Union Freedom and 98 on Collective Bargaining, described in the same way in the International Pact on Economic and Cultural Rights, in the Additional Protocol of the American Convention on Human Rights with reference to Social, Economic and Cultural Rights and in the San Salvador Protocol to which Colombia has adhered as a member of the Organization of American States as well.

With regards to jurisprudence, by means of sentence 473 of 1994 the Colombian Constitutional Court determined that the “right to strike is in direct connection not only to clear fundamental rights – such as the right to association and workers’ trade unions- but also to evident constitutional principles like solidarity, dignity, participation (CP art. 1) and the constitution of some fair order.

In the same way the Court states that the Constitution does not determine any limitations on the types of strikes, for which reason, the content of this right must be widely interpreted. This is why the workers can go on strike to claim improvements in the economic conditions of a specific company or to get some particular working conditions for a certain sector and in general for the defence of the workers’ interest.

Nevertheless, the Constitution itself states limitations to this right” and the Court points out among other elements that “the Reading of article 56 above also shows that the Constitution has determined a strict legal reserve regarding strikes. In fact, the regulation not only establishes that the law will regulate this right, but it also states that it is only the Lawmaker, i.e. the Congress, who defines which the essential public services are, without the Lawmaker to be able to delegate this power to other authorities”

Notwithstanding this, the solidarity strike, a strike against economic policies and the strike accountable to the employer for breach of their obligations are still the subject of analysis and regulation.

In Colombia, based on the data of the (Collective Actions and Trade Unions Dynamics) there were about 1793 sessions or demonstrations for the period 2007-2018 among which are identified 555 meetings, 453 demonstrations, 318 protests and 27 hunger strikes. (Escuela Nacional Sindical, 2018)

On the other hand, based on the information presented by the ENS in the SISLAB Information System for the period 2008-2016 it is possible to identify how the collective agreement (signed with non-unionized

workers), increased 48% between 2008 and 2016; the union agreement has increased its coverage to about 89% which can describe a prevalence of collective bargaining different to the one established between a representative trade union and its employer. (Escuela Nacional Sindical, 2018)

### **2.1.11 Migrant workers**

The International Convention for the Protection of Migrant Workers and the Members of their Families was adopted on 18 November 1990, by Resolution 45/158 of the United Nations General Assembly. It was enforced on 1 July 2003 and now has 38 signing States and 48 member States.

Among its main points, the Convention intends to enhance the protection mechanisms for migrant workers and their families, mainly on exploitation and discrimination conditions and the creation of clear guidelines in relation to the social benefits these persons should have access to. (OEA- CIDH, 2015)

In the case of Colombia there is a big mixed migratory flow. According to the Colombian Migration data, as on December 2017 there were 415.355 Venezuelan migrants registered; this figure was increased to 1.359.815 on 31 December 2018; the figures up to July this year, accounts for 1,408,055, among which there were 742,390 (53%) with regular status (foreigner's ID within said time, who hold a PEP) and 665.665 (47%) under irregular residence conditions. (Migración Colombia, 2019)

In the last year, between August 2018 and July 2019, the rate of unemployment for the Venezuelan population who recently migrated to Colombia was 19.2 %, that is those who said when being surveyed that 12 months before had not left their country, a percentage well above the national rate of unemployment for the last year (10.2 %). This was revealed by the Departamento Administrativo Nacional de Estadística (Statistics Agency) in the migrant status labour market report, a study which includes the effect of Venezuelans in Colombia. (DANE, 2019)

The Venezuelan migrants with an irregular status are those who are more vulnerable because they are subjected to work abuses with daily contracts without social security, salaries under the applicable minimum wage and extensive working hours. This is one of the greatest risks for which prevention and remedial measures have to be applied.

### 2.1.12 Regulatory actions and balance of the administrative actions with reference to inspection, survey and control of labour issues

As a result of the missionary responsibilities of the Labour Ministry and the Vice Ministry of Labour Relations and in particular (Inspection, Survey Agency) in the period April-June 2019 there have been 3,440 previous administrative investigation in relation to labour issues.

According to the priority sectors within the framework of commercial compromises in Colombia with the international community, we can see a significant number of sanctions in the sugar sector (1) executed sanction and (1) non-executed sanction; (2) executed sanctions and (2) non-executed sanctions in the flowers sector; (16) executed sanctions and (17) non-executed sanctions in the mining sector for the amount of \$ 1,145,074,468 between the executed and non-executed sanctions.

### 2.1.13 Risks and possible prevention and remedial measures in labour matters

Despite the regulatory and institutional labour guarantee, the following risks and challenges are detailed:

Potential Risks	Prevention or remedial measures
Committing boys, girls and adolescents (BGA) without a minimum age to start working or under the worst forms of child labour	<p>The Labour Ministry will have to strengthen the prevention strategy for child labour together with private companies, trade unions and associations</p> <p>Reinforce the inter institutional coordination channels of access to information on criminal dynamics to enable administrative, judicial or police actions to neutralize the commitment practices in the worst forms of child labour and/or restore rights to the victimized population.</p>

<p>Discrimination in the Access to employment or remuneration on ethnic, sexual condition, gender or origin grounds</p>	<p>Establish an action and intervention protocol by the Inspection Directorate of Labour Ministry strengthening the channels for virtual and phone claims and based on trends or indicators of potential cases of discrimination based on an agreement with companies and trade unions from a preventative point of view which is reflected in company responsibility agreements subject to sanction once the teaching phase has been complied with.</p> <p>Strengthen the registry of the recording and certification platform for foreign workers in the country (RUTEC) which enables to visualize the companies with good practices for hiring migrants, promote and spread the channels for claims and determine territory profiles and discrimination practices to define monitoring and control plans.</p>
<p>Limitations to association freedom, collective bargaining and right to strike</p>	<p>Define a pilot plan to identify companies and entities directly or indirectly related to competence, to define labour profiles based on domestic surveys in coordination with managerial positions and determine a set of probabilities of escalation of labour conflicts to implement mediation dialogues to approach trade union controversies and/or the follow-up to the application of the stages to agree on a strike.</p> <p>Design of a plan to talk to the companies and trade unions identified in the balance to reach agreements and manage controversies one year in advance.</p>
<p>Enhancement of the indexes for compliance with the social protection, industrial security and improvement of the labour environment standards</p>	<p>Design of a seal of labour quality based on a model for incentives and recognition with prizes with practical effects for the corporate structure which might be recognized in ceremonies previous to the competition, within the framework of the stages of the tournament and the final stage which might represent access to publicity media, products positioning and priority in distribution channels which enhance the working conditions of their workers and promote quality practices at work in order to enhance affiliation to social security, the access to family compensation benefits and the access to the risks system, social protection and pension for their workers to become a competitive advantage and a variable to select it for the provision of services and products by the customer.</p>

<p>Ignorance of the labour rights of sportspersons, workers and spectators</p>	<p>To determine and encourage one year in advance of the competition, successful cases of dialogue and agreement with male and female football players on their working conditions as well as with workers in different services areas, transport and commerce which can be collected as a significant experience for the guarantee of rights in a public campaign for the promotion of labour rights taking advantage of the players to generate awareness and the promotion of labour rights creating the #FairPlay is #FairWork strategy.</p>
<p>Hiring precarious migrant labour</p>	<p>Development of an information campaign for migrants on their rights and channels for claims in case of violation of their labour rights.</p>
<p>Security Risks in the work environment</p>	<p>Although the Cup will not imply big physical infrastructure developments, it is recommended to evaluate the safety risks for workers in each of the chain value and define a response plan. The Colombian law is aligned with international standards. Nevertheless, adequate supervision and monitoring measures must be foreseen regarding each of the business persons, contractors and suppliers who form the value chain.</p>



## 2.2 GROUPS OF INTEREST- COMMUNITIES

### Related Rights

Right to freedom of speech and information	Right to life, freedom and security , free circulation, to not being subjected to torture or inhuman or degrading treatment – trafficking persons, BGA
Freedom of association and peaceful meetings – Social Protest	Right of property

### 2.2.1 Right to Peaceful Social Protest

#### 2.2.1.1. International Standard

Social protest is the legitimate means of claim for all kinds of rights. The right to social protest has been understood as a set of fundamental rights which include freedom of speech, association and peaceful meetings and other related guarantees. When talking about social protest, there is always a dichotomy between the protection of this right and the need to guarantee citizens’ security and constitutional order which could eventually be affected by its exercise. (Burbano, 2018).

This right is stipulated in the following international regulation.

i) *Freedom of information* is within the right of freedom of speech, stipulated in article 19 of the Civil and Political Rights International Covenant and article 13 of the American Convention on Human Rights. ACHR. Both instruments define the freedom of speech as the right of individuals to search, receive and disseminate all kinds of information by any means. In paragraph 2.5 we will deal with this right in particular in relation to journalism. With regard to its collective perspective, the social protest constitutes the expression of said freedom.

ii) *The freedom of assembly and peaceful speech are protected in the Universal Declaration of Human Rights, article 20 which states: “Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association”* In the same way the International Covenant on Political and Civil Rights states in its article 21 that *“The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others”*.

On the Inter American level, the American Declaration on Rights and Duties of Man of 1948, article 21, states: Every person has the right to associate with others to promote, exercise and protect their legitimate interests of a political, economic, religious, social, cultural, professional, labour union or other nature. Those persons have the right to association. Said rights are also provided for in the American Convention on Human Rights, article 15.

Finally the Declaration on the rights and duties of individuals, groups and institutions to promote and protect human rights and the fundamental freedoms universally recognized- Resolution A/RES/53/144, article 5 fifth states: *“In order to promote and protect human rights and the fundamental freedoms, every person has the individual or collective right, nationally or internationally” (...)* to assemble and express in peace.” Although it has not a binding legal status, this Declaration contains the principles of rights included in instruments which do have said legal status. ( United Nations High Commissioner of Human Rights, 2004).

### 2.2.1.2 State Obligations

Within the framework of international standards mentioned by the state, it has the following obligations with regard to the respect of the right:

- Prevent unjustified limitations such as the prohibition of protests
- Avoid imposing requisites to obtain authorizations for rallies, assemblies or protests: the simple notification or information to the authorities, according to the Colombian Constitutional Court, should be enough
- Establish administrative or judicial resources to appeal the decisions which decline permits to celebrate protests
- Prohibit the arbitrary arrest of demonstrators
- Avoid the excessive use of force to control demonstrations

Within the framework of its obligations, the state must:

- Prevent the approval of laws which do not adjust to international law which make it difficult or prohibit the exercise of the right, as in the case of laws against terrorism in which ambiguous definitions enable the persecution of protests
- Legitimate the role of human rights defenders
- Facilitate protection measures to all the citizens in big cities

- Create quick judicial resources to enable demonstrators to request protection when the exercise of their rights is limited

### 2.2.1.3 Guarantee of public and peaceful demonstrations in Colombia

From the constitutional perspective, the right to social protest is defined in Article 37. *“Any part of the population can assemble and express in public and peacefully. Only the law will expressly determine the cases in which said right will be limited”*. This right has to be understood together with article 20 which guarantees everybody their right to express freely and disseminate their thoughts and opinion and to inform and receive truthful and independent information, and with article 38 which guarantees the right to free association.

With regard to the legal regulations, from the criminal perspective, social protest is not penalized. Nevertheless there are some situations in which some rights to protest can be penalized under the supposition of abuses such as: i) disturbances in transport public services or official services Article 353 of the Criminal Code; ii) the blocking of public roads affecting public order, Art 353 of the Criminal Code and; iii) uprising (Burbano, 2018).

The Police Code and Law 1801 of 2016 contains a series of stipulations to regulate peaceful protests. Article 53, defines the right of assembly and public and peaceful demonstration which contemplates that the right to assembly is the object of protection provided it is peaceful and legitimate. This last element may cause ambiguity because it is not clear what “legitimate” means for the authorities. The regulation determines at the same time, that it is necessary to notify the administrative authority of the place where the demonstration will take place 48 hours in advance, to adopt the measures to facilitate the exercise of the right. In its article 56, it establishes the regulation for the participation of public forces in the demonstrations as well as the guidelines for the intervention and use of force, stating that its use will be exceptional and only to prevent the rights of third parties to be affected, always applying the principle of proportionality.

With reference to the dynamics of the social protest in the country, they have not been exclusive to any government there have always been citizens’ demonstrations with a relevant role among the groups of people who actively participate in the defence of fundamental rights and many times they have led to structural changes. This was the case when there was a youth demonstration to call the 2001 constitution reform after the peace process signed with M19 guerrilla.

During the first year of President Iván Duque in office, there have been many social demonstrations caused by the following reasons:

- i) The first one was due to the citizens’ polarization regarding the best way to regulate the implementation of the peace agreement subscribed with the FARC. It does not mean that some Colombians want peace and some others do not; it has to do with differences between sectors in the society

regarding, if drug trafficking and sexual violence can be considered as related to the rebellion crime. If the members of the armed forces and the third parties who took part in the conflict, would have the same treatment and benefits of the transitional justice as the demobilized members of the FARC, and if they would be judged by the same courts and finally, how to guarantee the victim's rights .

They have not been easy issues to discuss. Nevertheless, as stated in the first chapter of this document, thanks to the system of essential checks and balances between the branches of the public power, the plural representation in the Congress of the Republic of the different sectors of society, it has been possible to give democratic debates and issue laws, regarding which the Constitutional Court has exercised the constitutional control. By virtue of these discussions led by social movements, it has been possible to advance in the implementation of the peace agreement, although there are many aspects to be ruled.

ii) The second cause for social protest, has been made by university students who during 2018 requested more budget to invest in state higher education and in investigation. In 2019, demonstrations have been renewed to enforce the agreements reached in 2018.

iii) Finally, within the framework of the homicides of human rights defenders described in the first chapter of this document, there have been huge demonstrations to defend the life and integrity of the social leaders and demonstrations by indigenous and Afro-Colombian communities who demand guarantees for their survival since the violence derived from the armed conflict and organized delinquency, have increased in their territories during the last two years.

Some demonstrations ended up with episodes of violence and riots tainting their motivations. On the other hand, there have been claims for the abuses in the use of force and arbitrary detentions by the Antiriot Squad, ESMAD of the National Police. Nevertheless, most of them were developed peacefully applying negotiation and mediation protocols with the ministers of the corresponding branch accompanied by the Public Ministry, and leading to decisions of more governmental support to vulnerable groups.

#### **2.2.1.4 Risks that could arise in relation to the right of freedom of speech and public, peaceful demonstrations and proposals for prevention or remedial measures**

Within the framework of the right of communities to the access to information and the right of the civil population to influence the decisions of the public policies adopted by the authorities, there are social groups contrary to the organization of this type of events since they see an excessive expense of the State for sports facilities versus the need of the population to build schools, basic sanitation, hospitals, etc.

An example of this were those demonstration in about 50 cities in Brazil against the Football World Cup in 2014 in which took part groups of homeless workers, those in the metallurgy sector, transporters,

teachers and students. There was prompt police repression and lootings and many shops closed and there were multiples detentions. (Borges, 2014).

This is why there are risks related to limitations to the exercise of the right of peaceful protests and with regard to the demonstrations, the risk of the excessive use of force and fire guns by the public forces.

At the same time, the right of mobilization of the population not taking part in the demonstrations can also be limited because they block important roads causing traffic jams and risks to the population's security.

Potential Risk	Prevention or Mitigation Measure
Restrictions to the access to information regarding the organization of the Cup, budgets, application of budgets, parties involved, etc.	<p>The organizing committee must define previous informative reports on the implications the CUP will have in terms of budget for the Colombian State and estimate how said investments in the long term would benefit the population with concrete projections with reference to the impulse to new economy sectors in the country.</p> <p>The organization of the event shall produce office reports with the advances in the works and the criteria to select the contractors and the local labor.</p> <p>Open the schedules and investment plans to the scrutiny of the population guaranteeing access to public information.</p>
Restrictions to the performance of assemblies and demonstrations	<p>The local administration must determine with the organizations and social leaders the routes for the mobilizations applying the Police Code.</p> <p>It will be necessary to set up a work table in each city, to talk and deactivate social conflicts in a peaceful way and do a follow-up of the agreements with the permanent presence of the Public Ministry.</p>
Excessive use of force and fire guns by the public forces to control demonstrations	<p>The public force must implement the manual for the use of force and fire guns to control social demonstrations and the protocols defined by the Police Code. The demonstrations will be accompanied by the Ombudsman and the municipal representatives to verify the compliance by the citizens that demonstrations will be in peace and if there are acts of violence, verify that there is no excessive use of the Public Force.</p> <p>Create communication and claims networks among the organizers of the demonstrations when they notice that there are people infiltrated who make use of violent methods to demonstrate, use low intensity explosives, vandalize or are violent against other citizens.</p>
Misinformation campaign in mass and virtual media	<p>Development of an official communications strategy by the organizers and the authorities with a protocol of immediate response to misinformation situations.</p> <p>Establish official information channels in the FIFA's official languages.</p>

## 2.2 Right of property

### 2.2.1 International Standard

With regard to the right of property, the Universal Declaration of Human Rights in its article 17 states: *“Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of their property”*.

The International Covenant on Civil and Political Rights in its article 17 prohibits the arbitrary and illegal interference in a person’s domicile, which can be considered a protection to the right of property. (Pacto Internacional de derechos Civiles y Políticos, 1966)

When it refers to the property of lands and territories by indigenous peoples, the Declaration of the United Nations on the rights of the indigenous peoples, states in its article 26, 1. That they have the right to the lands, territory and resources which they have traditionally possessed, occupied or otherwise used or acquired and that the states will ensure the recognition and legal protection of said lands. (Declaración de las Naciones Unidas sobre los derechos de los pueblos indígenas).

On the other hand, the ILO 169 Covenant states that although it has been established that the peoples must not be transferred from the lands they occupy. Exceptionally, when a transfer or relocation is considered necessary, it will only be done with their free, informed consent of the cause. In all the cases, the peoples have rights to return to their traditional lands when the causes that produced their transfer or relocation stopped existing. If this is not possible, they have the right to receive a compensation for any loss or damage caused by their displacement.

### 2.2.2. Guarantee of the Right of Property in Colombia

The right to private property in Colombia is in the Constitution in article 58 which says: *“Private property and the other rights acquired in agreement with the civil laws, cannot be ignored or violated by further laws. When the application of a law issued on the grounds of public utility or social interest, might be in conflict with the rights of private persons with their need recognized by them, the private interest shall surrender to the social and public interest”*. It is also stated that the right to property has a strong connection with the principle of solidarity which indicates that the domain on an asset has a restriction in relation to their social function. This is why, on public utility or social interest grounds as defined by the lawmaker, there may be expropriations by means of a court sentence after the corresponding compensation. This will be determined consulting the interests of the community and the affected party. In the cases determined by the lawmaker, the expropriation can be done via administrative channels subject to a further action under administrative law.

In brief, the right of property grants its title holder the power to use, enjoy, exploit and dispose of the asset provided the issues inherent to social and ecological functions derived from the solidarity principle are respected. These principles authorize the State to restrict the right of property and acquire real property to materialize higher character objectives. This task is remarked within the framework of a procedure which respects the requisites established in the Constitution to deprive a person of their right of property.

With regard to the protection of rights of property of the land by the ethnic communities in Colombia, the national Constitution in article seven recognizes and protects the ethnic and cultural diversity of the Colombian Nation and its article 63 points out that the community lands belonging to ethnic groups, the safeguard lands and other assets that the law determines, cannot be seized or sold and do not prescribe.

It indicates that the black and indigenous communities have the right to decide on their territories. For this it is necessary to recognize their territorial rights, such as it is pointed out by the Constitutional Court: *“Without the recognition to the right to the land, the rights to cultural identify and autonomy are only formal recognitions”*. (Sentencia T-188 de 1993).

### **2.2.3 Risks that the communities could face in relation to the right of property within the framework of the 2023 Female Football World Cup and proposal for prevention or remedial measures**

Important events such as the 2023 Female Football World Cup, can have impacts on the right of property, in particular, when it is necessary to build new stadiums, training areas and hotel resorts to accommodate the delegations. Nevertheless in the case of Colombia, the 8 candidate cities for the sports venue, have the necessary infrastructure (stadiums, training centres and hotels), which would avoid the acquisition of new pieces of land or expropriations. At the same time, the venues for the event, as they are located in capital cities, would not affect the rights to territory of the indigenous communities which are mostly located in rural areas.

Nevertheless, there could be some cases of minor or temporary impacts referred to the facilities for the fans, additional parking spaces, and areas to locate the security officers around the sports venues for which some provisions must be taken into account.

Potential Risks	Prevention or remedial measures
Ignorance of the right of property and/or abuse with regard to the rental costs	The cup must involve social dialogue with the communities which might potentially be affected by the cup and with the local authorities, to inform on the acquisition or rental plans for the lands, determine the property rights in case there is no clear knowledge of the title holder, determine compensations in case of expropriation or rental rates, with sample contracts to clearly determine the obligations of the parties.
Displacement of homeless persons who live in the areas where the Cup activities will take place	Do a census of the homeless in each of the cup venues. Determine measures for social assistance (lodging and feeding) in proper centres to provide them with adequate protection.

## 2.2.4 Trafficking Persons

Trafficking persons is the transfer of human beings from one place to another within the country or abroad for exploitation purposes to get money or any other benefits. In this situation, the victims lose their right of freedom and the autonomy of their own lives. It is a crime which in Colombia is punished with imprisonment between 13 and 23 years for the one who trades human beings with exploitation purposes and has been recognized by the international community as a new form of slavery which violates human rights when converting men and women into merchandise. (OIM COLOMBIA, 2019)

### 2.2.4.1 International Standards

At a universal level, we count with the Protocol to prevent, punish, and sanction trafficking persons especially, women and children, which enhances the Convention of the United Nations against Transnational Organized Delinquency.

The purpose of the Palermo Protocol is: “a) prevent and fight Trafficking Persons, paying special attention to women and children; b) protect and help the victims of trafficking, respecting their human rights in full and; c) promote the cooperation between Member States to get that purpose”.

This instrument in its article 5 urges the Member States to adopt legal measures or others which are necessary to typify as a crime in their internal law the conducts stipulated in article 3 of the Protocol:

A. “Trafficking Persons” is the capture, transport, transfer or reception of persons resorting to threats or the use of force or other forms of coercion, kidnappings, fraud, deceit, power abuse or of a situation of vulnerability or the granting or reception of payments or benefits to obtain the consent by a person who has authority on another one with exploitation purposes.

This exploitation will include, at least, prostitution or other forms of sexual exploitation, forced jobs or services, slavery or similar practices, servitude or the removal of organs.

B. The consent given by the victim of Trafficking Persons to all forms of intentional will not be taken into account when it had been obtained by recurring to any of the means stated in item A.

C. The capture, transport, transfer or reception of a child for exploitation purposes will be considered as “Trafficking in Persons” even when not recurring to any of the means mentioned in a) of the present article

D. “Child” will be anybody under 18

In the Inter American level, the American Convention of Human Rights in its article 6, prohibits slavery, servitude, forced work or slaves or women trafficking. This stipulation is the core of undeniable rights according to what was decided by the organs of the Inter American Human Rights System.

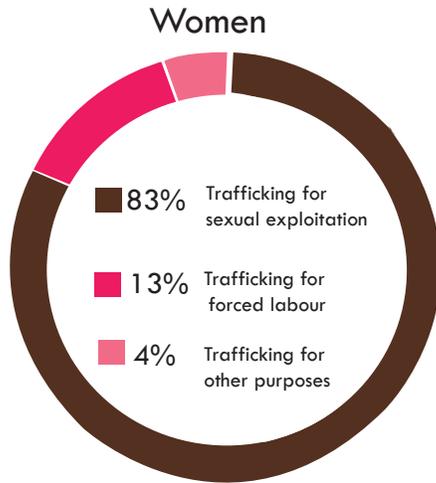
On the other hand, in the Inter American Convention to prevent, sanction and eradicate violence against women “Convention de Belem do Para” the Member States condemn all forms of violence against women and agree to adopt, by all appropriate means and without delays, policies in order to prevent, sanction and eradicate said violence” being Trafficking in Persons a form of this.

The Global Report on Trafficking in Persons of 2018, made by the Office Against Drugs and Crime -UNODC- analyses 24.000 reported cases between 2014 and 2016 in 142 countries and determines that trafficking for sexual exploitation purposes represents (59%) of the cases and that women and girls form the highest number of victims with a total of 70% of all the victims. (UNODC, 2018)

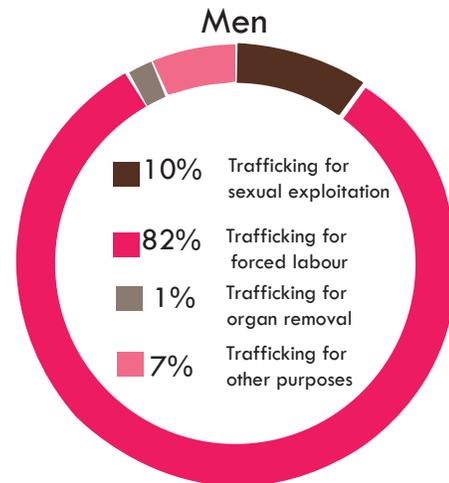
The report which gathers data from western and southern Europe, central and south eastern Europe, Eastern Europe and central Asia, the south of Asia, Eastern Asia and the Pacific, North and Central America and the Caribbean, South America, Sub-Saharan Africa, northern Africa and the Middle East, follows the sexual exploitation crimes, forced labour and Trafficking in Persons to remove their organs and other forms of exploitation (servitude marriages, beggars for third parties).

These crimes have more or less prevalence in persons according to their gender and this is why that sexual exploitation is much greater among women and girls than among men and boys, as can be seen in the graphic below.

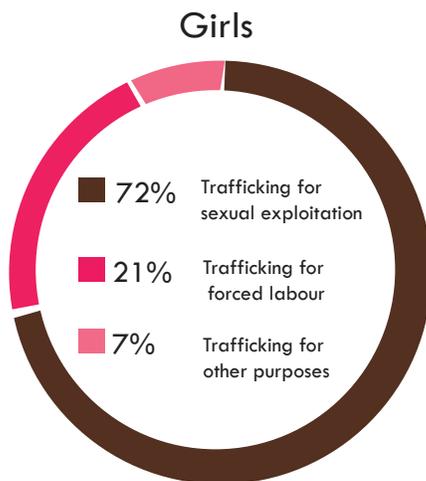
Share of forms of exploitation among detected women victims of trafficking in persons, 2016.



Share of forms of exploitation among detected men victims of trafficking in persons, 2016.



Share of forms of exploitation among detected girl victims of trafficking in persons, 2016.



Share of forms of exploitation among detected boy victims of trafficking in persons, 2016.



Source: Global Report on Trafficking in Persons 2018<sup>7</sup>

Per regions, the report shows that in Central America and the Caribbean “have been detected more girls as victims of sexual exploitation than in other regions where they are usually adult women. In the whole world, half of the victims are adult women (49%), while the girls involved are 23% of the total and their number is growing. Men represent 21% and boys 7%. Men are the majority in cases of forced labour”.

<sup>7</sup> UNODC. Global Report on Trafficking in Persons 2018. Page 28. [https://www.unodc.org/documents/data-and-analysis/gloti-p/2018/GLOTiP\\_2018\\_BOOK\\_web\\_small.pdf](https://www.unodc.org/documents/data-and-analysis/gloti-p/2018/GLOTiP_2018_BOOK_web_small.pdf)

### 2.2.3.2 Situation of Trafficking in Persons in Colombia

The Presidential Counselling for human rights and Foreign Affairs revealed that in Colombia, “From 1 January 2012 to 10 July 2017, they have become aware of 328 cases of trafficking persons...”. During this time 86.5 % of the victims identified were women, while the remaining 13.5% were men. With regard to boys, girls and adolescents’ trafficking, the Attorney General received 61 claims for under-age trafficking between January 2012 and December 2016. An investigation was open on 59 cases. (UNDOP, 2018)

The same Counselling takes again the information by the United Nations Office against Drug and Crime (UNODC), in which it is said that Colombia is mainly a territory of origin of the trafficking in persons’ victims. In the last 5 years, the victims registered came from Medellín, Bogotá, Manizales, Armenia, Pereira and Cali. (Consejería Presidencial para los Derechos Humanos, 2018).

On 22 February 2019, the Ministry of Foreign Affairs issued a document of inputs for the Assembly on Trafficking in women and girls for the 72th period of sessions for the Convention on all sort of Discrimination against Women -CEDAW- held in Geneva (Switzerland), and presented the data of the main international destinations for the victims of Colombian trafficking and they are: China, 61 cases (19%); Argentina, 50 cases (15%); Mexico, 33 cases (10%); Ecuador, 21 cases (6%); Peru, 16 cases (5%); and Dominican Republic, 13 cases (4%). (Cancilleria Colombiana, 2019)

In article 17 of the Colombian Political Constitution (1991) “*Slavery, servitude and trafficking of persons is forbidden in all their forms*”; despite this, the crime of trafficking is one of the worst scourges that affect in particular poor people and for that reason it has to be approached holistically in coordination with the nations engaged in fighting this transnational crime. As a consequence Colombia has ratified the Protocol to prevent, punish and sanction the trafficking of persons, especially women and children in the Protocol and the Convention as approved by Law 800 of 2003.

As per the Palermo Protocol, Law 985 of 2005 was approved in which the State compromises to “*adopt prevention, protection and assistance measures necessary to guarantee the respect of the human rights of the victims and alleged victims of trafficking persons, both, the ones residing or transferred to the national territory and the Colombians abroad*”. (Article 1). The regulation also defines that the Government has to adopt the National Strategy against Trafficking Persons which has inter institutional actions for prevention, protection, assistance and reinforcement of court and police investigations.

By means of this Law, was created the Inter institutional Committee to fight trafficking persons, as a consulting entity for the National Government and a coordinator agent for the actions the Colombian State develops through the National Strategy against Trafficking Persons, consisting of seven axes: Coordination and Sustainability; Prevention; Protection and Assistance; Investigation and Criminalization; International Cooperation; Generation and Management of Knowledge, Follow-up and Assessment.

The Ministry of the Interior is in charge of the Technical Secretariat of the Committee formed by: the Presidential Counselling for Women Equity; the Ministries of Justice, Defence, Labour, Health International Relations, Education; the Colombian Institute for Family Welfare – ICBF-; the Attorney General, the Ombudsman; the National Police and Interpol. This Committee has to promote the creation of department, district and/or municipal committees against trafficking persons.

As a supplement to Law 985 was issued Decree 1069 of 12 June 2014, whose object is to regulate the competences, benefits, procedures and errands to be run by the entities responsible for the adoption of the protection and assistance measures for the victims of the trafficking persons crime.

The fight of Colombian institutions against trafficking persons, has also implied harder penalties included in Article 3 of the same Law 985 which modifies “article 188A of Law 599 of 2000 (Criminal Code), added by Law 747 of 2002 and amended by Law 890 of 2004. It will read like this: *“Article 188A. Trafficking persons. The one who captures, transfers, shelters or receives a person within the national territory or towards another country with exploitation purposes, will be imprisoned for between thirteen (13) and twenty three (23) years and have a penalty of between eight hundred (800) and one thousand and five hundred (1.500) minimum monthly legal salaries in force”*.

Within the terms of International Cooperation, the Ministry of the Interior as the technical secretariat for the Inter Institutional Committee to Fight Trafficking Persons, has been part of the Global Actions Programme to Prevent and Fight Trafficking persons and the illegal traffic of migrants (GLO.ACT), which is a joint initiative of the European Union (EU) and the United Nations Office for Drugs and Crime (UNODC), implemented together with the International Organization for Migrations (IOM) and the United Nations Children’s Fund (UNICEF).

Additional to the regulatory advances and the inter institutional articulation already pointed out, the Colombian State has fuelled other strategies such as (Cancilleria Colombiana, 2019):

■ Design and enforcement of strategies to inform, sensitize and empower the population and officers about this matter. Among the most remarkable initiatives is worth mentioning the free hotline against trafficking persons; as well as the campaigns, (NO deal with trafficking persons), (Don’t play the fool with trafficking persons) and “(React in the nets. Beware of trafficking)

- In 2018 the National Government approved the National Policy on Childhood and Adolescence and the, Public Policy to Prevent and Eradicate Commercial Sexual Exploitation BGA with an aim to promoting holistic assistance and encouraging working together with the institutions of the National Family Welfare System.
- Colombia is aware of the importance of identifying the victims of trafficking persons in migratory scenarios. In agreement with this, the National Government has made great efforts to train staff in the migration, health, foreign affairs, justice, security, labour inspections and social services among others, to detect this crime in due time. The Attorney General -AG and the National Police together have developed a plan of action whose purpose is to design coordinated strategies and actions to improve institutional response towards victimizing situations against BGA and the use of minors to commit crimes.
- At the same time the AG counts with 26 district attorneys to work on investigations related to trafficking persons and whose specialized teams exclusively attend this crime. The entity counts with two exclusive district attorneys for the crimes of trafficking persons, minors' pornography, and crimes connected to BGA.

Although the trafficking persons' crime has a considerable impact in the country, the Colombian State has shown its compromise to fight it and protect the victims, and the vulnerable population.

In the municipalities which are venues for the Female Football World Cup, there have also been actions derived from the national regulation which intend to prevent this crime, and protect the population, in particular, those highly vulnerable, and take the criminals to court.

City	Instrument or initiative	Object
Bogotá	Decree 484 of 2015	Creates the District Committee to fight Trafficking persons, as an articulating and coordinating agency for the actions developed by the District to assist, prevent, protect, claim and try that crime.
Cali	Decree 0135 of 2010	Its is creates an in inter institutional entity to prevent trafficking persons.
Manizales	Municipal Peace Council	Pact between teachers, students, the education agency, the government's secretary and NGO's. For "Manizales" against trafficking persons.

Medellín	78 Municipal Agreement of 2009	Define a public policy for the prevention and assistance to victims of trafficking persons.
Cartagena	Decree 0387 of 2010	Creates the District Committee to fight trafficking persons. In March 2016 they create the Unified Committee against Trafficking persons with the signature of an Agreement of Willingness between the Cartagena district and the Bolívar departmental Authorities.
Pereira	Decree 481 of 2018	Create a committee to fight trafficking persons e composed of the Police, the District Attorney, Colombian Migrations and the academies.
Armenia	Public Announcement in V Public Hearing on the fight against Trafficking Persons*	Armenia's Town Council announced the preparation of an Agreement for a recovery task of the social net of Armenia's various sectors to prevent trafficking persons.
Barranquilla	Decree 0618 of 2016	District Committee to fight Trafficking Persons whose function is to adopt the National Strategy to fight this crime.

Table made by MSD based on data of each city

Finally it is worth mentioning that trafficking persons is associated to Children's Commercial Sexual Exploitation CCSE-, or Boys, Girls and Adolescents' Commercial Sexual Exploitation BGACSE- which according to the CIFW is one of the deepest, most invisible and complex problems and constitutes a high priority for the governments, non-government organizations, international cooperation and the civil societies in the region. According to Covenant 182 of the ILO, 1999, the BGACSE is classified as one of the Worst Forms of Child Labour; moreover, for UNICEF the BGACSE may have a very close relationship with sexual exploitation associated to trips and tourism (ICBF)<sup>8</sup>.

Faced with this problem, different international legal instruments have been written, among which are included: the Children's Rights Convention (1989); the Inter American Convention on International Trafficking minors (1994); Declaration and Action Programme, First World Congress against Children's

<sup>8</sup> <https://repository.oim.org.co/bitstream/handle/20.500.11788/525/COL-OIM%200299.pdf>

Commercial Sexual Exploitation– Stockholm (1996); The Declaration of Río de Janeiro and the call to adopt measures to prevent and stop children’s and adolescents sexual exploitation (2008) and the CDN Optional Protocol by the CDN relative to the sale of children, child prostitution and the use of children with pornography purposes (2002).

In the country, this practice which violates BGA’s rights, contradicts the stipulations of article 44 of the Constitution which determines the boys’ and girls’ fundamental rights as well as the protection against all forms of abandonment, physical or moral violence, kidnapping, sale, sexual abuse, labour or economic exploitation and hazardous jobs. With regard to the national regulations, the legal framework is conformed by: Law 679 of 2001 – by means of which are issued by-laws to prevent and counteract against exploitation, pornography and children’s sexual tourism, extending article 44 of the Constitution; Law 1098 of 2006 – the Code on Childhood and Adolescence and Law 1146 of 2007 – By means of which regulations are issued for the prevention of sexual violence and comprehensive assistance to sexually abused boys, girls and adolescents.

An additional challenge for the country with reference to trafficking persons, is the migratory phenomenon from Venezuela to Colombia documented under number 2.1. 11 with some massive application and produced in a very short period.

The records up to March 2019 show the presence of 1,408,055 Venezuelan migrants, among which are included 742,390 (53%) with regular status (foreign ID, PEP future holders) and 665,665 (47%) under irregular residence conditions. (Migración Colombia, 2019)

The massive arrival of Venezuelan migrants to the country looking for survival opportunities, has turned on the red lights on the increase of Venezuelans –women in particular- who have started paid sexual activities, but in some cases, there are situations of sexual exploitation and trafficking of persons, which have started to be recognized in Bogotá and other cities such as Cali, Medellín and Bucaramanga. The persons with the highest risks to start these activities are those with an irregular migratory status.

### **2.2.3.3 Risks which might arise from the crime of Trafficking Persons within the framework of the 2023 Female Football World Cup and proposals of prevention and remedy measures.**

The experience from world level football championships, has shown the relation that exists between this kind of events and the commission of sexual crimes of different kinds. For this reason, extreme care must be taken to control the remedy to this crime between nationals and foreigners.

Potential Risk	Prevention or Remedial Measures
<p>Risk of trafficking persons in liquor bars or paid sexual services which might allow or ease the presence of minors</p>	<p>The Inter institutional Committee to Fight Trafficking Persons and the local Committees in conjunction with competent authorities have to increase controls in the places where cases of trafficking persons are suspected.</p>
<p>Hostels and lodgings which do not comply with the regulations to fight trafficking persons and the protection of minors against sexual exploitation.</p>	<p>The authorities in charge of preventing and protecting the victims of trafficking persons and sexual exploitation in BGA, have to meet those in the hospitality sector to reinforce the campaigns and protection messages to minors and the prevention and prohibition of sexual tourism.</p> <p>Carry out awareness campaigns in bus or train terminals and airports with the sanctions and penalties that trafficking persons and sexual exploitation involve.</p>
<p>Transit and/or presence of a large number of persons looking for sexual tourism.</p>	<p>Promotion of campaigns such as #EsoEsCuento by the General Attorney and UNODC which informs citizens of the forms in which the transnational organizations dedicated to trafficking persons with sexual exploitation purposes act and which mainly affect Colombian girls and women and foreigners as well.</p>
<p>Massive arrival of foreigners and spectators to the sports events who may be victims of trafficking persons and sexual exploitation.</p>	<p>In the borders, it is necessary to count with sufficient information and in different languages to warn of the places and practices used by criminals with their victims.</p> <p>It is also necessary to promote the National free Hotline against Trafficking Persons 01 8000 52 20 20 which receives claims for sexual exploitation, forced labour, slavery, servitude, servile marriages, organs removal and sexual tourism.</p> <p>In the case of the presence of foreigners who are victims of trafficking persons, it is necessary to deploy Immediate Assistance Protocols consisting of the verification of the case together with a report by means of the Chancellery to the country of origin and the management of assistance actions and repatriation.</p> <p>In the case of nationals, it is necessary to deploy Immediate Assistance Protocols in cases of domestic trafficking, preparing the corresponding report, managing assistance and if possible, transferring the person to the place of origin and providing education and training for a job.</p>



## 2.3 GROUPS OF INTEREST – SPECTATORS, PLAYERS AND TEAMS’ COACHES

Related Rights

Right to life and personal integrity	Right to health
Right to mobility	Sexual and reproduction rights

### 2.3.1 Right to life and personal integrity

The right to life, personal integrity and security of all the groups of interest who take part in the Cup, will have to be protected without any discrimination considering they are fundamental rights. In the first chapter, the reader will find an extensive analysis of the possible risks to these rights, derived from the national and local context.

Now, apart from the risks generally derived from the context, some different risks are foreseen for high dignitaries of the visiting countries, world football stars and the players themselves who might suffer them on account of their high profile.

Moreover, there are specific risks for spectators as a consequence of the control in the entrance to the stadium and massive controls in which the international organizations have expressly forbidden the use of lethal and non-lethal weapons but which could affect the person’s permanent integrity.

The persons who are arrested for committing crimes in the country, face specific risks to personal integrity. International standards will have to be applied to prevent torture, cruel inhuman or degrading treatments.

Finally, the CUP will have to coordinate with the state security forces and private security companies, at the service of security in sports facilities, hotels, training villages, etc. By virtue of this and according to the ruling principles of companies and human rights, the organizers making use of their due diligence, will have to verify the human rights record of the groups involved in the event's security service.

### 2.3.1.1 International Standard

#### Right to life

The right to life is approached and developed, among others, in the following instruments and international sources: Universal Declaration of Human Rights (art. 3): *“Every person has the right to their life, freedom and integrity. On the other hand, the International Covenant on Civil and Political Rights (art. 6) states; “The right to life is inherent to the human person. This right will be protected by law. Nobody can be deprived of their life in an arbitrary way”.*

At the same time, the Observations of the Human Rights Committee 6, 14 and 36 indicate that article six of the above mentioned Pact, recognizes and protects the right to the life of all human beings. *“It is the supreme right respect of which, there is no suspension whatsoever, not even in situations of armed conflicts and other public emergencies. The right to life is of utmost importance for the persons as well as for society as a whole. It is in itself the most previous value as inherent right to any human being, but it is also a fundamental right and its effective protection is a fundamental requirement to enjoy all other human rights and its content can be included in other human rights”.*

At the same time, article 6 of the Covenant states that nobody can be deprived of life in an arbitrary way and that said right is protected by law. The bases for all the member States to respect and guarantee the right to life, rely on this.

Apart from this, the observations by the Covenant's Committee state the need for the Member States to watch the effects of the non-lethal weapons designed to be used by the security forces, including those devices causing muscular contractions using electric shocks (Taser), metal bullets covered with rubber and attenuating energy projectiles. The use of these weapons, must be reserved for the exclusive use by the police forces who have received the corresponding training and are strictly regulated according to the international protocols for their usage. Besides, these non-lethal weapons can only be used according to the criteria for necessity or proportion. For example, the Member States must not resort to them in situations of mass control.

Recommendation 36 also defines the obligation of the states to protect vulnerable persons whose life is at risk on account of concrete threats or pre-existing violence patterns. This includes the defenders of human rights, journalists, famous public personalities, among others.

### **With regard to the right to personal integrity**

The right to personal integrity, is included in the Universal Declaration of Human Rights (art. 5) and the International Covenant on Civil and Political Rights (art. 7): *“Nobody will be subjected to tortures, or cruel, inhuman or degrading treatments. In particular, nobody will be subjected to medical or scientific experiments without their free consent.”*

The analysis of the right to personal integrity is approached in this document under number 2.2.3, with reference to the phenomenon of trafficking persons. For the effects of this chapter, emphasis will be put on what was established by the ICCPR Committee for the systematic supervision of rules, instructions, interrogatory methods and practices, as well as for the stipulations in relation to the custody and treatment of the people subjected to any form of detentions or imprisonment to prevent cases of torture and mistreatment and guarantee the effective protection of the prisoners in case there were persons participating in the Cup and who might be involved in committing a crime.

#### **2.3.1.2 Guarantees to the right to life and personal integrity in Colombia**

In Colombia, the right to life is included in the National Constitution in its preamble article two, 11 and 14. According to the constitutional rule, the right to live cannot be violated and the authorities of the republic have instructions to protect all the residents in terms of their life, honour, assets, beliefs and other rights and freedoms and to protect the compliance with the State’s social obligations and those of the persons.

Besides, the right to personal integrity is provided for in article 12 of the NC and states that nobody will be subjected to forced disappearance, tortures or cruel, inhuman or degrading treatments.

To develop this constitutional framework, the main regulatory instruments for personal protection are:

- Decree-Law 4065 of 2011 "By which is created the National Protection Unit (NPU), defining its objective and structure."
- Decree 4912 of 2011. "By which is organized the Programme for Prevention and Protection of the rights to life, the freedom, integrity and security of persons, groups and communities by the Ministry of the Interior and the National Protection Unit"
- The Programme for the protection of Victims and Witnesses of Law 975 of 2005.
- Decree 2780 of 2010, by means of which is created the Inter sectorial Commission of Early Warnings. CIAT
- Law 1448 of 2011, Law on Victims and Regulatory Decree 4800 of 2011.
- Decree 164 of 2010, Inter institutional comite to Eradicate Violence against women.

Besides, the national police counts with the Board of Protection and Special Services part of whose mission is to protect the persons with a level of proven risk as the diplomatic missions and high dignitaries and special protection services.

### 2.3.2.3 Risks associated to the 2023 Female Football World Cup

Risk	Prevention or Remedial Measures
Risk of security against high dignitaries, famous personalities in general, or players	Do the preliminary census of the high profile visitors and determine the protection schemes and routes and accompaniment together with the National Police.
Risks against spectators' integrity when managing the entrance and exits at sports venues	<p>The sports infrastructure will be conditioned according to the security standards determined by the FIFA, which enable the entrance to and exit from the stadium in order with adequate corridors for evacuations, good signs, loudspeakers to report incidents, and sufficient personnel to guide the spectators.</p> <p>It is also necessary to determine quick entrance processes to prevent congestions outside the stadiums, make preliminary announces of forbidden items so that the entrance is easier.</p> <p>Finally the security and auxiliary personnel will have to count with the corresponding training to manage masses. The police forces and the private guards will not be able to use non-lethal weapons which might cause permanent damages in the control of large numbers of people.</p>
Risks against the integrity of the persons who are arrested for committing illegal acts	<p>The National Police and the General Attorney, will apply the protocols of due processes in the administrative and judicial procedures. The persons arrested must be allowed to inform somebody of their place of detention and in the case of foreigners, they must be allowed to communicate with their consulate to inform their place of imprisonment.</p> <p>Translators will be available in each city who speak the official languages of the CUP so that the persons arrested, can understand the legal procedures related to their imprisonment.</p>

### **2.3.2 Right to free circulation or mobility**

The creation of the State-Nation with the Westphalia Treaties of 1648, brought the phenomenon which is known today as international migration. The reorganization of the international community as a set of territorial states with defined geographical borders, enabled the states to exercise authority on the persons who had settled within their frontiers, as well as with regard to those who tried to enter their territory. Humane mobility comprises international as well as domestic migration. International migration implies the crossing of one person or group of persons from one internally recognized state border of their country of origin, with the purpose of settling down for a period of time or permanently in another country of which they are not citizens; while domestic migration takes place when one person or group of persons move from one place to another in the country they are citizens of to stay there for a period of time or permanently.

Human mobility, as domestic or international migration, is a phenomenon with several causes which can be voluntary or forced. The first one is when a person migrates voluntarily without any forms of constraints. While forced migration involves those situations in which the person was forced to migrate because their lives, integrity or freedom have been threatened as a consequence of different types of persecution on grounds of race, religion, nationality, being a member of a certain social group or political opinions, armed conflict, general violence, violation of human rights, other circumstances that might have seriously disturbed the public order or natural disasters or those caused by human beings, among other causes. At the same time, it may imply situations in which the individuals are physically transported through the borders without their consent as is the case of trafficking persons (OEA- CIDH, 2015), as analysed in Chapter 2.2.3.

Now, each state has the power to regulate said international mobility with laws, policies and migratory practices that must take into consideration the right to freedom of circulation vs. national security.

Since the September 11, 2001 attack in New York, the measures for migratory control have been increased in many parts of the world for fear of terrorist attacks.

The effect of events such as the Female Football World Cup which involves a large circulation of people including the players and their teams, supporters, journalists, suppliers, coaches among others, is that migration authorities have to strengthen migratory control measures because at the same time there is a higher risk of security incidents.

### 2.3.2.1 International Standards

Free movement is stipulated in various international covenants and pacts, among which is the Universal Declaration of Human Rights (United Nations, 1948), whose article 13 states that “everybody has the right to circulate freely (...) within the state territory”, and the International Covenant on Civil and Political Rights, adopted by Law 74 of 1968, which in its article 12 states: “Any person who is legally in the territory of a state, will have the right to circulate freely across it...”. “They cannot be the object of restrictions except when they are provided for in the law whether because they are necessary for national security, public order, health or public moral. The organs of the Inter American System have systematically sustained that despite the fact that the states have the right to control their borders, define the entry requirements, the permanence and expel of foreigners out of their territories and in general, determine their migratory policies, the policies, laws and practices implemented on migratory grounds, have to respect and guarantee the human rights of all migrants which are rights and freedoms derived from human dignity widely recognized by the states on account of the international obligations they have with regards to human rights.

The American Convention in relation to the persons in the context of migration, in particular those who are not citizens, defines in its article 1.1 that the obligation of the member states to respect and guarantee the rights and freedoms recognized in the Convention, applies to any person who is subject to their jurisdiction, without any kind of discrimination on race, colour, gender, language, religion, political opinions or any others, nationality or social status, economic situation, birth or any other condition. At the same time, article 24 of the American Convention, states that “all the persons” are equal before the law. Consequently, migrants, though temporary, have rights without discrimination, to the equal protection of the law.

On the other hand, article 22 of the Convention determines the scope and content of the right to circulation and residence to be exercised within the territory where they are citizens of, or to be exercised within the context of international migration, defining the “Right to Circulation and Residence”.

Finally, the Vienna Convention on Consular Relations, prescribes procedural rights and obligations in relation to a foreign citizen arrested under any circumstances, detained or in preventative imprisonment by the member states in the treaty. In particular, article 36(1) (b) of the Vienna Convention on Consular Relations, obliges the authorities of the receiving state to inform without delay a national foreigner under these circumstances on their right to communication with the consulate of their state. So if they request to do it, the competent authorities of the Receiving State will be obliged, without delay, to inform the consulate of the sending State on the detention of the foreign national and send any communication by the person involved to the consulate.

The Convention was adopted on 22 April 1963 by the Conference of the United Nations on Consular Relations celebrated in Vienna, Austria, between 4 March and 22 April 1963.

### **2.3.2.2 Guarantees to free circulation in Colombia**

The Colombian Migratory Policy contains a number of practices and regulations which arise from one or more public actors with legitimate authority such as: the Congress of the Republic, the Ministry of Foreign Affairs, Colombian Migrations, among others.

Regarding the entrance of foreigners to the country, the following process must be followed.

- Without exception, any national or foreign person who enters or leaves the country, has to do it through a legally defined Migratory Check Point showing the competent officer their identification or travelling documents and responding to the questions made during the migratory interview.
- Any traveller trying to enter or leave the national territory, shall show the competent officer the travelling documents and valid permits according to their nationality and/or activity they are going to do. The valid and current passport is the travelling document universally accepted; nevertheless, the CAN and Mercosur citizens can also travel with their national ID in force.
- The person who has two or more nationalities, being one of them Colombian, will have to enter or leave the national territory identifying themselves as Colombian.
- Inadmissibility or denial. The Colombian Migration has the power to admit or deny the entrance of a foreigner to the national territory when they incur in any of the causes established in the migratory regulations in force, this decision cannot be subjected to any complaints and will be personally communicated to the foreign citizen who is not admitted.
- A visa will be demanded from any foreigner who means to enter the country to perform remunerated activities and with the intention of staying. For non-remunerated short term activities, the visa will be demanded in accordance to the applicable regulations defined by the Ministry of Foreign Affairs. At random, the migratory authority may request from the traveller the supporting documents either in paper or digital showing the activity they will perform such as: invitation letters, return ticket, place of accommodation, money, acceptance of enrolment by educational institutions, medical certificates, copy of the act or administrative, judicial decision or others.

The citizens of Albania, Germany, Andorra, Antigua y Barbuda, Antigua, Socialist Federal Republic of Yugoslavia and/or Macedonia, Argentina, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Brunei, Bulgaria, Bhutan, Canada, Czech Republic, Chile, Cyprus, South Korea, Costa Rica, Croatia, Denmark, Dominica, Ecuador, El Salvador, United Arab Emirates, Slovakia, Slovenia, Spain, United States of America, Estonia, Fiji, Philippines, Finland, France, Georgia, Grenada, Greece, Guatemala, Guyana, Honduras, Hungary, Indonesia, Ireland, Island, Marshall Islands, Solomon Islands, Israel, Italy, Jamaica, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Micronesia, Moldova, Monaco, Montenegro, Norway, New Zealand, Netherlands, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Qatar, United Kingdom of Great Britain and Northern Ireland, Dominican Republic, Romania, Russian Federation, Saint

Kitts and Nevis, Samoa, San Marino, Saint Lucia, Holly See, Vatican City, Saint Vincent and the Grenadines, Serbia, Singapore, Sweden, Switzerland, Suriname, Trinidad and Tobago, Turkey, Uruguay, Venezuela. Do not need a visa to enter Colombia.

The subsequent countries require a Visa to enter the Colombian territory. Algeria, Armenia, Bahrein, Benin, Belarus, Botswana, Burkina Faso, Burundi, Cabo Verde, Cameroon, Chad, Comoros, Congo, Ivory Coast, Egypt, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea Bissau, Equatorial Guinea, Haiti, India, Kenya, Kyrgyzstan, Kiribati, Kosovo, Kuwait, Lesotho, Macedonia, Madagascar, Malaysia, Malawi, Maldives, Mali, Morocco, Mauritius, Mauritania, Moldava, Mongolia, Namibia, Nauru, Nepal, Nicaragua, Niger, Oman, Central African Republic, Rwanda, São Tomé and Príncipe, Senegal, Seychelles, Swaziland, Thailand, Tanzania, Tajikistan, East Timor, Togo, Tonga, Tunisia, Turkmenistan, Tuvalu, Ukraine, Uzbekistan, Vanuatu, Vietnam, Zambia and Zimbabwe.

### 2.3.2.3 Risks associated to the 2023 Female Football World Cup

Potential Risk	Prevention or Remedial Measures
Discrimination to grant visas or at the country's check-points	Publish in the Colombian State's virtual official media and in large circulation media of the participant states requiring visa, how to get it to enter the country.
Undue application of the due process	<p>Training of the officers in charge of migration, regarding assistance protocols for visitors and in particular, the action protocol when entrance to the country is denied.</p> <p>Development of adequate temporal detention installations for those persons who will be returned to their countries of origin.</p> <p>Have interpreters for the CUP's official languages available to accompany and assist the persons in their migration check-up process in particular, those denied access to the country in order to become aware of the process ahead.</p>

## 2.3.3 Rights to health and sexual and reproduction rights

### 2.3.3.1 International Standards

The right to health is incorporated in the constitutional, juridical, institutional regulations and it is the State's obligation to guarantee citizens the possibility of enjoying the best health condition as possible.

The compliance and performance of this right according to the ICCSER Committee, has to include the availability criteria (sufficient service offer), accessibility (no obstacles to access the right), acceptability (agreement between the conditions for the performance of the right within the context and its relationship with other rights), and quality (establishments, the health assets and services have to be appropriate and of good quality from a scientific and medical point of view).

The right to health as part of the economic, social and cultural rights (ECSER) is recognized in the following regulatory framework (PGN - Dejusticia, 2008)

- The Universal Declaration of Human Rights protects the right to health: "every person has the right to an adequate standard of living to ensure them and their family, the right to health and in particular to food, clothes, dwelling, medical assistance and the necessary social services".
- The International Covenant on Social, Cultural and Economic Rights, which has been in force in Colombia since 1968, in its article 12 contains one of the widest development stipulations in Human Rights International law regarding the right to health. The Member States in the Covenant, recognize the rights of every person to enjoy the highest possible level of physical and mental health. Among the measures that the Member States in the Covenant will have to adopt to ensure the effectiveness of this right, are: a) The reduction of mortality at birth, child mortality and children's health development; b) The improvement of work hygiene and the environment; c) The prevention and treatment of epidemic, endemic, professional and other diseases and how to fight them; d) The creation of conditions to ensure all the medical assistance in cases of diseases.

The right to health, being of human nature, is different and cannot admit any discrimination regarding race, gender, belief or economic or social status. For this reason, there are other instruments which have advanced to get right equality:

- The International Convention on the Elimination of all Forms of Racial Discrimination (196, in force since its approval by Law 22 of 1981) recognizes the right to public health, medical assistance, social security and services.
- The Convention on the Elimination of all Forms of Women Discrimination, (1979, in force in Colombia from its approval by Law 1 of 1981) includes the right to health protection and security in the work environment, including the protection of the reproductive function; the access to the services relate to family planning, the period after delivery and adequate nutrition during pregnancy and breast feeding.

■ The Convention on Children's Rights (1989, in force in Colombia since its approval by law 12 of 1991) demands by article 24 the full application of the right to health and the adoption of measures. Among others, the application of the technology available, the supply of nutritious foods and safe drinking water; mother's prenatal and after delivery sanitary assistance; and the development of preventative sanitary assistance. It requires the adoption of the applicable efficient measures to abolish those traditional practices which might cause a prejudice to the child's health (PGN - Dejusticia, 2008).

### **2.3.3.2 Guarantee of the right to health in Colombia**

In the Colombian Political Constitution of 1991, the right to health was defined in article 48 establishing: *"Social Security is an obligatory public service to be provided under the direction, coordination and control of the State subject to the principles of efficiency, universality and solidarity within the terms of the Law"*.

The regulations for the present health service was stipulated by Law 100 of 1993 creating the comprehensive social security system. In said regulation in article 157 are determined two types of affiliations to the general health social security system: (i) contribution regime and (ii) subsidized regime. In the contribution regime it is necessary to affiliate the persons with payment capacity or those generating income, such as those with a work contract, public officers, pensioners and independent workers. In the subsidized regime, the persons who do not have paying capacity to afford all the contributions to the system have to be affiliated.

With Law 100 other laws which have advanced in the universality of the provision of the health service, such as the case of Law 715 of 2001 have been included. In them, they tend to guarantee the continuation and universal coverage of the population's health to those persons not affiliated to the health system, for five additional years.

The object of Law 1438 of 2011 is to reinforce the Health Social Security General System by means of a model of provision of the public service that within the framework of the Primary Assistance strategy, enables the coordinated action of the State, the institutions and society itself to improve health and the creation of a healthy environment to provide more inclusive, equitable services. In Article 2 are included the details for the operation of the Health Social Security General System which will be *"oriented to generating conditions to protect the health of the Colombians being the user's welfare the core of the articulation of the health policies"*.

Despite the existence of this regulatory body, the right to enjoy a high quality health service in the country, presents great difficulties starting with its accessibility and availability which is mainly provided by private suppliers many of which have financial problems and citizens are denied essential treatments and medicines for good health and welfare. This reality has led users to demand their right in court by means of guardianships and complaints generating a congestion in the Courts.

With reference to migrant foreigners and tourists arriving in the country for a time, the Constitutional Court by means of Sentence T-705 of 2017 states that *“foreigners: (i) have to be treated equally to the Colombian nationals; (ii) they have the right to receive some minimal assistance by the State in cases of urgency to attend their basic needs, especially those related to health matters”*. (Corte Constitucional, 2017)

The provision of the health service in terms of infrastructure and coverage, has differences between capital cities and the smaller municipalities. In the case of the municipalities studied, the infrastructure is comprehensive for the three levels of provision of the services. It is adequate to attend emergency situations as well as for the risks of low, medium and high complexity cases, using the public health net or the patients' own resources.

The most frequent diseases in the cities in question with an incidence in the health of their inhabitants, have to do with factors such as the environment, the weather, foods.

In Bogotá, on account of the weather conditions, very contagious respiratory diseases such as flu, and colds are very common. There is drinkable water and the establishments selling foods, are regulated by the Health Agency to ensure the quality of the products. Nevertheless, there are some cases of diarrhoea caused by infections in the digestive system which can be produced by bacteria, viruses or parasites present in the water and contaminated foods for lack of hygiene.

In the other cities selected for the Cup, there is a risk of infection due to vectors considering that in Colombia about 85% of the territory is 1,600 below sea level and there are weather, geographic and epidemiological conditions that favour these pathologies among which are: Yellow Fever, Malaria, Dengue. (National Health Institute)

In Medellín the most frequent diseases are related to air pollution; a report by the Medellín Controller revealed that *“about 4,500 persons die each year in the Antioquean capital on account of Acute Respiratory Diseases (ERA)*.

In Cali, the two most frequent diseases we have are hypertension and diabetes and they can lead to other causes of death such as heart stroke, stroke and other obstructive arterial diseases. (El Pais)

In Barranquilla and Cartagena the diseases that mostly affect the citizens are acute respiratory diseases due to climate changes, diarrhoea due to the lack of safe water mainly in Barranquilla.

In the Armenia and Pereira Coffee Route, there are cases of respiratory diseases on account of the weather as well as diarrhoea and circulatory diseases. In Manizales, according to the “Manizales Como Vamos” of 2018 report, the main causes of general mortality was acute heart stroke, chronic respiratory diseases and stroke. (Camara de Comercio, 2019)

### **2.3.3.2 Guarantee of Sexual and Reproduction Rights in Colombia**

For the protection of Sexual and Reproduction Rights in Colombia, exists the National Policy on Sexuality, Sexual and Reproduction Rights -NPSRR- according to the Ten-year Public Health Plan (TYPHP) 2012 – 2021. (Ministerio de Salud, 2019)

The NPSRR is based on the focus on rights applied to sexual and reproduction activities and the concept of sexuality, and the approach on gender differences and the cycle of life to propose the State actions on this matter such as promotion, prevention, diagnosis, treatment and rehabilitation and alleviation as stipulated by Statutory Law. (Ministerio de Salud, 2019)

The ideal for the exercise of Sexual and Reproduction Rights is that the persons can take decisions on their sexual and reproduction life with freedom and safely, without compulsion, discrimination or violence.

Sexual and Reproduction Rights as a whole are interdependent with the right to dignity, freedom and equality, meaning that men and women can be independent with regard to sexual issues, such as sexual activities, sexual orientation or gender identity and their relation with sexual and reproduction health.

Separately, Sexual Rights are part of the rights to : strengthen independence and self-esteem in the exercise of pleasant sexuality; choose their sexual partners; live sexuality without any kind of violence, have consented sexual relations; decide freely and independently when and with whom to start a sexual life; decide on the union with other persons; freely live and express sexual orientation and gender identity; the protection and prevention of sexually transmitted infections or unwanted pregnancy, and receive information and access to good quality health services on all sexual dimensions without discrimination.

Apart from this, the Reproduction Rights are interdependent with the right to take decisions on reproduction without being discriminated, compelled, or suffering violence; freely decide if the person wants to have children or not; decide on the number of children they want and the time between one pregnancy and the next one; decide on the type of family they want to have; exercise maternity equitably within the family, education spaces and jobs; a comprehensive education on sexuality along their lives and the right to access modern contraception methods, including emergency contraception as well as

the access to comprehensive health and medical assistance services. The observance and guarantee of these rights by the Colombian State is fundamental for the development of autonomy and enables the creation of egalitarian relations and the consolidation of individual and collective freedoms. For an event such as the 2023 Female Football World Cup, it is essential to count with all the mechanisms to exercise these rights and guarantee their protection for those who have them violated.

It is necessary that in the national and local governments the Policy on Sexual and Reproduction Health and the National Plan of Responses to STD, HIV and TB/HIV infection and type B and C hepatitis, Colombia, 2018-2021 to accelerate the remedial methods for the risk of exposure, early detection and comprehensive assistance are applied. This is to help the persons to recognize their individualities and differential conditions that make it possible to create priority groups to focus the response and have an incidence in the prevention and increase in the transmission of and infection with sexually transmitted diseases which can be present in situations with massive participation

**2.3.3.3 Risks that might appear with regard to health and sexual and reproduction rights among the spectators and sports persons within the framework of the 2023 Female Football World Cup and proposals for prevention or remedial measures**

Potential Risk	Prevention or Remedial Measures
Contagion of respiratory and diarrheic diseases due to the consumption of foods and beverages.	<p>In the campaign for the promotion of the Cup, it is necessary to include information on the environmental conditions of each city which is a venue for the championship.</p> <p>The information must be spread via electronic means and in the official websites. It is necessary to include information on the country’s characteristics for the tourists to bring the necessary items of clothing and accessories to protect themselves from environmental conditions.</p> <p>Tourists and spectators must be advised on the hotels certified by the event’s organizers or known hostels.</p> <p>Campaigns for the consumption of foods and beverages must be done in recognized commercial establishments and avoid eating food from street stalls or those not complying with sanitary regulations.</p> <p>Before the beginning of the Cup, the authorities have to start with sanitary controls to prevent incidents that compromise the health of nationals and foreigners as well.</p>
Contagion of diseases on account of vectors	<p>Before the beginning of the Cup, the competent authorities have to apply the Plan to manage vectors environmental control to prevent or minimize contacts between pathogens, vectors and human beings.</p> <p>It is necessary to prevent tourists from staying in places which do not comply with sanitary regulations where there is not an adequate management of the water and water resources.</p>

<p>Contagion of sexually transmitted diseases and infections</p>	<p>Before the beginning of the cup, the national government and the local authorities have to promote STD and the routes for assistance when there is a risk of infection.</p> <p>The campaigns have to be designed in a different way for: boys, girls and adolescents, the general public, diverse persons and LGBTI individuals and national and foreign sexual workers.</p> <p>The campaigns must be accompanied by health assistance brigades and sessions to hand out free contraception methods in sports facilities and their surroundings.</p> <p>It is necessary to increase in public spaces such as bus or train terminals, stadiums shopping centres and parks the provision of condoms dispensers at a low cost.</p> <p>The sale of condoms must be guaranteed in all hotels and hostels and the protection of minors has to be extended as they may be subjected to situations of trafficking persons and sexual exploitation.</p>
<p>That the agencies in charge of providing health services, are not prepared or do not have updated or working assistance plans and protocols</p>	<p>The Health Public Net including the urgencies net in each city, have to elaborate attention plans for tourists selecting the places for primary assistance and urgencies according to the location of the stadiums and other sports venues as well as the tourist circuits.</p> <p>A widespread promotion of bilingual lines of assistance prepared for the tourists must be done.</p> <p>During the term of the tournament, it is necessary to count with sufficient medical supplies to provide high quality assistance to potential patients.</p> <p>In case of sexual violence, it is necessary to promote campaigns with the routes of assistance determined for these cases. In them, it must be clearly stated which the institutions responsible for the assistance and restitution of rights are as well as the forms of communication and contact.</p> <p>At the health providing institutes, the protocols to assist patients have to be updated. They must count with post exposition prophylactic KITS for HIV, STD and emergency contraception for victims of sexual violence.</p>

## 2.3.4 Right to Non-Discrimination

### 2.3.4.1 International Standards

In the human rights International Regulations, the rights to equality and non-discrimination are fundamental for the foundation of the legal and political structure of a State of Law.

In the Universal Declaration of Human Rights as the foundational document for the Human Rights Protection International System, are introduced the rights to equality and non-discrimination as an ideal shared by the States which subscribed it in 1948 and from that time onwards, non-discrimination has been the ruling principle of all human rights international treaties, such as:

- Civil and Political Rights The International Covenant on (1966)
- Cultural, Economic and Social Rights The International Covenant on (1966)
- The International Convention for the Elimination of all Forms of Racial Discrimination (1965)
- The Convention on the Elimination of all Form of Women Discrimination (1979)
- The International Convention on the Rights of the Disabled (2006)

### 2.3.4.2 Guarantee of the right to non-discrimination in Colombia

In Colombia, the rights to equality and non-discrimination, are recognized in the National Constitution of 1991, Article 13. Additionally the country has ratified the International Pacts and Conventions mentioned above and has upgraded them to Laws for which reason they are obligatory.

Discriminatory conducts against persons for their race, sexual orientation and social status, have been sanctioned in many opportunities by the Colombian Courts. This led to the issue of Law 1482 in 2011, modifying the criminal code whose object is to sanction in court acts of discrimination on grounds of race, ethnic, religion, nationality, political or philosophical ideas, sex or sexual orientation, disability and other grounds for discrimination. (Article 1. Law 1482 of 2011 – amended by Law 1752 of 2015).

According to the stipulations of Law 1482, the acts of racism or discrimination as well as harassment on grounds of race, religion, ideology, politics or national, ethnic or cultural origin are penalized with imprisonment. Article 4.

Advocating genocide is also punished with imprisonment: *“the one who by any means spreads ideas or doctrines to encourage genocide or anti-semitism or in any way justify them or demand the rehabilitation of regimes or institutions protecting practices which generate them”*. Article 102.

The punishing articles of the Law are necessary to regulate everyday coexistence and they have to be widely communicated within the framework of the international events carried out in the country to prevent acts that damage human dignity on discriminatory conducts.

**2.3.4.3 Risks which might appear because of discriminatory conducts against the spectators or sports persons within the framework of the 2023 Female Football World Cup and proposal for prevention or remedial measures.**

Riesgo Potencial	Medida de prevención o Mitigación
<p>The FIFA in its Guide for Good Practices regarding diversity and fight against discrimination, identifies that discrimination inside and outside stadiums is manifested by means of:</p> <ul style="list-style-type: none"> <li>• Chants, slogans, conversations and jokes</li> <li>• Gestures and body language</li> <li>• Banners, flags and choreographies</li> <li>• Costumes and items of clothing (jerseys, scarfs, badges, etc.)</li> <li>• Projectiles (depending on the situation)</li> <li>• Destruction of certain objects (banners, scarves, etc.)</li> <li>• Posters, pamphlets and leaflets</li> <li>• Graffiti, street painting and tattoos</li> <li>• Persons who are a visual symbol because of their position</li> <li>• Physical Aggressions</li> </ul>	<p>The Cup organizer has to set up campaigns for respect to diversity inside the stadiums and using the mass media for the promotion of the championship.</p> <p>In this campaign, the sanctions imposed by the Colombian laws must be informed to the persons incurring in these conducts.</p>
<p>Discrimination for sexual orientation or gender of the fans and spectators outside the stadiums and public spaces.</p>	<p>In the country, there have been cases of intolerance to diverse persons and LGBTI. For this reason it is necessary to identify the campaigns for the respect of differences in the country and abroad in the visiting countries.</p> <p>The authorities must pay attention to persons who find in sexual differences, an offense against morality and hence can become aggressive.</p>

<p>Discrimination in shopping centres and lodgings on the rights of diverse population and LGBTI and the laws forbidding Discrimination</p>	<p>Additional to the sensitization campaigns, it is necessary to widely spread in different media, the rights to equality and non-discrimination and the laws and sanctions applied to those violating these rights.</p> <p>It is necessary to guarantee the access of tourists to all services in an equal basis.</p>
<p>Places which are not prepared for the physically disabled</p>	<p>The stadiums and the surrounding public spaces to the venues must be adapted according to the Colombian regulations in order to guarantee the access and enjoyment of the championship by the disabled.</p> <p>The hotel infrastructure related to the event, must do the corresponding adjustments to guarantee access to their facilities without extra costs for these persons.</p>



## 2.4 GROUPS OF INTERES - JOURNALISTS

Rights related to this group of interest

Freedom of speech and opinion

Freedom of access to information

### 2.4.1 International Standards

Journalists activities are protected by the right to freedom of speech provided for in article 19 of the International Covenant on Civil and Political Rights and article 13 of the on Human Rights. HRAC. Both instruments define the freedom of speech, how to search, receive and spread all types of information by any means. These tasks are the core of journalists' work and as part of a human right, it is the obligation of the State to respect, guarantee and implement them.

Within the framework of the obligations derived from the international standards in terms of the respect of the freedom of speech and access to information, it is the obligation of the State:

■ *Not to censor directly or indirectly the job of journalists:* Censorship must be determined by the law makers and it has to be applied with need or proportion criteria. Besides, those restrictions must be for the respect of the rights or reputation of others, the maintenance of order, health and public morality. According to article 13.4 of the HRAC, the regulation for the access to public shows to protect children and adolescents, is the only case stipulated which allows previous censorship. In all the other cases, article 13.2 of the HRAC, stipulates that the restrictions have to be imposed after, independently of the fact that the sanctions may be political, administrative, civil or criminal.

■ *Not to make excessive use of force against journalists:* The members of the public force have to

refrain from the unduly and excessive use of force against journalists (The Court IDH, 2012, p.144). The restriction or obstruction in the access to spaces for social protest, or the destruction of journalistic material to prevent recording or spreading information of public interest, is censorship and is forbidden by HRAC (Id). The IDH Court has underlined in cases such as Vélez Restrepo vs. Colombia that keeping public order, cannot justify the destruction of journalistic material, even more when what is meant to be destroyed is information relative to the conduct of the police officers regarding demonstrations control (Id).

■ *Refrain from stigmatizing, incriminating or pointing at journalists:* The public authorities have to refrain from directly or indirectly encouraging, supporting, urging or boosting violence against journalists. In cases of big conflicts or polarization of society, the public authorities have to be very cautious with using incriminating, stigmatizing or prejudicial language because it may be interpreted as an authorization to attack journalists (Court IDH, 2009, paragraph 142).

■ *Refrain from using criminal law as a means to protect their honour and fame:* The organs of the human rights Inter American System have declared that deprivation of freedom is a very hard means to protect the fame or reputation of public officers. First of all, principle 10 of the Declaration of Principles on Freedom of Speech defines that “The protection of reputations, has to be guaranteed only by civil sanctions”.

■ *Refrain from denying access or continuation of the use of the electromagnetic space to punish journalists.* Article 13.4 of the HRAC defines as acts of previous censorship “To prohibit, put obstacles or prevent the sale of press paper, devices or consumables for radio or television broadcast as well as to deny access to licenses for the electromagnetic spectrum without objective reasons, but for discriminatory or political or ideological affinity”. In this way, the process to access licenses for use or exploitation must be stipulated by the law as well as the factual assumptions and the sanctions for the incompliance with the regulatory regime. (CIDH, 2010).

■ *The State has to refrain from demanding requirements for the exercise or development of the journalistic profession.* Journalism is an activity by means of which is exercised the human right to freedom of speech. For this reason the State cannot impose figures such as the obligatory association of journalists, a university degree, diplomas and registrations as requirements to exercise journalism. (Court IDH, 1985)”. The United Nations human rights Committee declared that in journalism, there is a large variety of persons such as “full time professional analysts, reporters, blog writers and others who publish on their own, in the press, in Internet or in other media ” (UNO, 2011: 44).

Regarding their guarantee obligations, the state has to:

*Investigate, judge and sanction crimes against journalists because of their job:* The crimes committed against journalists to punish or silence them, are serious violations to human rights which also affect society as a whole, so the States have to assume as their own duty to investigate and determine responsibilities.

*Protect the journalists threatened because of the exercise of their job:* The State has the obligation to prevent violations by their agents and third parties against journalists. (CIDH, 2013: page 365).

This duty applies when there are foreseeable risks and the State has to reasonably know them (Corte IDH, 2012: paragraph 188). Private actors such as armed groups or delinquents, as well as organizations and companies, can be the authors of threats and attacks against the freedom of speech. When journalists face threats or serious imminent or extraordinary risks against their lives, integrity, freedom and security, the State has to adopt protection measures to prevent them from causing any damage.

*Provide Access to information of public interest:* For the organs of the Inter American Human Rights System, the information of public interest is ruled by principles of accessibility, maximum dissemination and publicity (CIDH, 2011, paragraph 10). In *Mémoli vs. Argentina*, the IDH Court, stated that it is of public interest “those opinions or pieces of information on matters in which society has the legitimate interest of keeping it informed, of knowing what has an influence on the operation of the State, or affects the rights or general interests or causes important consequences”. (The IDH Court, 2013, p.146).

#### **2.4.2 Guarantee to the rights of journalists in Colombia**

The freedom of speech and the access to information, are defined as rights in Colombia’s National Constitution in its article 20: “Every person is guaranteed freedom of speech and disseminate their thoughts and opinions, inform and receive truthful and impartial information, and found massive communication media. They are free and have social responsibility. The right to rectification under equity conditions is guaranteed. There will be no censorship”. (Constitución Política de Colombia, 1991)

Despite this constitutional guarantee, the journalists in Colombia face threats and risks to their lives and integrity derived from their role of making accusations regarding public order, armed conflicts, and corruption and environmental problems. They usually suffer pressures, intimidations and acts of violence. (Reporteros sin Fronteras, 2019)

In 2018 there were 200 claims of threats and 3 homicides of journalists (Fundación para la Libertad de Prensa FLIP, 2019), mainly in Catatumbo, Tolima and Putumayo. The National Protection Unit counts with 203 journalists who are beneficiaries of protection measures (Unidad Nacional de Protección, 2017), and in 2018 there were 179 new cases. These protection measures have contributed to a

reduction in murders.

The Attorney's Office appointed a prosecutor specialized in investigating the threats in Bogotá and ordered the support to sectional prosecutors for the investigation of some threats in other parts of the country and implemented a hotline to receive claims. As a consequence of these advances, several persons have been brought under prosecutors' investigations as possible authors of these crimes.

Moreover, the Ministry of the Interior started to implement their Programme of Timely Action for the prevention and protection of human rights defenders, social and municipal leaders, and journalists with the aim of joining efforts to provide a response to the need of generating more security and support to those who have become leaders in the promotion and safeguard of human rights, as well as to comply with the obligations defined in the international binding legal instruments.

#### **2.4.3 Risks which might involve journalists within the framework of the 2023 Female Football World Cup and proposal for prevention and remedial measures.**

Global sports events gather the international press, especially the one from the countries participating in the Cup. In this case, 32 delegations are expected plus the national and regional journalists from different media: the radio, the press, the web.

The presence of journalists is not limited to covering the news of the cup, the journalists make analyses of the context in the country, the political and social dynamics, and the protests that might arise opposing the cup.

By virtue of this there could be risks of restrictions to the access of journalists who are critical of the policies, censorship acts, risk of using force or seizure of the journalistic material and finally the risk of threats against the life and integrity of the journalists and reporters.

Potential Risk	Prevention or Remedial Measures
<p>Restrictions to media credentials to cover the sports event</p>	<p>Describe and disseminate in due time the process and rules for accreditation for the media to cover the sports event, eliminating restrictions in accordance with international standards.</p>
<p>Lack of access to the information regarding the Cup's organization, budgets, budgets destination, parties involved. Access to the information of the sports event.</p>	<p>The FIFA and the organizing committee should make previous and regular information reports on the implementation process for the arrangements previous to the cup, the constructions to be made, their costs, selection of the contractors, etc., so that the journalists have access to said information.</p> <p>The event's organization shall produce official reports with the advances in the Cup, the matches results in real time, to be distributed to all the accredited media.</p>
<p>Risks to security (life, integrity and security) of the national and international journalists who will cover the Cup.</p>	<p>The event organizers shall hand out to the journalists, previous information about the security situation of each of the cities which are venues to the event, with recommendations for accommodation, and those for personal protection and their equipment's.</p> <p>The organizers of the event will have to secure the sporting venues and locate the journalists in the appropriate place. The journalists will need a police link in each city to assist, prevent and report any security incidents and have a talk on prevention issues when they arrive in the country and before the Cup begins.</p> <p>The Contest will develop channels so that the journalists can report any threat or incident. The officers must quickly develop risk analysis and implement the applicable protection measures and the development of investigation and sanction measures for the authors of threats or acts of violation.</p>
<p>Risk of restriction or obstruction in the access to spaces such as contexts of social demonstrations or the destruction of journalistic material to prevent the recording or dissemination of information of public interest.</p>	<p>The state will have to ensure that the Public Force does not obstruct the journalists' job to cover the social protests, defining protocols regarding the use of force and fire arms and training the officials on the special protection of journalist's because of their work in these contexts.</p>



## 2.5 TRANSVERSAL ISSUES

### Related Rights

Right to a healthy environment

Right to judicial guarantees

### 2.5.1 Environmental Rights

#### 2.5.1.1 International Standard

The environment has become a central aspect in political discussions around the world. The Río 1992 Declaration, understands the human being as the centre of sustainable development. As a right, it understands that humans have prerogatives for a healthy and productive life in harmony with nature.

In agreement with recommendation 36 of the Civil and Political Rights Covenant Committee, in reference to the right to life, it states: *“Environmental degradation, climate change and non-sustainable development, are some of the most pressing and serious threats for the capacity of the present and future generations to enjoy the right to life. For this reason, the obligations the international environmental state imposes on the member states, should inspire the content of article 6 of the Covenant and the obligation of the member states to respect and guarantee the right to life, must strengthen their obligations by virtue of the international environmental law. People’s capacity to enjoy the right to life and in particular, a dignified life, depends on the measures the member states take to protect the environment against damages and contamination. To this respect, the member states have to procure the sustainable use of natural resources, make evaluations of the certain activities which might have a significant impact in the environment, notify the other states of natural disasters and emergencies and take into account the principle of precaution”.* (Comite of PIDCP)

and emergencies and take into account the principle of precaution". (Comite del PIDCP)

In the Inter American field, the right to a healthy environment, is regulated by Article 11 of the San Salvador Protocol. The human rights Inter American Court for Advisory Opinion 2018, discussed the relation between the environment and human rights at the request made by Colombia in 2016. The Court referred to the matter stating that there is a relation of interdependence and indivisibility between human rights, the environment and sustainable development. In this sense, it was determined that the states must: i) prevent significant environmental damages; ii) act according to the principle of precaution; iii) cooperate with other States in good faith for the protection against significant environmental damages; iv) guarantee the access to information on the possible effects on the environment; v) guarantee the right to people's public participation; and vi) guarantee the access to justice, in relation to the state obligations for the protection of the environment.

The Colombian government has ratified a series of treaties, covenants and other international instruments related to Human Rights, the Environment and Sustainability, some of which are detailed below:

- International Convention on Civil Liability for Oil Pollution (CLC) 1969
- Ramsar Convention on Wetlands Preservation. 1971
- Stockholm Declaration on the Human Environment. 1972
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). 1973
- International Convention for the Prevention of Pollution from Ships. 1973
- Amazon Cooperation Treaty Organization (ACTO). 1978
- United Nations Convention on the Law of the Sea. 1982
- Montreal Protocol. 1987
- International Convention on Oil Pollution Preparedness, Response and Cooperation. 1989
- The Basel Convention on the Control of Trans boundary Movements of Hazardous Wastes and their Disposal. 1989
- United Nations Framework Convention on Climate Change World Resources Institute. 1992
- Rio Declaration on Environment and Development. 1992
- Convention on Biological Diversity. 1992
- UN Convention to Combat Desertification. 1992
- International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage. 1992
- Kyoto Protocol. 1997
- Stockholm Convention on Persistent Organic Pollutants. 2001
- Doha Amendment to the Kyoto Protocol. 2012
- Paris Agreement on Climate Change. 2015

### 2.5.1.2 Guarantee of the national environmental rights

In article 79 of the Constitution, Colombia recognizes as a right, the possibility to enjoy a healthy environment and guarantees the community participation to take the decisions that might affect it. At the same time it establishes as an obligation of the state, the protection of diversity and integrity of the environment and as a prerogative, the planning of the management and use of natural resources.

The Colombian Constitutional Court, by Sentence C-032, 2019, Determined: *“The protection of the environment (...) is an objective of the Social State of Law”*

Some of the rules and public policies governing the environmental issues in the country are:

- *Law 164 of 1994 and 629 of 2000: Colombia’s intention to enter an economy which might be able to grow but with low carbon emissions. Law 164 of 1994 ratifies the subscription to the United Nations Framework Convention on Climate Change. That was the first step in Colombia towards a low impact GHG economy. With Law 629 of 2000 by means of which is ratified the Kyoto Protocol, the binding force of the instrument made Colombia commit to focusing its efforts on reducing the emission of greenhouse gases.*
- *Regulatory Framework for the development of Clean Development Mechanisms (CDM) and Document CONPES 3242. The Colombian government identified as a starting point the need to mitigate climate change. During 2003 and 2004, it issued the regulatory framework for CDM projects that allowed the investment of developed countries in Colombia to mitigate GHG. Through the Institutional Strategy for the sale of environmental services for climate change mitigation “competitive participation of Colombia in the international market for verified reductions of GHG”. (Ministerio de Ambiente y Desarrollo Sostenible, 2017)*
- *Law 1333 of 2009 – Environmental sanctioning Procedures. The State designed a specific procedure to sanction violations to environmental issues. By means of this law, the state had the power to sanction and exercises it through the Environmental Ministry and other agencies. These administrative sanctions, though preventative, corrective and for compensation, do not contradict the powers the judges of the republic have to empower the environmental rights of all Colombians.*
- *National Policy for the Comprehensive Management of Water Resources, 2010. This policy identified the environmental burden the climate change had on the hydrologic regime and with planning, management, follow-up of the water resources, incorporated as an objective “the comprehensive management of the risk associated to the offer and availability of water in order to reduce the risks to the hydric offer resulting from weather variations and climate change”. (Ministerio de Ambiente y Desarrollo Sostenible, 2017)*
- *Document CONPES 3700, 2011. The Institutional Strategy to Articulate Politics and Actions regarding Climate Change, allowed the government to summon communities, territories and the different economic sectors to work together to understand climate change as a subject for social and economic development. At the beginning of the decade, the effects of the “El Niño” and “La Niña”, obliged the Colombian State to understand that regional planning had to include different sectors and that it also needed to implement adequate adaptation and remedial measures.*

■ *Law 1523 of 2012, National Policy for the Management of Disaster Risks.* The Colombian government created a National System for the Management of Disaster Risks and issued the National Plan for the Management of Disaster Risks. The System as well as the Policy are structured as preventative measures and a response to emerging situations but they were developed under the perspective of becoming adaptation instruments for climate change.

■ *Law 1715 of 2014 – Non-conventional sources of energy.* The national government issued this law in order to encourage the development and use of non-conventional sources of energy with a special attention to those which are not renewable. The idea was centred in defining a legal framework to support the promotion and usage of non-conventional sources and for the investigation, investment and development of clean technologies to produce energy.

■ *Article 221 of Law 1819, 2016 – National Tax on Carbon.* The efforts continued in the hands of different governments until the Structural Tax Reform of 2016. Article 221 of said law, created the National Tax on Carbon by means of which they intended to tax the carbon content in all fossil fuels and the types of fossil gases whose purpose was energy for combustion. This measure was celebrated by Alexis Leroy, Founder and Executive Director of ALLCOT, who stated: “The Colombian legislation taxing carbon, stimulates the strategic transfer of technology (...) and implies an effective and responsible reduction for the country. It is not only a big economic benefit but it has also shown to be a solid contribution CDN in Colombia.” (UN Climate Change Annual Report, 2018)

*National Policy for Climate Change, 2017.* Towards the sustainable growth of the economy, my means of Resolution 1555, 2005, the Colombian government regulated the use of Environmental Colombian Seal (ECS). The ECS is an ecological label which consists of a seal or label people can get voluntarily issued by an independent agency and placed on the products of different companies in the country. Being voluntary, it has become a tool of incentive for the competitiveness of the companies in the country.

With the same view, since 2011, the Colombian State has developed a Climate Change National Policy out of which have risen three instruments as a framework for the actions taken:

- The Colombian Strategy for Low Carbon Development
- The National Plan for Adaptation to Climate Change
- The National Strategy for the Reduction of Emissions due to Deforestation and Forest Degrading (REDD+)
- The Strategy of financial protection in cases of disasters
- The National Strategy for Circular Economy

In agreement with the Environmental Information System in Colombia (2019), the country contributes to 0.46% of the GHG global emissions, and it is considered as a small emitter: fifth in Latin America. Although the emissions per GDP unit are low, are in the average of the OECD. (Evaluaciones de desempeño ambiental, 2014).

On the other hand, waste disposal is a major difficulty for the country. Although it is lower than the OECD, “most of the waste is disposed of in sanitary fillings, of which 30% do not comply with the

environmental regulations”. (Organización para la Cooperación y el Desarrollo Económicos, 2014)

Derived from the low quality of the air and the water, the annual health costs are 2% of the DGP, for which reason the government’s efforts to encourage renewable energies and private hybrid or electric transport is arising with guarantees and tax benefits. Last, the risks derived from the presence of El Niño and La Niña phenomena, imply challenges for the government with regard to prevention of disasters but also other types of human risks. For example, the arrival of epidemics of diseases transmitted by vectors or tropical diseases, are risks several venues for the championship face on account of their climate and/or altitude above sea level.

**2.5.1.3 Risks which might come out for spectators and delegations within the framework of the 2023 Female Football World Cup and proposal for prevention and remedial measures.**

The analysis of environmental risks is done from two perspectives, on the one hand are shown those derived from climate phenomena such as natural disasters and human risks which might affect the development of the 2023 Female Football World Cup. On the other hand, we analyse how the Cup can affect the country’s environment and determine for each of them proposals for preventative and remedial measures.

A list of natural and human risks are detailed below:

Type	Potential Risk	Place of predominance	Proposal for Prevention or remedial measures
Natural Risks	Risk of forest fires due to high temperatures	Cali	It is necessary to warn and inform of the risks to spectators and define communication channels in the official languages with the immediate response mechanisms in case of fires on account of high temperatures.

<p>Natural Risks</p>	<p>Risk of earthquake</p>	<p>Eje cafetero, Medellín y Cali</p>	<p>Communicate to the delegations the evacuation and emergency plans in case of earthquakes at the stadiums, hotels, and training facilities. –Define direct contact between the spectators and the mechanisms and actors for immediate response such as Civil Defence, Fire-fighters, OGRD and other entities for emergency response. The reports and the contact between communities, the delegations and the organizers, have to be available in the FIFA official languages to guarantee fluent and precise communication.</p>
<p>Natural Risks</p>	<p>Risk of floods</p>	<p>Cali</p>	<p>Disseminate through official channels, which are the surrounding areas to the river Cauca that could be affected in case of heavy rains and later floods. The State will have to implement civil engineering works to construct works to reduce risks.</p>
<p>Anthropic Risks</p>	<p>Air pollution</p>	<p>Medellín y Bogotá</p>	<p>The event organizers will have to talk and define covenants and programmes to reduce the emission of particulated material by the big producers in the host cities. The government shall encourage and finance initiatives to reduce industrial and small and medium sized companies' emissions. At the same time, it is necessary to encourage investments in non-diesel and electric public transport. The delegations and the spectators shall be informed of the alert systems and what to do in certain circumstances.</p>

Natural Risks	Ultraviolet Radiation	Bogotá	Develop and informative and preventative campaign on the risks of sun exposure in Bogotá, together with the private companies which produce skin care products. Disseminate information in all the official languages on the route of assistance in cases of sun stroke.
Natural Risks	Risk of landslides	Eje cafetero, Medellín y Bogotá	Communicate to the delegations the evacuation and emergency plans in case of an landslides at the stadiums, hotels, and training facilities. –Inform about the places for recreation and accommodation which are located in places with risks of landslides. Define direct contact between the spectators and the mechanisms and actors for immediate response such us Civil Defence, Fire-fighters, OGRD and other entities for emergency response.
Natural Risks	Electric Shock	Todo el país	The spectators and the delegations will be informed of the possibility of Colombia to suffer electric shocks. In coordination with the FIFA, will be informed of the risks of exposure and safe places in case of thunderstorms. For the matches and training events, the FIFA protocol will be followed regarding suspensions/continuations of matches.
Anthropic Risks	Risks of sudden floods	Barranquilla	It is necessary to make prevention and dissemination campaigns for the risks. At the same time, continue with the investment in civil works by the Town Hall to mitigate risks and improve highly dangerous water channels.

Anthropic Risks	Noise pollution	Todo el país	The organizers of the event will have to start campaigns previous to it to adopt measures to reduce noise around the stadiums as well as in other places, paying attention to respect for the urban organization and the corresponding rules.
Anthropic Risks	Tobacco consumption indoors and event locations	Todo el país	Together with the FIFA, develop an information campaign to alert on the prohibition of tobacco consumption and its derivatives in closed places and where the event takes place. At the same time, the FIFA Free of Tobacco policy will be applied for its events and national rules on tobacco consumption and its derivatives such as Vapers or electronic cigarettes will be applied.
Anthropic Risks	Consumption of non-drinkable water and conditions derived	Cartagena	The organizers together with the Town Halls will have to inform the spectators and the delegations on the risks of consuming water directly from the taps in cities whose system is not apt for this.
Anthropic Risks	Risks derived from the El Niño and/or La Niña phenomena	Barranquilla y Cartagena	The presence of tropical diseases or those transmitted by vectors in some of the venue cities

Potential Risk	Prevention or remedial measures
<p><b>Anthropic Risks</b></p> <p>Risk of pollution on account of the increase in waste and its incorrect disposal</p>	<p>For the period previous to the event, the local governments, together with the FIFA, will initiate awareness campaigns on the risks of pollution and health derived from the wrong management of solid waste. The publicity campaigns by the organizers or third parties, will include messages on the correct disposal of waste. Together with companies, start information campaign on the correct disposal of waste, or reuse. For the time of the event, the local governments will have to install waste disposal points within and without the stadiums and in places identified as of high circulation of persons. The companies will implement innovative plans in packaging materials and support reuse and recycle campaigns but also for waste disposal.</p>
<p><b>Anthropic Risks</b></p> <p>Risk of air pollution due to an increase in GHG emissions</p>	<p>The national government will invest in improving efficiency in the provision of public transport keeping a relation between environmental cost and optimum efficiency. Renew the fleets reducing the consumption of diesel fuel or reducing it to no more than 10ppm, and petrol with a maximum of 50ppm. At the same time it is necessary that the national as well as the local governments promote generation and operation using electricity from non-conventional sources. Increase the number of power stations to recharge cars' batteries. The hotels and other places of importance for the development of the event, will have to implement innovative strategies to reduce energy and resources consumption.</p>

Being host to the 2023 Female Football World Cup is an opportunity to encourage policies and strongly implement national and international regulations to adapt to Climate Change. At this moment, Colombia is being shown to the world as a country compromised with the challenges of climate change and it is important to take advantage of the momentum to take bigger steps. According to the risks defined, the event is the platform which will enable investment in infrastructure, public policies and social innovation focused on the environment.

Now, Colombia has not only shown to be compromised with Climate Change and sustainability but it has also shown to be capable of facing the surviving challenges in terms of the environment and those proper to a world class event. Being an economy which has legally protected itself to fight climate change and which promotes a sustainable increase by means of policies and programmes, Colombia

thus have the bases to implement both improvements and advances for the protection of the environment. Policies such as the Orange Economy, the impulse to sustainable entrepreneurship and investment in science and technology, are the first steps which will benefit from the challenges of organizing such an event in a continent and a country which needs exposition, investment, as the platform to show that they are able to do it. It would also point out the importance of doing it holding women's hand in their search for equality and the solution of other problems that may be solved together.

## **2.5.2 Legal guarantees**

### **2.5.2.1 International Standard**

From the international perspective, the right to a due legal process is approached and developed, among others, in the following instruments:

The Universal Declaration on Human Rights in articles 8, 10 and 11 establish that every person has the right to claim before the national courts with jurisdiction, to be protected against actions that violate their fundamental rights as recognized by the constitution and the law; to be heard by an independent and impartial court and to be presumed innocent while they are not proved to be guilty according to law and in a public trial where all the guarantees which are necessary for their defense are insured.

On the other hand, the International Covenant on Civil and Political Rights in article 14 and the American Convention on Human Rights, establish that every person is equal to law, before the courts. Every person will have the right to be heard in public and with due guarantees before the corresponding court in an independent and impartial form as determined by law when being tried in a criminal court or for the determination of their civil rights and obligations. Any person accused of a crime, has the right to be presumed innocent and to have the following guarantees:

- To be informed without delay in an intelligible and detailed form of the nature and causes of the accusation against them
- To have the time and means to prepare their defense and to communicate with the defense lawyer they choose
- To be judged without undue delays
- To be present in the process and to be defended on their own or assisted by a lawyer of their choice
- To question or have the witnesses for the accusation questioned
- To be assisted by an interpreter free of charge if they do not understand or do not speak the language used in court
- To not be obliged to make a statement against themselves or to plead guilty
- The right to recur a sentence before a judge or higher court

### 2.5.2.2 Legal Guarantees in Colombia

The Colombian Constitution recognizes the immediate application of the fundamental rights and incorporate them as a whole to their domestic law regulations such as the criminal procedural code.

Apart from that, it counts with the following constitutional mechanisms:

In its article 86 it establishes the mechanism a person can have to exercise their guarantees to claim before the judges at all times and places by means of a preference summary procedure, on their own or by the person who acts on their behalf, the immediate protection of the fundamental constitutional rights, whenever they are violated or threatened by the action or omission of any public authority.

The protection of the person requesting it will consist of an order to the person involved to act or refrain from acting. The decision will be enforced immediately and can be challenged before a judge with jurisdiction. This action will proceed only when the affected party does not dispose of another means for defence in court, except when that is done as a temporary measure to avoid an irremediable prejudice. The law determines when guardianship proceeds against private persons in case of the performance of a public service.

With regard to the other mechanisms for claiming actions, article 87 of the constitution defines that any person can go to a court for the compliance of a law or administrative act. If the action proceeds, the sentence will order the non-compliant authority to comply with the duty in question.

On the other hand, with regard to the enforceability of the rights according to article 8 of the Constitution, it defines popular actions as a mechanism to protect collective rights and interests related to equity, space, security, public health, administrative morality, the environment, and economic competence among others.

Criminal Procedural Code, define as principles ruling human dignity, equality, impartiality, legality, presumption of innocence, the right to defence, hearings in legal procedures, loyalty, gratuity, intimacy, publicity and the right to double instance, among others, according to the international standards.

With regard to criminal jurisdiction it is unique and national and it is in charge of persecuting and trying in court the crimes committed in the national territory.

The jurisdiction is composed of:

1. The Cassation Chamber of the Supreme Court of Justice.
2. The Higher Courts of the judicial district
3. The criminal courts of specialized circuits
4. The circuit criminal courts
5. The municipal criminal courts
6. The courts of mixed jurisdiction when they solve criminal cases
7. The execution courts for the execution of penalties and security measures
8. The courts in criminal cases within the terms of the law

The country also count with the Nation’s Attorney General, who is in charge of the criminal action and the investigation of the facts which imply a crime, ex officio or which they become aware of because of a complaint, special petition, lawsuit or any other means and their actions will be subjected to their legality as determined by the judge in charge of granting guarantees.

Every person will have to declare before the corresponding authorities, the crimes they are aware of. Said complaint or petition will be orally or in writing by any technical means to identify the author, defining the date and time when it is filed and will contain the details of the facts the deponent is aware of.

As can be seen, in Colombia, procedural regulations include the judicial guarantees provided for in the international standards for human rights.

### 2.5.2.3 Risks with regard to the judicial guarantees

Identified Risk	Prevention and/or remedial proposal
As can be seen in chapter one with regard to the context of delinquency in the cities, represented mainly by thefts or quarrels which might cause damages to persons’ integrity, among others, foreigners must know which authority to resort to for a complaint or statement, its location and procedure.	Hand out to those who enter the country to participate in the event, a list of the authorities in each city before whom they can file any complaints or statements in case of a crime. At the same time, it will be necessary to install in the stadiums or next to them, police departments to receive the claims.
If a crime is committed by a foreigner, they will have to be able to understand the procedures and have access to a public defender.	Interpreters who speak the official languages of the Cup must be available in each city to provide information to the persons arrested about their rights.  Count with a team of public defenders to guarantee the foreigners access to their representation.

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