



Newsletter

Constitutional Court upholds pension reform and returns nine articles to congress to correct procedural defects

Summary of the Decision

On August 25, 2026, the Full Chamber of the Constitutional Court, through [Ruling C-264 of 2024](#), presided over by Justice Paola Andrea Meneses Mosquera, declared the constitutionality of most of the pension reform ([Law 2381 of 2024](#)). The vote in the Plenary Session was 7 in favor and 1 against, with a dissenting opinion from Associate Justice Carlos Pablo Márquez, whose opinion proposed returning the entire law to Congress for the third time.

Upon reviewing the merits of the case, [the Constitutional Court established that:](#)

- [The backbone of the reform remains in place.](#) The four-pillar system (solidarity-based, semi-contributory, contributory, and individual savings) was upheld, under which nearly [25 million Colombians will contribute up to 2.3 times the minimum wage to Colpensiones and the excess to private funds](#) of their choice.
- [The “window of opportunity” remains valid.](#) Article 76 was declared constitutional, meaning that [the more than 150,000 transfers between Colpensiones and private pension funds](#) made before the window closed on July 16 remain legal.
- [Nine articles and proposals were subject to conditions and must be amended by Congress.](#) Specifically: paragraph 4 of Article 11; Article 14; subparagraph k) of Article 19; the transitional paragraph of Article 23; the entirety of Article 36; paragraph 2 of Article 63; paragraph 5 of Article 84; paragraph 1 of Article 92; the entirety of Article 93; and a proposal to include a new article. These provisions cover, among other matters, [the calculation](#) of pensions, [the management](#) of the Contributory Pillar Savings Fund by the [Banco de la República](#), [the benefit](#) of a reduction in the number of contribution weeks per child for women, and [differential treatment](#) for indigenous, Afro-Colombian, Black, Raizal, Palenquero, and rural communities.
- [The constitutionality of these articles is contingent upon the correction of procedural errors.](#) The House of Representatives will have 30 business days, starting from the date of notification of the ruling, to correct the errors in the legislative process identified by the Court.

Finally, [the Court also ordered:](#)

- [The Speaker of the House of Representatives to submit a report to the Constitutional Court, along with the relevant plenary session minutes](#), once the rectification period has expired, so that the high court may issue a final ruling on the constitutionality of the provisions remanded.
- The general entry into force of the reform, subject to compliance with the rectification process, on [April 1, 2027](#), the date on which the new pension system will take effect, replacing [Law 100 of 1993](#).

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