



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
8 October 2019
English
Original: Spanish
English, French and Spanish only

Committee on the Elimination of Racial Discrimination

100th session

25 November–13 December 2019

Item 4 of the provisional agenda

**Consideration of reports, comments and information submitted
by States parties under article 9 of the Convention**

List of themes in relation to the combined seventeenth to nineteenth periodic reports of Colombia

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (see *A/65/18*, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

Demographic composition of the population

2. Ethnic composition of the population of the State party, with reference to the Afro-Colombian, black, Palenquero and Raizal communities in particular (CERD/C/COL/CO/15-16, paras. 7–8). Results of the population and housing census that was planned for 2016 and information on the application and inclusion of the criterion of self-identification.

Legal, institutional and public policy framework for combating racial discrimination (arts. 1–2 and 4–7)

3. Measures to combat the structural discrimination, poverty, social exclusion and marginalization that significantly affect indigenous peoples and persons of African descent. Progress in implementing Act No. 70 of 1993 and impact of the Act.

4. Measures taken to ensure that: (a) the definition of racial discrimination in national legislation is consistent with article 1 (1) of the Convention; (b) the country's criminal legislation is fully in line with article 4 of the Convention; and (c) direct and indirect discrimination in all fields of public life, including in relation to the rights contained in article 5 of the Convention, is prohibited (CERD/C/COL/CO/15-16, para. 10).

5. Implementation of Act No. 1482 of 2011 and updated information on the number of complaints submitted, cases investigated and judgments handed down, as well as on the penalties imposed and the reparation granted to victims.



6. Impact of the activities carried out by the Observatory on Discrimination and Racism (CERD/C/COL/17-19, para. 38). Findings of the national survey on discrimination and follow-up measures (CERD/C/COL/17-19, paras. 42–45).

Situation of indigenous peoples and persons of African descent (arts. 2 and 4–6)

7. Effective implementation of the right to prior consultation of indigenous and Afro-Colombian peoples in all legislative and administrative processes and with respect to projects, works and other activities that might affect their rights. Prior consultation processes carried out and their outcome as regards the granting of licences for such projects.

8. Effective implementation of the Victims and Land Restitution Act (No. 1448 of 2011) and Act No. 70 of 1993. Realization of the land rights of indigenous and Afro-Colombian peoples and impact of Decrees No. 1953 of 2014 and No. 632 of 2018 on the safeguarding of these rights. Current status of land restitution claims (CERD/C/COL/17-19, para. 154).

9. Impact of the measures mentioned in paragraphs 207, 209 and 212 of the State party's report with respect to the protection of the rights of indigenous and Afro-Colombian peoples to land and natural resources, particularly the communities in northern Cauca, the Wayúu people and the indigenous peoples in Putumayo and Nariño.

10. Impact of the measures taken to ensure access to education, employment and health services for Afro-Colombian and indigenous peoples, including children and adolescents, especially in rural and remote areas.

11. Implementation of the Indigenous and Intercultural Health System and of Circular No. 11 of 2018 on access to health care. Measures to ensure that births are registered.

12. Impact of the measures taken to promote and preserve the cultural identity of indigenous and Afro-Colombian peoples.

13. Access to drinking water and basic sanitation for indigenous and Afro-Colombian peoples in rural and remote areas, including the Wayúu people in La Guajira and the indigenous peoples in Chocó.

14. Implementation of the decisions of the Constitutional Court and the ethnic protection plans relating to peoples that have been identified as being at risk of physical or cultural extinction. Effective protection of indigenous peoples living in voluntary isolation or in an initial-contact situation, particularly the Nukak Makú people.

15. Impact of the comprehensive action plan for the prevention of human rights violations in respect of the Afro-Colombian population in Buenaventura. Investigations and findings regarding any such violations.

16. Promotion of the political participation of members of indigenous peoples and persons of African descent, particularly in decision-making positions, as well as their representation in government institutions and in institutions responsible for developing policies that affect them.

Impact of the armed conflict, peace agreements, justice and reparation (arts. 2 and 5)

17. Protection of indigenous and Afro-Colombian peoples against forced eviction and prevention of this practice. Results of the implementation of the Programme to Guarantee the Rights of Indigenous Peoples Affected by Displacement and the comprehensive plan to prevent displacement and provide protection and care for the displaced Afro-Colombian population.

18. Prevention of the recruitment of indigenous and Afro-Colombian children by non-State armed groups and of sexual violence against Afro-Colombian and indigenous women, as well as the outcomes of the measures taken under Act No. 1719 of 2014 on access to justice for victims of sexual violence, in particular that committed in connection with the armed conflict (CERD/C/COL/CO/15-16/Add.1, paras. 11–12).

19. Participation of indigenous and Afro-Colombian peoples in implementing the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace and, in

particular, results achieved under the Framework Implementation Plan and application of the chapter of the Agreement on ethnic perspectives.

20. Progress in investigating and providing redress for human rights violations committed against members of indigenous and Afro-Colombian peoples in the context of the armed conflict. Results achieved under the Comprehensive System of Truth, Justice, Reparation and Non-Repetition.

21. Outcomes of the sessions organized by the Ministry of the Interior to assess the risk reports issued under the Early Warning System and follow-up to the recommendations made in this regard. Implementation of the new rapid response prevention and warning system.

Situation of human rights defenders and leaders of indigenous and Afro-Colombian peoples (art. 5)

22. Protection of human rights defenders who are members of indigenous or Afro-Colombian peoples and prevention of violence against them, as well as the impact of the measures taken to this end. Effective functioning of the National Protection Unit, including in rural areas. Investigations into cases in which such defenders have been murdered or subjected to acts of violence, threats, intimidation or reprisals.

23. Outcomes of the measures taken to improve the functioning of the special indigenous courts and to increase access to justice for indigenous peoples and persons of African descent.

24. Outcomes of the measures taken to combat the multiple forms of discrimination that affect indigenous and Afro-Colombian women and to improve access to education, employment, justice and health care for these women.

25. Outcomes of the Programme for the Protection of the Fundamental Rights of Indigenous Women in Situations of Displacement or Risk.
