



**International Convention for
the Protection of All Persons
from Enforced Disappearance**

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Committee on Enforced Disappearances

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Consideration of reports of States parties to the Convention

**List of issues in relation to the report submitted by
Colombia under article 29, paragraph 1, of the
Convention**

Addendum

Replies of Colombia to the list of issues*

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* The present document is being issued without formal editing.

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I. General information

1. Competence of the Committee to receive and consider individual and inter-State communications

1. Under article 31 of the Convention, the Committee may exercise its competence to receive and consider communications from or on behalf of individuals subject to the jurisdiction of States parties. Nevertheless, article 31 sets out a mechanism that operates in the same way as an optional acceptance of jurisdiction clause by States parties, except that it concerns the competence of the Committee to consider the aforementioned communications. Consequently, voluntary acceptance by States is a prerequisite for the communications mechanism to take effect.

2. In this regard, the State has not recognized the competence of the Committee to receive and consider individual and inter-State communications.

2. Mechanisms for dealing with requests for urgent action transmitted by the Committee to the State party

3. States parties have agreed that, as provided for under article 30 of the Convention, the Committee may receive and consider, as a matter of urgency, a special category of requests of a different nature than the communications referred to in article 31 of the Convention.

4. Colombia has accepted this mechanism, whose implementation must be interpreted in accordance with the provisions of articles 31, 32 and 33 of the Vienna Convention on the Law of Treaties. Without prejudice to the foregoing, the use of the mechanism does not imply a decision on the merits that establishes whether the State party has violated one of its obligations under the Convention. Accordingly, recommendations issued on the basis of article 30 cannot be equated with a decision on the merits of the case and are not capable of establishing whether the State is internationally responsible for failing to comply with one of its obligations under the Convention.

5. When a letter from the Committee is received by the Permanent Mission of Colombia to the United Nations in Geneva, it is transmitted to the Ministry of Foreign Affairs, which in turn notifies the competent agencies of the requests formulated in the letter. In cases involving the presumed enforced disappearance of a person, the Disappeared Persons Investigative Commission and the Attorney General's Office are notified of the letter, which may also be brought to the attention of other competent agencies where necessary. The agencies referred to above carry out the requests for information as a function of the issues raised and the information sought by the Committee, doing so within the short deadlines afforded the State. Once this information is received from the agencies, it is processed and analysed by the Ministry of Foreign Affairs, which drafts the corresponding report and transmits it to the Committee through the Permanent Mission of Colombia in Geneva. If the competent agencies fail to provide information in a timely manner, the Ministry of Foreign Affairs contacts the Committee through diplomatic channels to request an extension for the submission of the reply.

3. Examples of case law in which the provisions of the Convention have been invoked or applied

6. The Convention, as well as the other international human rights instruments to which Colombia is a party, has constitutional rank and, accordingly, takes precedence in the domestic legal order in keeping with articles 53, 93, 94, 102 (2) and 214 (2) of the Constitution. Pursuant to these provisions, the Constitutional Court has developed the concept of the “constitutional corpus” to refer to those standards and principles that are not defined explicitly in the Constitution but that are nonetheless understood to be a part of it, as prescribed by the Constitution itself.

7. Consequently, the Convention and the other international human rights instruments are mandatory benchmarks for legal interpretation, and judges in Colombia have incorporated national and international legislation and jurisprudence in their rulings on cases of presumed enforced disappearance, while taking into account international standards on prevention, protection and guarantees of the non-repetition of such acts.

8. Relevant rulings by the high courts include Council of State Judgments ID 36305 of 29 February 2016 and ID 32988 of 28 August 2014, Supreme Court Ruling No. 45143 of 16 December 2015 and Constitutional Court Ruling No. C-620 of 2011. The natural tendency of judicial proceedings is to continually generate national case law.

4. Action taken by the Disappeared Persons Investigative Commission in fulfilment of its mandate

9. Established pursuant to Act No. 589 of 2000, the Disappeared Persons Investigative Commission is a statutory coordinating body that is pluralistic, participatory, permanent and inter-institutional in nature. Its purpose is to support and promote the investigation of the offence of enforced disappearance. The Commission recently adopted new regulations by means of Decree No. 1862 of 2014. It is composed of seven government agencies and two organizations of families of victims of enforced disappearance.

10. The Commission’s legal mandate does not include the functions of searching for or identifying persons, as those fall under the remit of the Attorney General’s Office and the National Institute of Forensic Medicine and Science, the latter being responsible for the identification processes themselves.

11. This being the case, the Commission acts as an intermediary, given that it is the highest-level inter-institutional coordinating body, even though it does not have operational functions or financial or administrative independence. Support and follow-up efforts are carried out through a number of institutional information systems and channels with the help of agencies such as the Special Administrative Unit for Migration of the Ministry of Foreign Affairs, the Ministry of Health and Social Security, the Attorney General’s Office, the National Prisons Institute, the Department of Social Integration of Bogota D.C., the National Institute of Forensic Medicine and Science, the National Civil Registry Office, the Colombian Agency for the Reintegration of Armed Insurgents and Insurgent Groups, the Office of the High Commissioner for Peace, the Demobilized Combatants Humanitarian Assistance Group, the National Police, the Army, the Military Criminal Justice System, the Counsel General’s Office, the judicial branch, the Comprehensive Victim Assistance and Reparation Unit, health-care providers, the Social Programmes Beneficiary Identification System and the Solidarity and Guarantee Fund.

12. All administrative and follow-up work done by the Commission is recorded in the National Missing Persons Register in an effort to publicize the action it is taking to

facilitate the search for disappeared persons, in conjunction with the agencies that have competence in this area.

13. As to whether the Disappeared Persons Investigative Commission has the resources it needs for the effective discharge of its functions, the Commission adopted Regulatory Decree No. 1862 of 2014, article 17 of which sets out the Commission's budget, while its resources are managed by the Ombudsman's Office. However, the allocation and execution of those funds must be approved in advance by the Commission's members, in accordance with its annual plan of action and the specific programmes it carries out in fulfilment of its mandate.

II. Definition and criminalization of enforced disappearance (arts. 1-7)

5. Number of reported cases of enforced disappearance

14. According to the information contained in the National Missing Persons Register, which is managed by the National Institute of Forensic Medicine and Science, from 1938 to 2016, a total of 114,221 persons were reported missing in Colombia. These cases fall into the following categories: presumed enforced disappearance, awaiting positive identification, presumed human trafficking, presumed kidnapping, no information available, presumed unlawful recruitment and natural disasters. Of the total number of cases, 32,521 correspond to women and 81,700 correspond to men. In addition, 28,860 cases correspond to minors (aged 0-17 years), 184 to persons of African descent and 536 to indigenous persons. In 80,728 cases, the victim is still missing.

15. The following table summarizes the figures from the National Missing Persons Register for the period from 1938 to May 2016, according to the type of missing persons case and the status and gender of the missing person.

<i>Type of missing persons case</i>	<i>Status of missing person</i>						<i>Total</i>
	<i>Found dead</i>		<i>Found alive</i>		<i>Still missing</i>		
	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	
Presumed enforced disappearance	136	1 223	196	381	2 324	19 234	23 494
Awaiting positive identification	31	197	18	12	63	265	586
Presumed human trafficking			16	3	26	5	50
Presumed kidnapping		9	8	8	14	48	87
No information available	572	3 425	12 831	14 413	16 274	42 459	89 974
Presumed unlawful recruitment					2	6	8
Natural disasters	6	8			4	4	22
Subtotal	745	4 862	13 069	14 817	18 707	62 021	114 221
Total		5 607		27 886		80 728	114 221

Source: National Missing Persons Register/Missing Persons and Corpses Information Network System — National Institute of Forensic Medicine and Science.

16. As shown by the table, out of a total of 114,221 missing persons cases listed in the Register, only 23,494 correspond to the category of presumed enforced disappearance,

accounting for 20 per cent of all cases. Cases are categorized as “presumed enforced disappearance” based on the definition of this offence in article 165 of the Criminal Code, which states that “Anyone belonging to an illegal armed group who, in any manner, deprives another person of their liberty, then conceals them and fails to acknowledge the deprivation of liberty or to provide information on their whereabouts, thereby placing them outside the protection of the law, shall be liable to a term of imprisonment of 20 to 30 years, a fine of 1,000 to three 3,000 times the current minimum statutory monthly wage and disqualification from the exercise of rights and public functions for 10 to 20 years. The same penalty shall apply to a public servant, or a person acting under a public servant’s orders, or with his or her acquiescence, who commits the acts set forth in the previous paragraph.”

17. It follows that the existence of a case of presumed enforced disappearance in Colombia does not necessarily imply the existence of some form of State participation within the meaning of the definition of enforced disappearance contained in article 2 of the Convention. As may be seen, the definition of this offence in Colombia is much broader than the one contained in the Convention, given that it can be committed by anyone, not only State officials.

18. In any case, under article 166 of the Criminal Code, the participation of State officials in the commission of the offence of enforced disappearance is a punitive aggravating circumstance.

19. Lastly, although the National Missing Persons Register contains information fields that are associated with the presumption of responsibility, it is not possible to provide information about the possible criminal responsibility of public servants, since, in accordance with the provisions of article 11 of the Convention, responsibility for any punishable act can be established only through the delivery of a final court judgment.

(a) *Information from the National Missing Persons Register*

20. Missing persons reports are logged in the National Missing Persons Register irrespective of the authority responsible or the legislation applicable (for example, ordinary justice or the transitional justice provided for in Act No. 975 of 2005). Likewise, in an effort to ensure respect for the rights of the family members of missing persons, in the investigation process and in view of the conversion of characterizations of criminal offences according to the criminal activity in question (for example, enforced disappearance can be converted to kidnapping), in November 2012 the Disappeared Persons Investigative Commission approved the addition of the following types of missing persons cases: “presumed kidnapping” and “presumed human trafficking”. In December 2015, the category of “presumed unlawful recruitment” was added alongside that of “presumed enforced disappearance”, which had been included since the introduction of the Register. It is important to note that the National Plan on the Search for Missing Persons, the rules governing the National Missing Persons Register and the domestic institutional procedures related to the search for missing persons all call for the mandatory use of this system as the only one to be used for registering missing persons.

(b) *Measures taken to ensure that relevant information on all presumed missing persons cases is added to and kept up to date in the National Missing Persons Register*

21. The intervening agencies have a legal obligation to ensure that all reports of missing persons are added to the Register promptly and in full. As administrator of the National Missing Persons Register, the National Institute of Forensic Medicine and Science has

created 12,276 user accounts for all the intervening agencies,¹ of which 8,018 accounts are currently active in the Missing Persons and Corpses Information Network. The procedure for the assignment, creation and transmittal of passwords for external users is set out in Internal Decision No. 281 of 2008.

22. With regard to ensuring that the Register is kept up to date, the National Institute of Forensic Medicine and Science regularly reminds the agencies represented in the Disappeared Persons Investigative Commission that the use of the Register is mandatory. In addition to these efforts, media campaigns have been developed to increase the Register's visibility and to highlight the fact that three of its six platforms are publicly accessible.

(c) *Measures taken in order to compare and consolidate the information contained in the National Missing Persons Register with the information on missing persons held by other institutions*

23. The State has been mindful of the need to standardize the information held in the National Missing Persons Register and also to compare and consolidate it with the information held in the databases of other institutions. To this end, since 2008, all agencies represented in the Disappeared Persons Investigative Commission have been required to submit their databases so that they can be merged with the Online Mass Information Consultation System, which serves as a data warehouse for searches by the Register's users. As a result, 66,807 records have been migrated to the System from the Counsel General's Office; the Disappeared Persons Investigative Commission; the former Presidential Human Rights and International Humanitarian Law Programme (currently the Presidential Advisory Office for Human Rights); the Human Rights and International Humanitarian Law Unit, the Peace and Justice Unit and the Special Investigation Corps of the Attorney General's Office; the National Institute of Forensic Medicine and Science; and the National Police. As of February 2009, the Special Investigation Corps alone had added around 13,000 cases to the Register from its internal records.

24. Similarly, when the Comprehensive Victim Assistance and Reparation Unit became operational, it was assigned 27 passwords to access the Register, so that analysts of victimizing acts could access and update the system whenever a case was added to the Central Register of Victims.

25. In October 2015, under Joint Communiqué No. 62, the Ombudsman, in his capacity as Chair of the Disappeared Persons Investigative Commission, requested that the government agencies submit the contents of their databases so that a process may be undertaken to cleanse the data in the National Missing Persons Register. To date, five databases have been submitted: three from the Attorney General's Office, one from the Comprehensive Victim Assistance and Reparation Unit and one from the National Council to Combat Kidnapping and Other Attacks on Personal Liberty. The data cleansing process begins with an internal verification of each database and a cross-check of numerical data (e.g. identity documents) against cases in the National Missing Persons Register. The results were presented to the Disappeared Persons Investigative Commission, and consolidation strategies were proposed on a bilateral basis with each agency, which they

¹ Mayor's offices, Association of Relatives of Detainees and Missing Persons, Human Identification Centre, Disappeared Persons Investigative Commission, International Committee of the Red Cross, Ombudsman's Office, Attorney General's Office, Governor's Offices, Colombian Family Welfare Institute, National Prisons Institute, National Institute of Forensic Medicine and Science, Ministry of Defence, Ministry of Foreign Affairs, Ministry of Health and Social Security, NGOs, Offices of Municipal and District Ombudsman's Offices, National Police, Office of the President, Counsel General's Office, Secretariats of Government, Comprehensive Victim Assistance and Reparation Unit, Presidential Advisory Office for Human Rights.

were to use as a first step in cleansing their own databases. The data cleansing process has not yet been completed.

(d) *Technical Committee on Data Cleansing*

26. The Technical Committee on Data Cleansing of the National Missing Persons Register is part of a strategy to define and develop effective mechanisms for cleansing and refining the data contained in the Register in an effort to increase the effectiveness of searching for missing persons, identifying corpses following forensic autopsy and ensuring the follow-up of cases and the Urgent Search Mechanism. As part of the data cleansing process, mechanisms for correcting the information pertaining to a particular case have been established on the basis of specific variables (date of disappearance, age, date, category, caseworker and record of reappearance).

27. If the body of a missing person is found, once the expert identification report has been created, the status “found dead” is recorded in the Register, together with the location of the body. If there is no record of the person in the Register, a new record must be created with the relevant information. When a missing person is found alive, the criminal investigation police and the judicial authorities are the only ones authorized to record the reappearance and close the case in the National Missing Persons Register.

28. With regard to the classification of acts of disappearance, as mentioned previously, the National Register provides for the separation of cases into one of the following categories, linking them to definitions of criminal offences against personal liberty: “presumed enforced disappearance”, “presumed kidnapping”, “presumed human trafficking” and “presumed unlawful recruitment”.² In murder cases, the category used is “awaiting positive identification”, while if the disappearance occurs during an earthquake or flood, for example, it is categorized as a “natural disaster”. For cases in which the information available does not enable assignment to any of these categories, the option selected is “no information available”. The categorizations recorded in the National Register, such as those used to differentiate an enforced disappearance from other types of disappearances that do not present all of the elements set out in article 2 of the Convention, may be amended only on the basis of the results of a judicial investigation.

6. Definition of enforced disappearance set out in article 165 of the Criminal Code

29. As indicated in paragraphs 17-23 of the initial report submitted by Colombia to the Committee (CED/C/COL/1), the definition of enforced disappearance set out in article 165 of the Criminal Code is consistent with the essential elements of article 2 of the Convention. These elements are: any form of deprivation of liberty, concealment of the whereabouts of the person concerned and placing a person outside the protection of the law. This final element is not an additional requirement that would have to be present in order for the act to constitute criminal conduct; rather, it refers to the unlawful or illegal nature of the conduct.

² The Disappeared Persons Investigative Commission has established criteria for assigning cases to these categories; they enable users of the National Missing Persons Register to objectively select the option that most closely corresponds to the acts in question.

7. Investigations into cases of presumed disappearance attributed to illegal armed groups that were formed following the demobilization of paramilitary organizations and to organized armed groups

30. The Government's efforts in this area have focused on giving effect to Act No. 975 of 2005, or the Justice and Peace Act, especially in terms of ensuring victims' rights to the truth, justice and reparation.

31. Over the last eight years, kidnappings have gone down significantly as a result of the strategies the Government has implemented. The National Policy for the Defence of Personal Liberty, which is part of the Comprehensive Security and Defence Policy for Prosperity of the Ministry of Defence, has been used in combating kidnapping offences and in coordinating and strengthening the investigative and intelligence capabilities of the police and institutional units.

8. Enforced disappearance as a crime against humanity

32. Article 28 of the Constitution stipulates that there shall be no "penalties or security measures that are not subject to statutory limitations". However, in its Judgment C-578 of 2002, the Constitutional Court established that, as a result of the entry into force of Legislative Act No. 2 of 2001, the offences that fall under the jurisdiction of the International Criminal Court do not expire, stating that "this regulation applies exclusively to matters falling under the jurisdiction of the International Criminal Court and does not have the effect of amending or modifying domestic legislation". In accordance with the foregoing, Act No. 1719 of 2014 established that "the criminal prosecution of the offences of genocide, crimes against humanity and war crimes shall not be subject to statutory limitations".

33. For this reason, even though the offence of enforced disappearance is not defined as a crime against humanity under Colombian criminal law, if the Attorney General's Office observes in the course of the investigation that an enforced disappearance occurred with the "widespread" or "systematic" characteristics referred to in the definition of crimes against humanity set forth in the Rome Statute of the International Criminal Court, it can be characterized as such by judges of the national courts.

9. Criminal responsibility of superiors

34. Article 32 of statutory bill No. 211 of 2013 (Senate) and No. 268 of 2013 (House) was intended to give effect to articles 116 and 221 of the Constitution so as to "establish rules for investigating, prosecuting and bringing to trial members of government security forces". The bill would have codified the attribution of criminal responsibility to superiors for acts committed by their subordinates, under the terms of article 6 (b) of the Convention.

35. However, in its Judgment C-388 of 2014, the Constitutional Court decided not to issue a ruling on the merits with regard to the enforceability of the statutory bill because it was deemed to be devoid of purpose.

III. Judicial procedure and cooperation in criminal matters (arts. 8-15)

10. Number of complaints of enforced disappearance received since the Convention entered into force and number of investigations conducted

36. The Statistical Information System of the Judicial Branch compiles aggregated information on the judicial caseload of law offices throughout the country, which is why no detailed information is available on individual cases in terms of sex, age, ethnicity and whether or not there was State participation. Nor is data available on the characterization of cases referred to as “false positives”, since, as previously explained to the Committee, such a situation is not defined as an offence in the Criminal Code, and cases involving those circumstances are investigated as murder or the killing of a protected person.

37. The following table provides information on the number of cases filed, cases closed, cases pending at the end of each year, judgments handed down and the total number of persons acquitted or convicted of the offence of enforced disappearance between 2010 and 2015.

<i>Description</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015³</i>
Cases filed	564	561	658	678	793	870
Cases closed	531	570	579	621	775	730
Cases pending at year end	128	136	138	137	155	147
Total judgments	89	105	118	68	104	73
Number of persons acquitted	2	18	14	7	8	4
Number of persons convicted	68	93	102	43	70	57

Source: Statistical Information System of the Judicial Branch.

11. Number of cases of enforced disappearance received by the Disappeared Persons Investigative Commission

38. The National Missing Persons Register contains information on 2,552 cases of presumed disappearance that have been logged by the Disappeared Persons Investigative Commission. This does not exclude the fact that the Commission may have dealt with or facilitated the processing of cases that were entered in the Register by another agency. In any case, it is important for the Committee to recall that the Commission formally began its work in 2005 when the Missing Persons and Corpses Information Network had not yet been established, given that it began functioning on 1 January 2007. The steps taken to follow up a case began to be quantified in 2008. At the present time, all actions taken and follow-up steps carried out by the Commission are recorded in the Register.

39. The Commission receives reports of cases from users on a daily basis, and measures are taken to follow them up and facilitate their processing, depending on the status of each

³ The information provided for 2015 corresponds to judicial activity for the period from 1 January 2015 to 31 December 2015 with a cut-off date of 10 February 2016. The data excludes records that will be revised because they reveal possible inconsistencies with regard to the period corresponding to the introduction of the application used by the Statistical Information System of the Judicial Branch. The number of records excluded for the purposes of revision does not exceed 3.4 per cent of the total number of records in the database.

case. These measures include requesting activation of the Urgent Search Mechanism, requesting the opening of a criminal investigation or calling upon the competent authority to carry out the various phases of the National Plan on the Search for Disappeared Persons, whose activities are determined by the authorities with a view to properly planning the search for the victim, which is why each investigation has its own strategy.

40. In addition, the Commission has facilitated efforts to draft and implement public policies to combat enforced disappearances in Colombia by promoting legislative and regulatory initiatives, which now constitute the legal framework for the prevention of this offence and the provision of assistance in relation to it and which aim to ensure the rights of victims.

12. Coordination, cooperation and cross-checking between the agencies responsible for searching for disappeared persons and for identifying their remains

41. Please see Section 4 of the present document for information on the work carried out by the Disappeared Persons Investigative Commission to facilitate institutional cooperation and coordination in relation to the cross-checking of data between the agencies charged with searching for disappeared persons and identifying their remains, as well as for information on the Commission's financial, technical and human resources.

Activating the Urgent Search Mechanism

42. The purpose of activating the Urgent Search Mechanism is to prevent the commission of the offence of enforced disappearance, and requests are processed by the judicial official, judge or prosecutor to whom they are submitted. The activation of the Urgent Search Mechanism is not a prerequisite to applying for a constitutional remedy of habeas corpus or launching a criminal investigation into the allegations, since the law provides for the mechanism's coexistence with other actions or remedies and grants it an autonomous status in light of its special nature. For this reason, although Act No. 971 of 2005 stipulates that judicial officials must inform the Commission immediately after activating the Mechanism, the fact that some bodies do not report this promptly does not preclude the judicial authorities from launching a criminal investigation into the allegations, nor does it mean that an application for a writ of habeas corpus cannot be lodged.

43. Bearing these explanations in mind, since the creation of the National Missing Persons Register in 2007 and up to 3 June 2016, the Urgent Search Mechanism has been activated in 1,607 missing persons cases, 556 of which corresponded to women and 1,051 of which corresponded to men.

44. Records show that, to date, in 2016, the mechanism has been activated 19 times, in conformity with Act No. 971 of 2005, and that 9 requests for its activation have been made through requests for support from family members, government agencies and civil society organizations.

Establishment of the special unit to search for persons considered to have been disappeared in the context and by reason of the armed conflict

45. The General Agreement for Ending the Conflict and Building a Stable and Long-lasting Peace signed by representatives of the Fuerzas Armadas Revolucionarias de Colombia — Ejército del Pueblo (Revolutionary Armed Forces of Colombia — People's Army) (FARC-EP) and authorized representatives of the Government in August 2012 set an agenda whose items and contents were formally agreed and which are under discussion in the Talks Committee.

46. Joint Communiqué No. 62 of 17 October 2015 described the agreement reached by the parties with the aim of alleviating the suffering of the families of persons who are presumed to have been disappeared and who were buried as unidentified persons, and in so doing, to help give effect to their rights. It stated that the first action to be taken, before signing the final agreement, is to immediately implement certain initial and strictly humanitarian measures to search for, locate and identify the remains of persons considered to have been disappeared in the context and by reason of the armed conflict who were buried as unidentified persons in cemeteries in the most conflict-affected areas and to return their remains in a dignified manner. The second action to be taken, after signing the Final Agreement, is to set up a special unit to search for persons considered to have been disappeared in the context and by reason of the armed conflict.

47. To that end, the parties also agreed to request support from the International Committee of the Red Cross (ICRC) in the design and implementation of special humanitarian plans to search for, locate and identify missing persons and to return their remains to their families in a dignified manner. The Government and FARC-EP undertook to provide ICRC with any information that was available to them and to facilitate the implementation of the special humanitarian plans. Based on information supplied by the Government and FARC-EP and on that provided by victim support organizations, the Talks Committee will outline a workplan according to which ICRC and the National Institute of Forensic Medicine and Science will design and implement the special humanitarian plans. In all cases, information and support will be requested from the Attorney General's Office.

48. The Talks Committee, in collaboration with the National Institute of Forensic Medicine and Science and ICRC, may request support from other organizations or specialized agencies in order to facilitate the process of searching for, locating and identifying remains and returning them in a dignified manner.

49. As a first step, the government and FARC-EP delegations agreed that the Government would expedite two processes: the identification and dignified return of the remains of victims and those who had died during operations carried out by government security forces and who were buried as unidentified individuals in cemeteries in the most conflict-affected areas, in accordance with recommendations from the National Institute of Forensic Medicine and Science; and the dignified return of the remains of identified persons that have not yet been handed over to their families. Where necessary, support will be requested from ICRC for the dignified return of remains of FARC-EP members to their families.

50. It was also agreed that FARC-EP would supply any information it had on the location and identification of the remains of victims and would assist in their dignified return. In all cases, the dignified return of remains will take account of the wishes of the families, who will be able to count on receiving the necessary psychosocial support.

51. In the Talks Committee it was also agreed to establish a protocol for the implementation of immediate measures to help search for, identify and return the remains of persons considered to have been disappeared in the context and by reason of the armed conflict, with the aim of initiating what was agreed on in Joint Communiqué No. 62.

52. The protocol states that, with regard to analysing and selecting the cemeteries in which work will be conducted, "the National Institute of Forensic Medicine and Science and the National Subdirectorate for Assistance to Victims and Service Users of the Attorney General's Office will gather together all available judicial information for the purposes of carrying out work in the relevant cemetery in accordance with legal protocols".

53. Accordingly, as part of the transitional justice framework, Resolution No. 0-0567 of 2014 provided for the establishment of a Victim Support Unit within the National Subdirectorate for Assistance to Victims and Service Users. The purpose of the Unit is to

strengthen comprehensive assistance to victims in the exercise of transitional justice and to support and coordinate with the Specialized National Directorate for Transitional Justice in carrying out objectives and strategies for assisting and guiding victims under the transitional justice system.

54. Pursuant to these agreements and Legislative Act No. 011 of 2012 and Act No. 1448 of 2011, the Attorney General's Office established the National Unit for the Implementation of Joint Communiqué No. 62 of the Havana Talks Committee. The Unit will help to ensure the rights of the families of persons considered to have been disappeared in the armed conflict and will collaborate efficiently in all areas related to the exhumation of bodies, the collection of information on the location of the bodies of missing persons and all other necessary fieldwork.

55. The Unit's functions include managing and coordinating the search for, exhumation, identification and return of the bodies of victims and those who died during operations conducted by government security forces and who were buried as unidentified persons in cemeteries located in the most conflict-affected areas. They also include locating and identifying the remains of victims and those for whom information is to be provided by the Talks Committee through the Office of the High Commissioner for Peace. These tasks will be facilitated by special prosecutors, members of the investigative and criminal police and other officials charged with supporting the Unit's activities.

56. In carrying out these functions, the Unit is required, under the terms of Joint Communiqué No. 62 of 17 October 2015 of the Talks Committee, to work in coordination with the National Institute of Forensic Medicine and Science.

57. Some of the Unit's other main functions will be to expedite the identification and return of the bodies of persons who were disappeared in the context of the armed conflict that have already been exhumed; cleanse, merge and consolidate the databases and information relating to cases of enforced disappearance that are maintained by the Attorney General's Office; and coordinate and facilitate the search for, identification, location and dignified return of human remains.

58. On 15 March 2016, the Disappeared Persons Investigative Commission presented the Talks Committee with a series of recommendations on the functions of the special unit to search for persons considered to have been disappeared and a strategy for strengthening each of the agencies with competence in the area of disappearances.

13. Remains of deceased victims of enforced disappearance that have been located, identified and returned

59. Paragraph 214 refers to Inter-agency Cooperation Agreement No. 01 of 2010 between the Ministry of the Interior, the National Institute of Forensic Medicine and Science and the National Civil Registry. Bearing in mind that more than 50 per cent of the corpses are buried in the wrong municipal cemetery to which they had been sent for State burial by the Institute, the list of cases was delivered to NGOs and the competent government agencies in 2011. Information concerning those cases is available on the public access portal of the National Missing Persons Register.

60. According to figures from the National Register, there are a total of 1,359 cases of enforced disappearance in which the victim is deceased; of that number, 136 correspond to women and 1,223 to men.

Project to Search for Unidentified Persons in Cemeteries

61. The Ministry of the Interior has been implementing the Project to Search for Unidentified Persons in Cemeteries since 2013, as part of efforts to carry out the multidimensional survey and mapping of cemeteries where unidentified persons and identified but unclaimed persons are buried. The Project focuses on the processes of on-site data collection and analysis, verification of the data collected in order to determine the magnitude of the problem in each graveyard, survey and mapping. This has the potential to become a primary source of information for future efforts to recover the bodies or human remains of missing persons, as has been the case in the Jardines de Paz San Sebastián de La Plata cemetery (Huila) and the Cristo Rey and El Carmen de Yarumal cemeteries (Antioquia).

62. The survey of each cemetery provides information on its territorial, legal, administrative, organizational, hygienic and health-related characteristics, as well as on those relating to its infrastructure, facilities, sanitation, services, climate, vegetation and the precise location and burial conditions of unidentified and identified but unclaimed persons. It also provides details of the geographic location of the cemetery, including the municipality and the department, the spatial dimensions of the cemetery and its surroundings, the facilities and buildings attached to it and the spatial dimensions of the burial plots of unidentified persons and identified but unclaimed persons.

63. As of 30 April 2016, as part of the Project, visits had been conducted to 321 municipalities in 31 departments. Cemeteries in 278 municipalities were found to contain the bodies or human remains of unidentified persons and identified but unclaimed persons. In 54 of the municipalities visited, no bodies or human remains were found. On the basis of these findings, surveys were conducted of 308 cemeteries, where records were found of the burial of 28,679 bodies as unidentified persons and/or identified but unclaimed persons, of which 24,352 correspond to unidentified persons and 4,327 to identified but unclaimed persons.

64. The Project has enabled the Government's agencies to tackle the problem on the basis of local realities and to involve local authorities, cemetery administrations, gravediggers and the community at large in the process. In order to effectively guarantee the rights of victims of enforced disappearance to the truth, justice, the restoration of rights and identity and non-repetition, it is necessary to adequately conserve and care for the bodies or human remains of disappeared persons, so that however long the process of identification may take, the bodies or remains can be recovered and returned to their families in a dignified manner.

65. The strategy of the National Institute of Forensic Medicine and Science for the recovery of unidentified bodies in cemeteries around the country has helped advance interdisciplinary studies conducted on 35, 70 and 37 bodies recovered from the Bocas de Satinga (Nariño), Cimitarra (Santander) and La Plata (Huila) cemeteries, respectively. This has led to the identification of five disappeared persons (three from Bocas de Satinga and two from Cimitarra), which are awaiting return by the Attorney General's Office.

Return of unidentified remains to families that are unaware of the disappearance and death of their loved ones

66. The tasks involved in returning identified bodies are shared between the agencies that make up the Disappeared Persons Investigative Commission and the Centralized Virtual Identification Centre, which is coordinated by the Attorney General's Office.

67. In those cases in which the bodies of persons are identified by the National Institute of Forensic Medicine and Science but their families are unaware of their death, a case disclosure process is followed. It includes the use of media outlets such as local newspapers

and broadcasters and the production of news items that focus on the issue. Where details such as addresses, telephone numbers, place of birth and/or place of issue of identity documents are known, telegrams are sent to family members and municipal authorities such as mayors, parish priests or municipal ombudsmen who may be able to help with notification. Virtual campaigns are also conducted.

Decree regulating Act No. 1408 of 2010

68. The process of establishing regulations for Act No. 1408 of 2010 was headed by the Ministry of the Interior in consultation with the Disappeared Persons Investigative Commission. The President signed Decree No. 303 of 2015 into law in a public ceremony held on 20 February 2015. The Decree contains a definition of victim and refers to the principles of human dignity, personal privacy, equality, non-discrimination, differentiated measures and the cost-free nature of services. The Decree also sets out specifications for the administration of the Disappeared Persons Genetic Profile Bank, the dignified return of the bodies of disappeared persons, the participation of family members in the exhumation process, psychosocial support during the handover of remains, financial support for persons taking part in the return of the bodies, the production of maps and the obligation to share information, as well as the protection of the geographic areas identified as possible locations of graves or bodies, the conservation of unidentified bodies and identified but unclaimed bodies, forensic examinations, burial processes, commemorative shrines and historical memory.

14. Extent to which the various special transitional justice mechanisms used in the past or planned for the future are consistent with the norms of the Convention

Special Jurisdiction for Peace

69. On 23 September 2015, the Committee on Talks between the FARC-EP and the Government issued Joint Communiqué No. 60 on the “Agreement to create a Special Jurisdiction for Peace”. The Communiqué announced that a comprehensive system of truth, justice and non-repetition was being developed.

70. The system reflects the agreements reached on various measures related to ensuring the rights of victims of enforced disappearance. For example, it was agreed to establish the unit to search for persons considered to have been disappeared. This high-level agency will be charged with (i) gathering information on disappeared persons, either from official sources or from information provided by NGOs and victims; (ii) determining the universe of persons considered to have been disappeared; (iii) carrying out an active search for the persons; (iv) locating the persons or their remains; (v) identifying them; and (vi) presenting reports to the families and arranging for the dignified return of the remains.

71. Likewise, the mandate of the Commission on the Clarification of Truth, Coexistence and Non-Repetition includes the duty to bring to light and promote recognition of grave human rights violations, which, of course, include enforced disappearances. This exercise will involve the participation of various sectors of society through an active networking strategy, with the goal of shedding light on the facts, recognizing the impact of human rights violations and promoting opportunities that are conducive to rebuilding the framework for coexistence.

72. For its part, the Special Jurisdiction for Peace, in particular the Peace Tribunal, has competence to examine “crimes against humanity, genocide, serious war crimes, hostage-taking or other arbitrary deprivations of liberty, torture, extrajudicial killings and enforced disappearances” (Special Jurisdiction for Peace, paragraph 40, joint draft agreement

between the Government and FARC-EP). In other words, neither amnesty nor pardon nor any prison benefit will be granted in respect of the crime of enforced disappearance; on the contrary, this crime will fall under the jurisdiction of the Special Tribunal for Peace.

73. It can be deduced from these agreements that the wholistic nature of the Comprehensive System of Truth, Justice and Non-Repetition means that each of the various components of the system is geared to ensuring the rights of victims of enforced disappearance, thereby complying with the obligations of Colombia under the American Convention on Human Rights. It should nevertheless be pointed out that, since there is not yet a final agreement, no referendum has been held, the relevant legislation has not yet been enacted and the agreements reached to date have not been implemented, including with regard to the determination of penalty gradations.

74. The Special Jurisdiction for Peace takes into account two types of proceedings: one for persons who acknowledge the truth and accept responsibility, and one for persons who do not, or who do so at a much later date. Persons in the first category will be sentenced on the basis of the acts to which they have confessed following corroboration of the investigations carried out by the Attorney General's Office, the sanctions imposed by other State agencies, existing judicial sentences and information provided by victims and human rights organizations. Persons in the second category will face adversarial proceedings before a court of law.

75. Under the Justice Agreement (Communiqué No. 60 of 23 September 2015), the sanctions imposed by the court will have as their chief aim to give effect to the rights of victims and consolidate peace, and should constitute the main means of reparation and redress for the harm caused. For all persons who accept responsibility for offences that fall under the jurisdiction of the System, punishment will include a component that restricts their liberty and rights, and ensures fulfilment of the functions of reparation and redress through work, projects or activities and, in general, respect for the rights of victims. The punishment meted out to persons accepting responsibility for very serious offences will be a term of imprisonment ranging from a minimum of 5 years to a maximum of 8 years under special conditions. Persons who accept such responsibility before the Court at a later point will be sentenced to a term of imprisonment of 5 to 8 years under ordinary conditions. In order to qualify for alternative sentencing, perpetrators will be required to demonstrate commitment to their own social reintegration through work, training or studies during their custodial sentence. Persons who do not accept responsibility for such crimes and who are found guilty will be sentenced to a term of imprisonment of 20 years under ordinary conditions.

15. Victim protection systems

76. Paragraph 105 et seq. of the initial report of Colombia provide information on the procedures for accessing the victim and witness protection programmes of the Attorney General's Office, which were set up under the Justice and Peace Act, and the National Protection Unit's programme on prevention and protection of the rights to life, personal freedom, physical integrity and security of persons, groups and communities in situations of extraordinary or extreme risk, as a direct consequence of the exercise of their political, public, social or humanitarian activities, functions or office. However, no disaggregated information is available on beneficiaries of the two programmes who are victims of enforced disappearance.

16. Processes for investigating public officials when there are reasonable grounds for believing that they are responsible for an enforced disappearance or persons who obstruct an urgent search or intimidate witnesses or family members of the victim

77. In accordance with article 7 of Act No. 971 of 2005, the judicial authority that conducts the Urgent Search Mechanism is empowered to make a request to the relevant superior for the removal of a public official from office when there are reasonable grounds for believing that he or she is responsible for an enforced disappearance, may obstruct an urgent search or may intimidate witnesses of the act or the victim's family members. Article 8 stipulates that public officials who, without justification, refuse to cooperate with the Urgent Search Mechanism when the latter is duly implemented will be charged with a very serious wrongful act.

78. Likewise, according to Circular No. 7692 of 2005 of the Armed Forces Central Command, during the activation of the Urgent Search Mechanism, judicial authorities may "request that the relevant superior immediately and temporarily remove any public official from office when there are reasonable grounds for believing that he or she is responsible for the enforced disappearance of a person". The Circular also states that "public officials who, without justification, refuse to cooperate with the Urgent Search Mechanism when the latter is duly implemented will be charged with a very serious disciplinary offence", in accordance with the Armed Forces Disciplinary Code.

IV. Measures to prevent enforced disappearances (arts. 16-23)

17. Rights of persons deprived of their liberty

79. As a complement to the information supplied in paragraphs 136 et seq. of the initial report of Colombia, it is worth noting that, under the provisions of article 72 of Act No. 1709 of 2014, the National Prisons Institute ensures that, upon admission to an official prison facility, a person is given the opportunity to establish initial contact with his or her family members by telephone, with the support of the legal and prisoner assistance and treatment offices of each official prison facility.

80. All persons deprived of their liberty must complete an examination and orientation process upon admission to an official prison facility, following which they must provide a list of the family members and friends they authorize to visit them during the hours and under the conditions stipulated in the internal prison regulations. The list is logged in the Integrated Information System of the Prisons System. The same applies to lawyers, who must be properly accredited and who must be approved by the prisoner. Where prisoners do not have sufficient resources to pay for their defence, the State must provide them with the services of a lawyer affiliated with the Ombudsman's Office.

81. Prisoners who are foreign nationals have the same rights and obligations as Colombian nationals. However, it should be noted that a foreign prisoner's decision as to whether or not to contact his or her diplomatic or consular representatives about the imprisonment is a strictly personal, independent and voluntary one.

18. Registers in which detentions are recorded

82. The Integrated Information System of the Prisons System is the main source of information for prison and judicial authorities.

Measures taken to ensure that all registers of persons deprived of liberty are complete and up to date

83. Pursuant to article 43 of Act No. 1709 of 2014, which amended article 56 of Act No. 65 of 1993, the Integrated Information System of the Prisons System is under the responsibility of the Directors of Official Prison Facilities, who establish measures to ensure that information on all prisoners held in facilities administered by the National Prisons Institute is duly recorded.

Draft decree to establish the Central Arrest and Custody Register

84. The Disappeared Persons Investigative Commission prepared a draft decree on the establishment of the Central Arrest and Custody Register, which was formulated pursuant to article 12 of Act No. 589 of 2000. The Register's content was based on the provisions of Act No. 65 of 1993. However, article 56 of Act No. 65 of 1993 was amended by article 48 of Act No. 1709 of 2014 as follows: "Information systems. The Integrated Information System for the Prisons System (SISIPEC) shall be the chief source of information for prison and judicial authorities on the conditions of detention of all persons deprived of their liberty in the custody of the prison system." The Disappeared Persons Investigative Commission must still reach a decision in this regard.

Penalties prescribed by law for failure to register a custody

85. Under article 43 of Act No. 1709 of 2014, which amended article 56 of Act No. 65 of 1993, the Integrated Information System of the Prisons System is under the responsibility of the Directors of Official Prison Facilities, who must maintain and update the system on a daily basis or else be charged with a very serious disciplinary offence.

86. Moreover, Act No. 1015 of 2006 on the National Police Disciplinary Code, defines the following as a very serious wrongful act: "Deliberate failure to record the facts and circumstances that officers are duty-bound to register by virtue of their role, office or function, or to record them inaccurately or contrariwise." The penalties for the most serious fraudulent offences or those involving grave wrongdoing are dismissal and general disqualification from the exercise of public functions for a period of between 10 and 20 years.

V. Measures to provide reparation and to protect children against enforced disappearance (arts. 24 and 25)

19. Reparation provided for in legislation for victims of enforced disappearance who are not covered by Act No. 1448 of 2011

87. As mentioned in paragraph 201 of the initial report, access to comprehensive administrative reparation is not dependent on judicial proceedings but is governed by the State's international obligation to provide reparation to victims for serious human rights violations. Accordingly, administrative reparation does not exclude judicial reparation; on the contrary, the two are complementary.

20. Victims of enforced disappearance who have benefited from the forms of reparation provided for in Act No. 1448 of 2011

Inclusion in the Central Register of Victims

88. Under Act No. 1448 of 2011, a total of 161,967 direct and indirect victims of the victimizing act of enforced disappearance have been included in the Central Register of Victims. The assessment criteria for inclusion begins with verifications by means of technical, legal and contextual tools. With regard to technical tools, the Comprehensive Victim Assistance and Reparation Unit consults the various sources of information supplied by the National Information Network and verifies the records corresponding to the direct victim of the act, as well as the dates and locations mentioned in the statement. As to contextual tools, information from the Risk of Victimization Index, which was designed to verify and analyse the context and underlying aspects of the armed conflict in Colombia, is taken into account.

89. Of the total number of direct victims of enforced disappearance, 88.6 per cent are men; 11.39 per cent are women; 0.01 per cent belong to the lesbian, gay, bisexual, transgender and intersex communities; 1.6 per cent are Afro-Colombians; 0.35 per cent are indigenous persons; 0.24 per cent are Raizal islanders; and 0.04 per cent are Roma. The following table shows the percentage of direct victims listed in the Central Register of Victims for each department.

<i>Department where the act occurred</i>	<i>Percentage of the total number of direct victims of enforced disappearance</i>
Antioquia	23.8%
Meta	6.83%
Cesar	4.05%
Valle del Cauca	4.32%
Caquetá	3.93%

Source: Central Register of Victims.

Compensatory measures

90. From the entry into force of Decree No. 1290 until the adoption of Act No. 1448 of 2011, the following amounts of administrative compensation were awarded for this victimizing act:

<i>Year</i>	<i>Compensation awarded</i>	<i>Amount in millions of pesos (Col\$)</i>
2009	3 387	26 716
2010	4 092	39 539
2011	11 198	69 729
2012	22 565	121 263
2013	13 409	67 691
2014	4 903	29 331
2015	3 169	27 483

Source: Comprehensive Victim Assistance and Reparation Unit.

Rehabilitation measures

91. Further to the information provided in paragraph 234 of the initial report, since 2012, impetus has been given to the development of rehabilitation measures for victims through the direct implementation of psychosocial programmes. Under the National Development Plan 2015-2018, it was agreed that the Comprehensive Victim Assistance and Reparation Unit would implement the Group Emotional Recovery Strategy for adults, young people, adolescents and children, while the Ministry of Health would implement the individual and family support strategies. The resources allocated to the Ministry of Health each year for implementing the rehabilitation measures range between 20 billion and 25 billion Colombian pesos.

92. The Comprehensive Victim Assistance and Reparation Unit and the Ministry of Health specified that “psychosocial measures, as a component of rehabilitation measures under the Public Policy on Comprehensive Reparation for Victims of the Colombian Armed Conflict, are defined as the package of coordinated services offered by the competent government agencies, as set out by law, which aim to facilitate recovery from or to mitigate psychosocial harm, emotional suffering and the effects on the psychological and moral well-being, life project and social interaction of victims and their families and communities as a result of the commission against them of serious human rights violations and infringements of international humanitarian law. The provision of psychosocial support will help to facilitate the implementation of strategies to restore the dignity of victims while respecting the social and cultural framework within which they have developed their concepts of violation, suffering, healing, recovery, balance and relief. In this context, processes will be designed to incorporate psychosocial and differentiated approaches in assistance measures.”

Group Emotional Recovery Strategy

93. Information on the Group Emotional Recovery Strategy was provided in paragraph 238 of the initial report. Some 90 per cent of victims who start the group recovery process complete it. As of 31 December 2015, the Comprehensive Victim Assistance and Reparation Unit had provided assistance to 91,269 persons under the Group Emotional Recovery Strategy, while in the health sector, through the Comprehensive Health and Psychosocial Programme, assistance had been provided to 172,035 persons. Together, the two mechanisms had provided assistance to a total of 263,304 persons.

The “Interweaving” Strategy

94. The Comprehensive Victim Assistance and Reparation Unit designed the “Interweaving” strategy, which is a rehabilitation measure for group recipients of collective reparation. The strategy’s five components are designed to restore confidence and harmonious relations through:

- (a) Collective mourning;
- (b) The transformation of local crime scenes;
- (c) Social practices;
- (d) Social education; and
- (e) Collective imagination.

The “Interweaving” strategy is being implemented with 146 group recipients of collective reparation led by 1,970 “weavers”.

95. This strategy also offers assistance in addressing the collective sequela of violent acts that were aimed at destroying the fabric of society.

Psychosocial Assistance and Comprehensive Health for Victims Programme

96. By means of Decree No. 1290, the Victims Act provided for the establishment and design of this programme as the Government's response to the adoption of rehabilitation measures in connection with individual reparation. The Psychosocial Assistance and Comprehensive Health for Victims Programme currently provides for three types of psychosocial assistance strategies: individual, family and community. In 2016, the psychosocial assistance component of the programme was implemented for each of the three types of strategies (individual, family and community).

21. Declaration of absence by reason of enforced disappearance

97. The action for a declaration of absence by reason of enforced disappearance was established by virtue of Act No. 1531 of 2012. The application may be lodged without direct cost to victims before any judge in Colombia, and is understood as establishing the legal situation of persons whose whereabouts are unknown and who have not been found either alive or dead. It is not necessary for the purpose of lodging an application for any prescribed period of time to have transpired since the last time news was received of the missing person's whereabouts. The declaration is annulled if the person who was declared absent by reason of disappearance is found.

22. The right to form and participate freely in organizations and associations

98. Colombia has a rights-based regulatory framework in terms of its guarantee of the freedom of assembly and the right to form and participate in groups, associations and organizations with lawful objectives. The Constitution guarantees all persons the basic right to freedom of association for the promotion of the various activities that individuals pursue in society. The Government of Juan Manuel Santos has made an ongoing commitment to ensuring the respect for and guarantee of the rights of these associations and organizations; its policy has been directed towards improving respect for the exercise of those rights, which is considered essential for strengthening any democratic State. This commitment has been reflected in formal public statements recognizing the work of human rights defenders, in specific protection measures aimed at facilitating the exercise of their activities and in the creation of forums for ongoing, constructive dialogue on the issues included in the human rights agenda.

99. Similarly, in accordance with Act No. 1448 of 2011, the State — through the Comprehensive Victim Assistance and Reparation Unit, the Ombudsman's Office and the municipal ombudsman's offices and in partnership with the victim community — has set up and implemented a participatory system of committees composed of victims' representatives, including organizations of victims and organizations for the defence of victims' rights that deal, inter alia, with attacks on life and liberty (e.g., murders, massacres, kidnappings and enforced disappearances).

23. Protection of the rights of children and adolescents affected by enforced disappearance

100. National legislation classifies as kidnapping the wrongful removal of children who have been subjected to enforced disappearance, children whose father, mother or legal guardian has been subjected to enforced disappearance or children born during the captivity of a mother subjected to enforced disappearance. These acts also expose their perpetrators

to charges of falsification, concealment or destruction of documents attesting to the true identity of such children, and depending on the case, they could also be characterized as irregular adoption and concealment and alteration or usurpation of civil status.⁴

101. The Colombian Family Welfare Institute has established measures to guarantee the restoration of the rights of children and adolescents who are victims of the armed conflict, including those who have been affected directly or indirectly by the offence of enforced disappearance. The rights restoration process is carried out by family defenders through administrative and legal measures to guarantee and restore the rights of children and adolescents who are considered to be victims as a result of the enforced disappearance of their parents. If necessary, such measures are taken in cooperation with the judicial authorities. Resolution No. 1526 of 23 February 2016, which is entitled “Technical and administrative guidelines for the restoration of the rights of children and adolescents whose rights have been disregarded, threatened or violated”, has as its objective to coordinate assistance strategies based on the best interests of children and adolescents, as well as on the prioritization and enforceability of their rights, a differentiated approach and the shared responsibility of the family, society and the State.

102. Based on the foregoing, if the administrative authority (such as the family commissioner or the family defender) has evidence of the possible commission of a crime, he or she will file the appropriate criminal complaint. Likewise, the administrative authority can carry out the procedure for the issuance of a declaration of presumed death by reason of the disappearance of one or both parents in the event that no judgment to that effect has been handed down.

103. During the period 2014-2015, 269 children were assisted in the Administrative Process for the Restoration of Rights: in a total of 9 cases, the Process was initiated for “children whose parents were disappeared and/or kidnapped by illegal organized armed groups”, and in a total of 260 cases for “children orphaned as a result of armed violence or children whose parents were disappeared and/or kidnapped by armed groups”.

24. Adoption, placement or guardianship that originated in an enforced disappearance

104. All actions performed by the offices of family defenders as part of the Administrative Process for the Restoration of Rights are geared towards ensuring respect for human rights and the establishment of interdisciplinary and consistent criteria. As a result of the training and awareness-raising activities offered to employees and of the improvements made to technological tools in order to enhance the visibility and follow-up of cases, to date, it has not been necessary to annul any adoption granted on the grounds that the child’s parents were disappeared and/or kidnapped by illegal organized armed groups.

⁴ Act No. 599 of 2000, arts. 168 et seq., 286 et seq., 292, 232 and 238, respectively.