



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the eighth periodic report of Colombia*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. In the light of the Committee's previous concluding observations,¹ please provide information on the adoption of any measures to fully implement the Views in which the Committee found a violation of the Covenant by the State party, stating the number of cases where the Committee's Views have been implemented, the reparation provided to the victims and, where applicable, the cases where the Committee's Views were not implemented. Please inform the Committee about the procedures under Act No. 288 of 1996 to process the compensation recommended by the Committee at the national level. Please describe the extent to which provisions of the Covenant have been used as a basis for legislation and invoked or applied by domestic courts, including examples of relevant legislation and cases.

2. With reference to the Committee's previous concluding observations (para. 9) on the Early Warning System, please provide updated information on the number of risk reports and follow-up notes issued by the Ombudsman's Office. Please indicate whether all risk reports and follow-up notes issued by the Ombudsman's Office during the reporting period were in fact converted into early warnings. If this was not the case, please provide information on the follow-up given to those risk reports and follow-up notes that were not converted into early warnings. Please also provide information on measures taken to respond to early warnings issued by the Inter-Agency Early Warning Committee during the reporting period and on the effectiveness of these warnings in preventing serious human rights violations.

The fight against impunity and human rights violations in the context of the internal armed conflict (arts. 2, 6, 7, 9, 12 and 14)

3. In keeping with the Committee's previous concluding observations (para. 9) and in view of the information contained in the State party's periodic report,² please provide information on: (a) the number of investigations under way into violations of rights under the Covenant, the penalties imposed and the redress provided to the victims, with an emphasis on cases of corruption in the judiciary; (b) the steps taken to ensure that effective protection and care is afforded to the most vulnerable persons and communities, in particular women, children, older persons, persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons, migrants, asylum-seekers, Afro-Colombians and indigenous peoples; (c) the measures taken, especially in relation to the effective implementation of Act No. 1448 of 2011 by all relevant government entities, to ensure that all victims receive comprehensive redress, as well as the number of applications submitted by victims to the Land Restitution

* Adopted by the Committee at its 135th session (27 June–27 July 2022).

¹ [CCPR/C/COL/CO/7](#), para. 7. Unless otherwise indicated, paragraph numbers in parentheses refer to the Committee's previous concluding observations.

² [CCPR/C/COL/8](#), paras. 22–34.



Unit, the number of cases rejected and why and the number of resolved cases that led to land restitutions.

4. In the light of the Committee's previous concluding observations (paras. 11 and 13), please provide information on the measures taken to guarantee that there will not be impunity for any of the serious violations of rights enshrined in the Covenant committed by demobilized paramilitary groups and on the number and status of investigations that were opened pursuant to the transmission of case files by the justice and peace courts. Please also provide information on the measures taken to prevent abuses by the illegal armed groups that emerged from the demobilization of paramilitary organizations and to ensure that those responsible for abuses are brought to justice and punished and that the victims receive appropriate protection and comprehensive reparation.

5. Please provide information on the application of the provisions of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace of 2016, including details of implementation and the impact of the various measures taken, the measures still to be adopted and the means of ensuring their full implementation. Please also provide information on the activities of the National Commission on Security Guarantees, established pursuant to the Final Agreement, the public policies aimed at the effective dismantling of paramilitary armed groups, the degree of compliance with the orders issued by the Special Jurisdiction for Peace regarding the appropriate functioning of the National Commission and the results of the special investigation unit, created within the Attorney General's Office, responsible for dismantling armed groups who attack communities and human rights defenders. Regarding the final report of the Commission for Establishing the Truth, Social Harmony and Non-recurrence, please describe the measures and associated resources to be put in place by the State party to ensure that the recommendations contained in the Commission's final report are implemented, including any moves to establish a follow-up and monitoring mechanism.

Non-discrimination (arts. 2, 19, 20 and 26)

6. With reference to the State party's submission³ and the Committee's previous concluding observations (para. 17), please provide information on: (a) the activities carried out under Decrees No. 762 of 2018 and No. 410 of 2018 to guarantee the implementation of the principle of non-discrimination and eradicate the stereotypes and preconceived notions prevailing in society, particularly those about lesbian, gay, bisexual, transgender and intersex persons, who, moreover, face high rates of threats and homicide, and about persons with disabilities and indigenous and Afrodescendent persons; and (b) the steps taken to prevent, investigate and punish acts of discrimination or violence against individuals based on their sexual orientation or gender identity, including those committed by law enforcement personnel. Please also provide disaggregated statistical information on the number of criminal complaints filed during the reporting period concerning acts of racism or discrimination, indicating the grounds for discrimination, and on the investigations conducted, the penalties imposed on those responsible and the measures of reparation provided to the victims.

Public emergencies (art. 4)

7. Please provide information about the measures taken by the State party to address the coronavirus disease (COVID-19) pandemic and about the legal basis for any such measures. In particular, please specify whether any of those measures derogate from the State party's obligations under the Covenant. If so, please state whether the measures were strictly necessary and proportional to the exigencies of the situation, and whether they were limited in duration, geographical coverage and material scope, as outlined by the Committee in its statement on derogations from the Covenant in connection with the COVID-19 pandemic.⁴

³ Ibid., paras. 224–227.

⁴ [CCPR/C/128/2](#).

Violence against women, including domestic violence (arts. 2, 3, 6, 7 and 26)

8. In the light of the Committee's previous concluding observations (para. 19) and the State party's report,⁵ please provide information on: (a) the specific actions and measures taken to prevent, combat and punish all acts of violence against women, including sexual violence and specifically acts of sexual violence committed in the context of the conflict, and the impact of those actions and measures, providing disaggregated statistical information on the number of complaints and the number, status and outcomes of the investigations that were opened by the Attorney General's Office during the reporting period; (b) the impact of the COVID-19 pandemic on the prevalence of violence against women and the actions taken to address such violence; and (c) the action taken to guarantee comprehensive reparation and appropriate protection measures for all victims, including the number of victims who have received psychosocial support and reparation measures and the number of shelters throughout the country, their capacity and the budget allocated to them.

9. In view of the information provided by the State party,⁶ please describe the impact of the actions taken to implement the Comprehensive Programme of Safeguards for Women Leaders and Human Rights Defenders, indicating: (a) the human, material and financial resources allocated to the institutions responsible for the implementation of the Programme; and (b) the number of complaints of attacks and violence against women human rights defenders and their outcome (investigations, trials, convictions and penalties imposed).

Voluntary termination of pregnancy and reproductive rights (arts. 6, 7 and 8)

10. With reference to the Committee's previous concluding observations (para. 21) and its general comment No. 36 (2018), please: (a) indicate the number of cases where women and girls have been criminally prosecuted, and the number convicted, for undergoing an abortion; and (b) explain the measures taken to eliminate all the hurdles in the health-care system that women face in exercising their legal right to abortion in the circumstances established by the Constitutional Court in its judgments No. C-355 of 2006 and No. C-055 of 2022, especially rural, indigenous and Afro-Colombian women and girls, taking into consideration the specific needs of those with disabilities. In addition, please provide information on complaints regarding the adverse effects of the programme for the eradication of illicit crops by ground-based spraying with glyphosate, which ran until 2015, on women's reproductive health, including miscarriages, and indicate the measures taken to eliminate the risk and thereby justify the product's continued use, and steps taken to acknowledge the harm caused and provide the women affected with reparation.

Right to life (art. 6)

11. In view of the Committee's previous concluding observations (para. 37) and taking account of its general comment No. 36 (2018) and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement, please: (a) respond to the allegations of unnecessary and disproportionate use of force by State agents that has resulted in extrajudicial executions and other arbitrary deprivations of life during the exercise of public security duties, as well as in the context of the exercise of the right to peaceful assembly in situations of social protest; (b) provide information on the status of investigations into those responsible for extrajudicial killings, especially in connection with the events of 28 March 2022 in Puerto Leguizamo in which 11 civilians were murdered by Army personnel, specifying the strategies adopted to ensure that investigations into those responsible for arbitrary killings are opened, conducted and completed by the ordinary courts; and (c) describe the impact of the measures, mentioned in the State party report,⁷ to prevent and eliminate the excessive use of force by law enforcement personnel, as well as the content and frequency of the training provided.

12. Please comment on allegations that massacres were committed in the country. Please: (a) provide statistical information on the massacres that occurred during the reporting period,

⁵ Ibid., paras. 35–51 and 228–230.

⁶ Ibid., paras. 41–51.

⁷ Ibid., paras. 55–65.

disaggregated by victims' sex, age and ethnicity or nationality; (b) provide information on the measures taken to prevent other massacres from happening and ensure the safety of the civilian population across the national territory; and (c) indicate the actions and measures taken to investigate, prosecute and punish those responsible for the massacres, including the number of investigations opened, the penalties imposed and the reparation awarded to the victims.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment and treatment of persons deprived of their liberty (arts. 6, 7 and 10)

13. Please describe the mechanisms in place at the State level to receive and investigate cases of torture and provide data on the number of complaints, investigations, prosecutions and convictions, as well as the remedies provided to victims. Please respond to allegations that State officials engaged in torture and other cruel, inhuman or degrading treatment or punishment in response to non-compliance with lockdown measures, leading sometimes to death, such as in the Javier Ordóñez and later cases. In this connection, please provide information on the status of the relevant investigations, the measures taken to punish those responsible and the reparation awarded to victims.

14. Please provide information on the impact of the steps to prevent torture and ill-treatment in national prisons mentioned in the State party report,⁸ describing the scope of the institutional guidance on the use of force and human rights and outlining the plan for its implementation such as to ensure that all officials and competent authorities receive the necessary training. Please also provide information on the development and implementation of the independent complaint mechanism in national prisons, specifying the number of complaints received irrespective of mode of submission, the status of investigations, the penalties imposed and the reparation awarded to the victims.

Treatment of persons deprived of their liberty and conditions of detention (arts. 6, 7, 9, 10, 14 and 26)

15. In view of the Committee's previous concluding observations (para. 29) and the State party report,⁹ please provide: (a) updated statistical information on the rate of prison overcrowding, disaggregated by place of detention and sex, including places of pretrial detention; (b) more details on the progress of measures taken to fulfil international standards on minimum conditions of habitability, including steps taken pursuant to Decree-Law No. 546 of 2020 in the context of the COVID-19 pandemic, and providing statistical information regarding persons held in detention or under house arrest, such as sex, age and ethnic group or nationality, and specifying whether the measures will be maintained as a habitual practice; and (c) information on the nature and impact of actions taken to improve detention conditions so as to ensure respect for the dignity of persons deprived of their liberty, and of activities conducted under the Comprehensive Transformation and Humanization Plan 2019–2022.

16. Please provide information on the steps taken to ensure that detainees receive health-care services and are protected from communicable diseases. Particularly in the context of the COVID-19 pandemic, please describe the way in which the prison authorities responded to the pandemic, with specific reference to the many dead and injured at La Modelo prison in Bogotá on 21 March 2020. The Committee would appreciate information on the status of the corresponding investigation aimed at ensuring that those responsible are brought to justice and punished and that the victims receive comprehensive reparation.

Liberty and security of person (art. 9)

17. Please provide information on: (a) the reforms introduced through the Public Safety Act (No. 2197) of 2022 and the measures taken to ensure that the administrative provision called "transfer for protective purposes" is applied in a manner that respects the rights of the individuals concerned; (b) the application of the "transfer for protective purposes" during public protests, including the number of detentions under the provision, disaggregated by sex,

⁸ Ibid., paras. 91–95.

⁹ Ibid., paras. 109–116 and annex 3.

age and ethnicity or nationality; and (c) the monitoring of the centres where persons subject to the provision are placed and the steps taken to guarantee their human rights. Please respond to the allegations of arbitrary detention by State officials in the context of the general strike and other contexts.

Elimination of forced labour and trafficking in persons (arts. 2, 7, 8 and 26)

18. In view of the Committee's previous concluding observations (para. 27) and the State party report,¹⁰ please provide updated information on the impact of the measures and actions to combat trafficking in persons, such as the National Strategy to Combat Trafficking in Persons 2020–2024, specifying the prevention measures that target the most vulnerable populations. Please also provide: (a) information on the prevalence of trafficking in persons in the State party, expressed in statistical terms; and (b) statistics for the period under review, disaggregated by sex, age, ethnicity and country of origin of the victim, on the number of complaints of human trafficking received, the investigations conducted and their results, including any proceedings and the sentences handed down to the perpetrators, and the number of trafficking victims identified, indicating how many of them received some form of assistance and/or reparation and the type of assistance and/or reparation they received.

Freedom of movement (art. 12)

19. In the light of the Committee's previous concluding observations (para. 31) and the State party report,¹¹ please provide information on the measures taken to protect the population and prevent internal displacement and lockdowns over territorial disputes, especially forced displacement resulting from armed clashes among illegal armed groups or between non-State armed groups and the security forces. In addition, please provide updated statistical information on the number of displaced persons, disaggregated by sex, age and ethnicity or nationality, as well as the number of returns and resettlements during the reporting period. Please provide information on the care, assistance and comprehensive reparation afforded to the victims.

Independence of the judiciary and administration of justice (arts. 2 and 14)

20. In view of the Committee's previous concluding observations (para. 39), please provide information on: (a) the steps taken to ensure that judges, prosecutors and other legal professionals can carry out their functions in a safe and independent manner, free from threats, intimidation, obstacles, harassment, reprisals and criminal acts; and (b) the actions taken to ensure that investigations into threats and attacks against legal professionals are effective, independent and impartial and that those responsible are punished. Please also provide information on the measures put in place to guarantee the independence of the main supervisory bodies, particularly the Attorney General's Office.

Right to privacy (art. 17)

21. Regarding the portions of the Committee's previous concluding observations (para. 33) and the State party report¹² relating to suspected illegal surveillance activities, please: (a) provide information concerning the impact of the steps taken under the zero-tolerance policy, including statistical information on cases of illegal activities, the investigations and penalties imposed on those responsible, as well as the results of the audit of intelligence and counter-intelligence activities; and (b) specify the steps taken to guarantee the adequate protection of personal information and the regulation of the use of the technology, databases and biometric systems set up by the National Civil Registry Office, such as the National Police's multibiometric system ABIS, to ensure that national and international human rights obligations are respected. Furthermore, please respond to allegations that the Integrated Cybersecurity Command continues to engage in illegal surveillance of human rights defenders and monitoring of social media in the context of public protests.

¹⁰ Ibid., paras. 96–106.

¹¹ Ibid., paras. 119–124 and annex 4.

¹² Ibid., paras. 146–154.

Freedom of thought and conscience (arts. 2, 18 and 26)

22. In the light of the Committee's previous concluding observations (para. 35) concerning arbitrary detention for the purpose of military recruitment, please provide information on the steps taken to prevent persons from being arbitrarily detained for this purpose, including statistical information on such cases (number of investigations opened, trials and penalties). Please also provide information on the steps taken to: (a) ensure respect for the right to conscientious objection to military service enshrined in Act No. 1861 of 2017, set up a flexible procedure for the determination of military status and provide guarantees of non-discrimination; (b) ensure the impartiality and independence of the Interdisciplinary Commission on Conscientious Objection in its consideration of applications by conscientious objectors; and (c) establish a civilian alternative to compulsory military service outside the military sphere.

Freedom of expression (arts. 19 and 20)

23. In view of the Committee's previous concluding observations (para. 39) and the State party report,¹³ please: (a) provide information on the results of the Timely Action Plan for Prevention and the Protection of Human Rights Defenders, Social and Community Leaders and Journalists and the Comprehensive Programme of Safeguards for Women Leaders and Human Rights Defenders; (b) provide a progress report on the drafting and implementation of the Public Policy Framework on Comprehensive Protection and Safeguards for Social and Community Leaders, Journalists and Human Rights Defenders; and (c) describe the status of the State party's implementation of the injunction issued by the Cundinamarca Administrative Court concerning the activation of the National Safeguards Process, the development of needs-based protection measures in keeping with an ethnic, territorial and gender perspective and the roll-out of the Comprehensive Security and Protection Programme for Communities and Organizations in the Territories provided for in Decree No. 660 of 2018.

24. Please provide information on the results of the measures taken by the National Protection Unit to provide individual protection to human rights defenders, social and community leaders and journalists, indicating any difficulties encountered in implementing these measures, and on the human, material and financial resources allocated to the Unit. In addition, please describe the impact of the steps taken to reduce impunity and improve the results of investigations into homicides, threats and coercion committed against human rights defenders, including updated statistical information on the number of confirmed cases, the status of investigations and the identification and punishment of perpetrators. Please respond to allegations that the security forces and private individuals attacked alternative media, citizen-journalists and mass media to prevent media coverage of the general strike in 2021, indicating the progress of the investigations by the Attorney General's Office and the measures of non-repetition put in place to prevent obstruction of the right to freedom of expression and information in the context of the protests.

Right of peaceful assembly (art. 21)

25. Regarding the information contained in the State party report,¹⁴ please: (a) respond to allegations that situations, actions and/or omissions by State officials were incompatible with the right of peaceful assembly and led to serious human rights violations during the general strike in 2021, such as arbitrary killings and breaches of personal integrity and safety due to unnecessary or disproportional use of force; arbitrary detention; sexual and gender-based violence; and acts of discrimination and racism; and (b) provide information on investigations into abuses committed during the protests, any trials, penalties imposed on perpetrators and reparation awarded to victims and the number of cases involving State officials, as well as statistical information on the victims disaggregated by sex, age and ethnicity or nationality. In addition, please explain how Decrees No. 575 of 2021 and No. 003 of 2021 fulfil the State party's obligations under the Covenant.

¹³ Ibid., paras. 160–182.

¹⁴ Ibid., paras. 184–193.

Rights of the child (arts. 23, 24 and 26)

26. In the light of the Committee's previous concluding observations (para. 41) and the State party report,¹⁵ please provide information on: (a) measures and actions taken to prevent forced recruitment and use of children, taking into account the new recruitment methods, especially in more vulnerable areas, and indicating the scope and impact of these measures and actions; and (b) the steps taken to prevent the stigmatization of child victims of forced recruitment, providing statistical information on the children recruited in the past five years. Please also provide statistical information, disaggregated by sex, age and ethnicity, on the children who are direct victims of crimes, specifying the offence and type of assistance provided for their comprehensive recovery.

Rights of ethnic, religious and linguistic minorities (arts. 1 and 27)

27. With reference to the Committee's previous concluding observations (para. 43) and the State party report,¹⁶ please provide information on the measures and actions taken by the Directorate of the National Authority for Prior Consultation pursuant to Decree No. 2353 of 2019 and their impact on the relevant ethnic communities in terms of guaranteeing the free, prior and informed consent of indigenous communities to decisions concerning projects and policies that affect their rights. Please also provide information on: (a) the steps taken to protect indigenous and Afro-Colombian persons from forced displacement, extraction of resources and encroachment on their territories by third parties, and violence by armed and paramilitary groups, including sexual violence and abduction of young and adolescent girls, and threats against and murder of indigenous persons and their leaders; and (b) investigations conducted and their results, especially in relation to the murders of José Albeiro Camayo Güetio, on 24 January 2022, and of Breiner David Cucuñame López, a 14-year-old boy, and Guillermo Chicame Ipia, on 14 January 2022.

¹⁵ Ibid., paras. 204–213.

¹⁶ Ibid., paras. 5–21 and 231–234.