



**International Covenant on
Civil and Political Rights**

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Human Rights Committee

**Eighth periodic report submitted by Colombia
under article 40 of the Covenant, due in 2020** , *****

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*** The annexes to the present report are available on the Committee's web page.



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I. General

1. The International Covenant on Civil and Political Rights was ratified by Colombia on 29 October 1969, following approval by the Congress of the Republic by Act No. 74 of 1968, and entered into force in accordance with its provisions on 23 March 1976.
2. The Covenant and other international human rights instruments have the status of constitutional law and therefore take precedence in the domestic legal order, pursuant to articles 53, 93, 94, 102 and 214, subparagraph 2, of the 1991 Constitution. On the basis of these provisions, the Constitutional Court has developed the concept of a “constitutional corpus” to designate rules and principles which, although not expressly set out in the Constitution, are understood to form part of it.
3. The Government of Colombia submitted the seventh report on the Covenant in December 2014. The interactive dialogue between the Committee and the State took place in October 2016, and the Committee issued concluding observations, including 31 recommendations, on 17 November 2016.
4. Although the present report was prepared on the basis of the Covenant itself, given that this is the eighth such exercise, the Government has also taken the Committee’s concluding observations on the previous report into account, as well as the progress made over the past four years and the current situation with regard to the exercise of the rights enshrined in the Covenant.

II. Substantive provisions of the International Covenant on Civil and Political Rights

Article 1: Right of peoples to self-determination

Legal framework

5. Article 1 of the 1991 Constitution defines Colombia as a “democratic, participatory and pluralistic” republic. Under articles 7 and 10 of the Constitution, ethnic and cultural diversity is recognized and protected as a constitutional value. Accordingly, the Constitutional Court, in its judgment SU 123/18 of 2018, established that “Colombia is a multicultural and multi-ethnic State, and prior consultation is an instrument and a fundamental right for the protection of these constitutional principles”.
6. Pursuant to the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), which was incorporated into the domestic legal system by Act No. 21 of 1991, the holders of the right to prior consultation are ethnic communities, on the understanding that prior consultation guarantees the protection of differentiated groups, enabling them to preserve those characteristics that distinguish them from other groups in society.
7. The Ministry of the Interior is responsible for conducting prior consultation processes before legislative and administrative initiatives are taken, as provided in articles 2 and 3 of Decree No. 2353 of 2019.
8. The Decree establishes the Directorate of the National Authority for Prior Consultation, whose mandate is to establish parameters for determining when prior consultation is required before legislative or administrative measures are taken or projects, works or activities are carried out that may have a direct impact on ethnic communities.
9. Since its establishment, the Directorate of the National Authority for Prior Consultation has conducted 14,242 consultation processes in connection with 1,838 projects.
10. It should be noted that the approach to prior consultation in Colombia has been reformed and strengthened on the basis of domestic case law, especially Constitutional Court judgment SU 123 of 2018.

Public policy developments

11. Colombia has two types of prior consultation processes: those concerning administrative and legislative measures and those concerning specific projects, construction works or other activities. An ethnic community is considered to be affected by a project if it is directly impacted in terms of at least one of the following: (i) settlement areas; (ii) customs and traditions; (iii) transit and mobility.

12. Of the 1,198 active projects for which prior consultations were held, 60 per cent are investment projects, works or activities. Of these, 21 per cent are in the field of infrastructure, 14 per cent in hydrocarbons, 12 per cent in mining and energy and 1 per cent in telecommunications.

13. Since 2018, as a result of the actions taken under the 97 ethnic indicators in the framework plan for implementation of the “Peace with Legality” policy, the 22 government entities with competence in this area have drawn up workplans with benchmarks for the implementation of short-, medium- and long-term projects, and guarantees have been provided for ethnic peoples and communities under 56 per cent of these indicators. To date, tangible progress has been made under 86 per cent of the indicators.

14. For example, with regard to access to land, in the last two years the National Land Agency has handed over 29,556 hectares from the Land Fund to ethnic peoples through the establishment and expansion of 27 indigenous reserves and the collective titling of 4 community councils, for the benefit of 2,404 families belonging to ethnic peoples and communities.

15. A key area in which the ethnic approach has been implemented has been the design, since 2017, of territory-based development programmes, which resulted in 8,381 ethnic community-driven initiatives that were prioritized and included in 16 regional transformation action plans. Of these initiatives, 106 are projects aimed at transforming the lives and living conditions of 23,421 families belonging to ethnic communities.

Black communities

16. In compliance with Constitutional Court judgment T-576 of 2014 and under the parameters established by ILO Convention No. 169, the Ministry of the Interior set up the National Forum for Prior Consultation on administrative and legislative measures of a general nature that may affect the black, Afro-Colombian, Palenquero and Raizal communities. This forum consists of 235 delegates from these communities, representing 32 departments, the Capital District of Bogotá and the lesbian, gay, bisexual, transgender and intersex communities. In exercise of their right to autonomy and to facilitate the operations of this body, the delegates decided to form seven thematic committees.

17. The national Government, recognizing the National Forum for Prior Consultation as the only legitimate body for consultation on all projects involving administrative and legislative measures of a general nature that may positively or negatively affect the communities concerned, has carried out, inter alia, the following initiatives in this context:

- Eighteenth national population census and seventh housing census, 2016.
- Statutory Act on the Special Jurisdiction for Peace, 2019.
- Regulatory tools under the Comprehensive System for Justice, Truth, Reparation and Non-Repitition, 2019.
- Pact for equity in respect of ethnic groups and the black, Afro-Colombian, Palenquero and Raizal communities under the National Development Plan 2018–2022, entitled “Pact for Colombia, Pact for Equity”.
- Decision No. 4136 of 2018 adopting the protocol for the effective participation of victims belonging to the black, Afro-Colombian, Palenquero and Raizal communities in the context of the armed conflict, and repealing decision No. 0930 of 2015.

Indigenous peoples

18. Decree No. 1387 of 1996 established the Standing Committee for Consultation with Indigenous Peoples and Organizations, the purpose of which is to consult with indigenous organizations on all administrative and legislative decisions that may affect indigenous peoples.

19. To provide for the participation of indigenous peoples in these forums, and as part of the process of enabling them to claim their rights, the Ministry of the Interior has designed a process for the recognition and organization of indigenous peoples through five national associations: Autoridades Indígenas de Colombia; Organización Nacional Indígena de Colombia; Organización de los Pueblos Indígenas de la Amazonía Colombiana; Confederación Indígena Tayrona; and Autoridades Tradicionales de Colombia (Gobierno Mayor). In addition, there are regional indigenous organizations that bring together various reserves or communities.

20. The Standing Committee ensures the participation of all these associations, which act in accordance with *derecho mayor* (the “higher law” of indigenous peoples), their customs and traditions and the national legal framework.

21. Colombia has other participatory forums in which indigenous peoples take part in coordinated decision-making, such as the National Commission on Labour and Educational Cooperation for Indigenous Peoples, the Subcommittee on Health of the Standing Committee for Consultation with Indigenous Peoples and Organizations, the Commission on the Human Rights of Indigenous Peoples, the Amazon Regional Committee, the Committee for Coordination with the Awa People and the Committee on Dialogue and Coordination with the Wayuu People.

Article 2: Guarantee of rights recognized in the Covenant and non-discrimination

Public policy developments

Reparations to victims

22. In its concluding observations on the seventh periodic report of Colombia, the Human Rights Committee recommended that the State ensure that all victims receive full reparation.

23. Under Act No. 1448 of 2011, one of the functions of the Comprehensive Victim Support and Reparation Unit is to implement the individual and collective administrative reparations programmes. The full reparation model that has been established thus includes road maps for both individual and collective reparations.

24. As part of the individual reparations road map, the Unit developed a reparation strategy with a comprehensive approach, covering psychosocial rehabilitation, satisfaction, guarantees of non-repetition, compensation and a financial education component to ensure that resources are invested appropriately.

25. A key element of this individual road map is administrative compensation, a full reparation measure provided by the Colombian State in the form of monetary compensation for persons who, in the context of the internal armed conflict, were victims of breaches of international humanitarian law or serious violations of human rights and are entitled to indemnification. Under article 134 of Act No. 1448 of 2011, this compensation is intended primarily to help victims of the internal armed conflict rebuild their lives. Its purpose has been extended to include support for victims’ aspirations in terms of livelihoods, education or housing.

26. Furthermore, under Decree No. 1084 of 2015, civil society, trade union and political groups and organizations and communities that have suffered collective harm within the meaning of article 3 of Act No. 1448 of 2011 are eligible for collective reparations. It is important to bear in mind that the programme’s benefits are available only to groups that existed prior to the occurrence of the victimizing events.

27. In this context, the Unit is also responsible for implementing and coordinating the collective reparations programme mandated by article 151 of Act No. 1448 of 2011, the general aim of which is to contribute towards the reparation of the collective harm caused in the context of the armed conflict to victims eligible for collective reparations in material, political and symbolic terms. The programme has a collective reparations road map, which is implemented in five phases: identification, outreach, analysis or characterization of the harm, design and formulation of a comprehensive collective reparations plan, and implementation. Such plans are implemented if there is a causal relationship with the collective harm suffered.

28. The Central Register of Victims includes the names of 9,048,515 persons who have been recognized as having been individually affected by a victimizing event that occurred in the period since January 1985. Of these victims, approximately 2,428,990 are located in the 170 territory-based development programme municipalities that are prioritized under the “Peace with Legality” policy. This means that action has been taken in respect of almost a third of all registered victims in Colombia residing in these targeted municipalities.

29. In addition, out of a total of 749 recipients of collective reparations recorded in the Central Register of Victims, 387 are located in territory-based development programme municipalities. In other words, 51.7 per cent of the beneficiaries of the collective reparations programme are in the 170 prioritized municipalities. The Subdirector for Collective Reparations reports that 148 of these recipients have been included since 7 August 2018. As of 31 August 2020, it was confirmed that 110 of these beneficiaries are ethnic groups and 38 are other groups. The sum invested in the implementation of the collective reparations road maps is close to US\$ 20.72 million. Community rehabilitation measures have been taken in respect of 268 collective beneficiaries, 54 of which are ethnic groups, and such measures have been completed in respect of 59 of these beneficiaries. A total of 952 reparation measures have been implemented under the comprehensive collective reparations plans, including 68 for ethnic groups and 884 for other beneficiaries of collective reparations.

30. Between 2018 and 2020, in the municipalities where territory-based development programmes were being implemented, 199,308 individual victims received compensation (administrative and judicial), with an investment of over US\$ 425 million. Of those compensated, 99,607 were women (who received approximately US\$ 210 million) and 98,093 were men (who received approximately US\$ 207 million). Psychosocial rehabilitation was provided to 79,806 victims, and satisfaction measures (letters acknowledging victims’ dignity, support for the dignified handover of the remains of disappeared persons, etc.) were provided to 196,803 victims.

31. With regard to the land restitution policy, the Register of Expropriated or Forcibly Abandoned Land has received 125,828 applications for registration, of which 8,206 have been received during the administration of President Iván Duque. In total, 106,028 of these applications have been accepted and 82,736 cases have been finalized, including 20,383 that have been resolved under the current Government.

32. Finally, the Committee is informed that in September 2020 the Congress of the Republic voted unanimously to extend the provisions of Act No. 1448 of 2011 for a further 10 years.

Detection of human rights offences

33. In its concluding observations on the seventh periodic report of Colombia, the Human Rights Committee recommended that all violations of Covenant rights be investigated promptly, thoroughly and impartially.

34. Accordingly, on the basis of information provided by the Attorney General’s Office, details on the detection of various human rights offences have been provided in tabular form (annex 1). The current detection rate for murders of human rights defenders (verified by the United Nations) is 59.8 per cent for the period 2016–2020. One of the major commitments of the Attorney General’s Office is to help ensure that the right to defend human rights can be exercised. For this reason, since 2016, the Office has had a specific strategy for investigating and prosecuting offences against human rights defenders in the country. Since 2020, efforts have been centred on three key areas: strengthening of the Special Investigation

Unit, appointment of regional prosecutors in places where human rights defenders are particularly at risk, and consolidation of investigation initiatives focusing on offences perpetrated against human rights defenders by criminal organizations.

Article 3: Equal right of men and women to the enjoyment of human rights

Legal and public policy developments

Violence against women

35. The different entities of the Colombian State have given priority to specific actions and measures to prevent and comprehensively address violence against women and girls. The Attorney General's Office identified the investigation and prosecution of acts of violence, in particular murder, sexual violence and domestic violence, as a priority in its strategic plan for 2016–2020.

36. By decision No. 1774 of 2016, the Attorney General's Office promulgated the Protocol for the Investigation and Prosecution of Sexual Violence, which helps ensure the effective participation of victims throughout the judicial process and provides officials with tools for meeting due diligence standards in the performance of their duties, so as to overcome barriers to the investigation and prosecution of such offences.

37. With regard to the investigation and prosecution of sexual violence occurring in contexts of ordinary violence, the Attorney General's Office reports that sexual offences are among the 10 types of offences most often reported and that, in the last five years, the percentage of reports of sexual offences that have resulted in criminal charges has remained between 17 and 18 per cent.

Femicide

38. One of the most significant advances has been the enactment of Act No. 1761 of 2015, which defines femicide as a separate criminal offence. In this connection, the Attorney General's Office has adopted directives for prosecutors and officials responsible for criminal investigation functions, including parameters to ensure due diligence in the investigation of cases of violence against women and guidelines for the protection of victims to avoid revictimization.

39. Each of the 35 sectional directorates of the Attorney General's Office has a prosecutor assigned exclusively to such investigations. These prosecutors receive support, advice and technical and investigative assistance in the field from the central level. In addition, the directorates have a committee for follow-up on cases of femicide.

40. For figures on the number of victims and charges reported by the Attorney General's Office for 2020, see annex 5 on victims of femicide, charge rates and conviction rates.

Violence against women leaders and women human rights defenders

41. In 2016, the authorities issued Decree No. 1314 establishing an intersectoral committee on safeguards for women leaders and human rights defenders, the main function of which is to ensure inter-agency coordination for the effective implementation of the Comprehensive Programme of Safeguards for Women Leaders and Human Rights Defenders.

42. Discussions on the Programme were held using a methodology previously agreed upon with women's organizations in the Forum for Dialogue on the formulation, implementation and monitoring of the prevention and protection policy for the rights of women human rights defenders.

43. In response to the 10 gender-specific risks identified by the Constitutional Court in Order No. 092/2008, in 2016 the Ministry of the Interior, with technical assistance from the United Nations Development Programme, designed a handbook on gender mainstreaming in the comprehensive prevention and protection plans, in order to strengthen the prevention of

violations of women's rights to life, liberty, security and integrity as a result of the internal armed conflict and other forms of violence.

44. The Ministry of the Interior has been focusing on the implementation of the Comprehensive Programme of Safeguards for Women Leaders and Human Rights Defenders, adopted by decision No. 0845 of 2018. The Programme was also included in the National Development Plan 2018–2022, “Pact for Colombia”, with the aim of reaffirming the national Government's commitment to the adoption of comprehensive prevention and protection measures and guarantees of non-repetition for women leaders and human rights defenders.

45. On 12 February 2020, the Ministry of the Interior adopted an action plan under the Programme as a public policy tool for national coordination. In accordance with the action plan, the National Protection Unit has taken the following measures:

- Support for temporary relocation has been provided to 76 women leaders.
- Six organizations of women leaders and human rights defenders have been beneficiaries of the collective protection scheme (Decree No. 2078/2017). Three organizations are receiving protection and a collective risk assessment is being carried out for the others.
- A protocol for analysing the risk level of women leaders and defenders was designed and has been implemented since September 2018.
- Fourteen outreach and awareness-raising events were held on protection schemes for women leaders and defenders; three such events were for the lesbian, gay, bisexual and transgender sector.
- The Committee for Risk Assessment and Recommendation of Measures for Women¹ held four sessions at which 108 cases were analysed, with 7 found to involve ordinary risk and 101 found to involve extraordinary risk. Physical and complementary protection measures were taken in all 108 cases.

Gender-based violence

46. To strengthen the implementation of National Economic and Social Policy Council document No. 161 of 2013, which sets out the National Public Policy on Gender Equity for Women, the Office of the Presidential Adviser on Gender Equity provides technical support for the creation and strengthening of gender units and the formulation of action plans in 13 State entities.

47. In 2017, National Economic and Social Policy Council documents No. 161 and No. 3784 were evaluated; the latter document sets out public policy guidelines for risk prevention, protection and human rights safeguards for women victims of the armed conflict. In this connection, a participation mechanism for organizations of women and women victims was developed by the Office of the Presidential Adviser on Gender Equity. The mechanism is based on the principles of public participation and reflects a methodological strategy for enabling women and their organizations to contribute ideas and proposals.

48. In accordance with Act No. 1257 of 2012, in July 2016 this Office provided technical assistance to 32 departmental governors' offices and 32 offices of mayors of departmental capitals with the aim of ensuring that local development plans include specific actions for achieving de facto equality. About 1,100 officials in charge of preparing and implementing local public policies were trained.

49. Between April and September 2017, the Office supported the design and implementation of a methodology for drawing up advocacy plans and agendas for indigenous women and women of African descent on the topics of participation, leadership and prevention of gender-based violence. This resulted in the design of seven plans; the completion of a diagnostic study on violence, with the participation of 200 women leaders;

¹ The Committee's purpose is to carry out comprehensive risk assessments and recommend protection and complementary measures. Its functions include analysing cases, assessing the risk level of beneficiaries of the Programme and recommending protection measures to be taken by the National Protection Unit.

10 training and awareness-raising processes involving 203 women; and the strengthening of links between women's organizations and collectives and local and regional institutions.

Sexual violence in conflict

50. Act No. 1719 of 2014, which amends certain articles of Act No. 599 of 2000 and Act No. 906 of 2004 and sets forth measures to ensure access to justice for victims of sexual violence, especially sexual violence perpetrated during the armed conflict, recognizes that acts of sexual violence may constitute crimes against humanity and establishes that the judicial authority conducting the investigation and prosecution must declare that the acts being investigated or prosecuted are crimes against humanity in cases where the relevant legal requirements are met.

51. Over the past five years, the Attorney General's Office has recorded a total of 231 complaints of rape in the context of the armed conflict and 61,441 complaints of rape in other contexts. Of these 61,441 complaints, 9,013 resulted in the filing of charges and have moved to the criminal prosecution stage. Of the other 231 complaints, 10 resulted in the filing of charges. Over the same period, convictions were handed down in 5,949 cases, including 3 cases that were legally classified as situations that occurred in the context of the Colombian armed conflict.

Article 4: Protection of human rights in states of emergency

Legal framework

52. The Constitution provides for the protection of human rights during states of emergency. Article 93 states: "International treaties and agreements ratified by Congress that recognize human rights and prohibit their limitation in states of emergency shall take precedence in the domestic legal order."

Article 5: Guarantee of rights recognized in the Covenant

Legal developments

53. In the domestic legal system, the principle set forth in article 5 of the Covenant is enshrined in article 94 of the Constitution, which states: "The enumeration of certain rights and guarantees in the Constitution and in international agreements in force shall not be construed to deny others which, being inherent to the human person, are not expressly included therein."

54. The Colombian State has thus ratified various international instruments that refer to rights enshrined in the Covenant, such as the 1954 Convention relating to the Status of Stateless Persons, which was ratified by Colombia in October 2019. By ratifying this treaty, Colombia has reaffirmed its commitment to ensuring that all persons can be guaranteed their right to be recognized by a State, providing them with protection and eliminating barriers to their access to health, education, mobility, inclusion and participation in society.

Article 6: Right to life

Legal and public policy developments

Monitoring of agents of the State

55. In its concluding observations on the seventh periodic report of Colombia, the Human Rights Committee recommended that the State intensify its efforts to prevent arbitrary deprivations of life by agents of the State.

56. The Government has a zero-tolerance policy on human rights violations. Maintaining legitimacy is the essential principle that guides the actions of the security forces in the fulfillment of their constitutional duty.

57. The Government has strengthened its monitoring mechanisms with a view to preventing, investigating, punishing and publicizing incidents of this type. The Ministry of Defence has adopted significant measures such as the deployment of operational legal advisers, the strengthening of internal oversight, the reinforcement of human rights offices, and instruction in the application of directives to ensure that when military personnel are the first responders, they preserve the crime scene and any physical or other evidence for examination by the criminal investigation police.

58. In addition, the Policy on Human Rights and International Humanitarian Law of the Ministry of Defence has been adopted by the General Command of the Armed Forces and the National Police. It has also been incorporated at both the operational and tactical levels, in the form of precise instructions contained in standing orders, directives and circulars.

59. The Government has strengthened its dialogue with the Office of the United Nations High Commissioner for Human Rights (OHCHR) Office in Colombia to ensure that all cases brought to its attention by the Office are documented and followed up.

60. Pursuant to Decree No. 898 of 24 May 2019, the President established the Presidential Commission on Military Excellence, with the aim of evaluating the operational regulations of the armed forces and the National Police in the light of the constitutional and legal order, international human rights law and international humanitarian law.

61. On 25 July 2019, the Commission submitted its first report, in which it specifically noted that, between January 2019 and the date of the report's publication, it had not received any complaints, allegations or information indicative of possible cases of "false positives".

62. The documents issued in relation to the protection of human rights and the application of international humanitarian law in the actions of the security forces include the following: 2015 Manual of Operational Law of the Military Forces; 2019 Defence and Security Policy for Legality, Entrepreneurship and Equity; Ministerial Standing Order No. 11 of 2019 on topical extracurricular training on human rights and international humanitarian law, which is intended to increase awareness of human rights and international humanitarian law among the security forces; Ministerial Standing Order No. 13 of 2019, which is aimed at strengthening communication with OHCHR and focusing the dialogue on alleged human rights violations and breaches of international humanitarian law; Circular No. 423 of 2019, which sets out 50 rules of conduct for respecting, protecting and guaranteeing human rights, with the aim of creating a legacy of military and police honour in commemoration of the 200th anniversary of independence.

63. The Attorney General's Office is responsible for processing all applications from victims in relation to cases before the military criminal courts. A prosecutor from the Special Directorate on Human Rights Violations issues an opinion regarding the facts investigated by it and must make the necessary arrangements to file a reasoned application or, alternatively, a motion concerning the positive conflict of jurisdiction. Once the military criminal courts release the file or the conflict of jurisdiction is resolved by the Disciplinary Division of the High Council of the Judiciary, a request is made for the case to be assigned to a prosecutor from the Special Directorate on Human Rights Violations.

64. The Special Directorate is currently investigating five cases relating to the suspected involvement of Mobile Anti-Riot Squad officers in events that occurred in the context of the public protests in the second half of 2019. The five investigations concern incidents that occurred in the departments of Caldas, Cauca and Valle del Cauca, as well as one incident in the city of Bogotá. Three of the investigations relate to the offence of homicide, one to personal injury and one to making threats.

65. It should be noted that the Special Directorate of the Attorney General's Office has worked with the OHCHR Office in Colombia to obtain more information on complaints relating to the actions of the security forces and thus act more efficiently and comprehensively.

Enforced disappearances

66. In its concluding observations on the seventh periodic report of Colombia, the Human Rights Committee recommended that the State continue and step up its efforts to investigate all presumed enforced disappearances promptly, thoroughly and impartially.

67. The purpose of the Disappeared Persons Investigative Commission is to support and promote the investigation of enforced disappearances, with full respect for institutional jurisdiction. Annex 2 contains figures on the actions taken by the Commission between 2017 and 2019.

68. The National Register of Disappeared Persons, which is managed by the National Institute of Forensic Medicine and Science, contains 156,649 records of disappeared persons, 30,861 of which are suspected cases of enforced disappearance. This figure matches the historical records available in the Disappeared Persons and Recovered Bodies Information Network and covers reports of disappeared persons from 1930 to May 2020.

69. Any cases that have been recorded more than once, either because more than one complainant is involved or because the complaint has been filed with more than one institution, are removed from the disappeared persons module of the Disappeared Persons and Recovered Bodies Information Network by the National Institute of Forensic Medicine and Science and other relevant institutions.

70. To ensure that all institutions participate in registering information and entering all cases of disappeared persons into the Information Network, the Institute has expanded the authorized users to include those involved in the procedures who can show proof of their role in the different entities. There are 7,500 active users of the National Register of Disappeared Persons.

71. The Institute performs ongoing cross-checks of information with other institutions, including the Attorney General's Office, the Comprehensive Victim Support and Reparation Unit and the Ministry of Defence, in order to keep the National Register up to date.

72. When it receives a suspected case of enforced disappearance, the Institute registers the disappeared person with the Information Network and ensures that sufficient information is available to the complainant on the relevant duties and rights, provides guidance on how to file a formal complaint and informs the complainant about the public consultation tool, which is available at <http://190.26.211.139:8080/consultasPublicas/>.

73. In 2017, the Institute proposed and led the creation of minimum forensic standards in searching for disappeared persons and recovering and identifying bodies. Entities involved in searching for, locating, identifying and handing over disappeared persons, as well as victims' organizations, universities and non-governmental organizations, among others, helped to draft the standards.

74. As an immediate confidence-building measure, the Institute and the International Committee of the Red Cross created special plans for obtaining information for the search, location, identification and dignified return of the remains of persons reported missing in the context of and due to the armed conflict. The Institute supported the development of the information-gathering form used by the former Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo (Revolutionary Armed Forces of Colombia – People's Army (FARC-EP)), organizations of family members and the Ministry of Defence.

75. The Institute has worked with the Special Unit for the Search for Missing Persons to define mechanisms to facilitate coordination between the two entities. As a result of this process, usernames and passwords were assigned to staff of the Special Unit, with the aim of improving the information contained in the National Register of Disappeared Persons.

76. In 2019, the Institute and the Special Unit agreed to conduct a pilot test to review two areas of the country, namely Nariño and Norte de Santander, in order to assess the available information on unidentified bodies that had arrived at the Institute between 1960 and the signing of the peace agreement with FARC. As a result of the pilot test, a project has been launched to step up the search for missing persons at the national level. To date, approximately 5,200 cases of unidentified bodies have been added to the Disappeared Persons and Recovered Bodies Information Network for cross-checking and follow-up.

77. The Institute participates in the return of recovered and identified bodies in line with the Protocol on Dignified Handover, which involves interdisciplinary and inter-agency teams of investigators, prosecutors, doctors, anthropologists, odontologists, psychologists and others. The objective of the Protocol is to resolve concerns and provide technical and scientific explanations to the families.

78. In addition, the Institute is working with the Special Jurisdiction for Peace to search for and identify persons reported missing in the context of the conflict, within the framework of the precautionary measures adopted to protect cemeteries and sites where unidentified bodies are found. An example of this cooperation is the work done in Dabeiba cemetery in the department of Antioquia.

79. Between the beginning of its mandate and 27 March 2020, the Special Unit for the Search for Missing Persons received 6,744 search requests relating to 5,389 persons, of which 5,384 are being processed; the discrepancy in the numbers is due to the fact that more than one missing person report may be filed in relation to the same individual. The five requests that are not being processed relate to cases where the dignified handover of remains has already taken place.

80. Between January 2019 and 31 March 2020, 5,503 relatives of victims made use of the opportunities for participation offered by the Special Unit, as follows:

- 1,796 persons engaged with the Special Unit's search processes and received advice, guidance and ongoing support to enable them to participate in the search process
- Through links with civil society organizations, collectives, movements and forums, and supporters and relatives of victims of disappearance due to and in the context of the armed conflict, 966 people have engaged with the Special Unit
- Through links with ethnic communities and organizations working with population groups requiring either a differentiated approach, such as children, older adults, persons with disabilities and ethnic groups, or a gender perspective, such as women and the lesbian, gay, bisexual, transgender and intersex community, 2,741 persons have engaged with the Special Unit

81. The Attorney General's Office, which is a member of the National Disappeared Persons Investigative Commission, issued Decision No. 3481 of 2016, in which it determined that the Directorate of the Office of the Special Prosecutor for Transitional Justice would be responsible for updating, refining and disseminating figures and statistics on cases of enforced disappearance handled by the Attorney General's Office. All units of the Attorney General's Office with competence to investigate and prosecute the offence of enforced disappearance must perform appropriate monitoring and recording of relevant information.

82. The Attorney General's Office also signed Inter-Agency Agreement No. 030 of 2 May 2019 with the Special Unit for the Search for Missing Persons, given the Special Unit's humanitarian and extrajudicial character. The purpose of the Agreement is to establish the conditions for accessing and supplying information on the performance of the legal and constitutional functions of both entities.

Manual eradication of crops

83. In its concluding observations on the seventh periodic report of Colombia, the Human Rights Committee recommended that the State stop using civilians to manually clear coca crops until it had been verified, in accordance with the relevant international standards, that the areas in which this activity was conducted were actually free of landmines.

84. The reduction of illicit crops is a priority objective. To this end, a wide range of strategies are applied, including interventions by the security forces to ensure safety in the relevant locations, the resumption of the aerial spraying programme, manual eradication, crop substitution and the adoption of scientific and technological advancements to reduce crops and the availability of drugs.

85. To achieve sustainable results, these efforts are accompanied by strategies designed to promote and facilitate entrepreneurship and lawful economic activities in the most affected areas. This approach is yielding unprecedented results in terms of efficiency: figures reported

by the Government and the Integrated System for Illicit Crop Monitoring overseen by the United Nations Office on Drugs and Crime show that the size of the area planted with coca in Colombia has decreased by 9 per cent, from 169,000 hectares in 2018 to 154,000 hectares in 2019.

86. As part of this strategy, the Government has prioritized the Comprehensive National Programme for the Replacement of Illicit Crops as an important element of crop eradication. The Programme covers 99,097 families whose income has depended on or been affected by illicit crop-growing. Immediate food assistance has been provided to 75 per cent of the families as a support strategy during the replacement process. In addition, 5,680 former coca leaf pickers have been hired by local organizations to perform community activities and services.

87. Throughout the country, the strategy is also complemented by eradication using manual or mechanical elimination or suppression techniques and by the programme for the eradication of illicit crops by ground-based spraying with glyphosate. The strategy is implemented in three formats: voluntary eradication; forced eradication by mobile units composed of civilian contractors; and forced eradication by the National Police and the armed forces.

88. The National Police provides support to mobile eradication units by ensuring secure conditions, in accordance with the parameters set out in Decision No. 04823 of 9 October 2017 issuing the Manual on Eradication of Illicit Crops. Accordingly, and in line with the provisions of the Ministry of Defence and within the legal parameters governing public procurement, namely Act No. 80 of 1993, Act No. 1150 of 2007 and Decree No. 1082 of 2015, the Anti-Narcotics Division of the National Police conducts procurement processes to set up mobile eradication units on the basis of the budgetary and planning needs of the service.

89. In terms of procedure, before an operation to eradicate illicit crops begins, an institutional meeting is held between the armed forces and the police. Georeferencing is performed and the area of terrain to be covered is identified. Intelligence information is gathered in order to protect the safety and lives of the people involved in the operations, with a view to adopting the relevant measures to mitigate or reduce the risk of encountering improvised explosive devices and anti-personnel mines.

90. Given the specialized nature of manual eradication of illicit crops, the personnel involved do not perform checks on minefields. Personnel trained in operational demining² inspect the relevant area or sector before the eradication activity begins. The Anti-Narcotics Division of the National Police fully complies with the regulations and procedures for the eradication of illicit crops and guarantees the safety of the persons hired to perform this task.

Article 7: Prohibition of torture and cruel, inhuman or degrading treatment or punishment; prohibition of medical or scientific experimentation without consent

Legal developments

91. As the Committee is aware, Colombia has a comprehensive legal framework to prevent and punish torture; for example, article 178 of the Colombian Criminal Code (Act No. 599 of 2000) classifies torture as a criminal offence, while article 137 establishes the separate offence of torture of a protected person. National legislation provides safeguards, as it establishes that any person may be considered a perpetrator.

Public policy developments

Prevention of torture and ill-treatment in national prisons

92. Since 2015, the training academy of the National Prisons Institute, with technical support from the International Committee of the Red Cross, has organized workshops on

² Training is provided at the Brigadier General Jaime Ramírez Gómez International School of Policing for Peace.

human rights and the use of force in the Colombian prison system. The syllabus includes, inter alia, specific instruction on the Convention against Torture, the Code of Conduct for Law Enforcement Officials, the United Nations Standard Minimum Rules for the Treatment of Prisoners, the institutional human rights policy, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, negotiation methods and prison practices used in national prisons, and differentiated approaches. A total of 2,637 prison officers and 52 prison instructors have received training on the use of force and human rights at the national level.

Institutional guidelines on the use of force in national prisons

93. Based on current national regulations and international standards, the National Prisons Institute has drafted and updated a series of institutional documents to regulate the use of force and firearms in national prisons, including the following:

- Decision No. 00192 of 2018, which regulates the use of force and adopts the Use of Force Model for the Colombian prison system
- Technical Tactical Manual for the Implementation of the Use of Force Model (PM-SP-M04), by means of which the National Prisons Institute determines the institutional criteria and standards for the use of coercive measures, elements, devices, firearms and ammunition to guide the use of force in the Colombian prison system
- Manual for the correct application of solitary confinement in Special Treatment Units (PM-SP-M02), in line with international standards set by the American Correctional Association

Institutional guidelines on human rights in national prisons

94. On 28 March 2019, the National Prisons Institute adopted the second iteration of the institutional human rights policy, which strengthens respect for and the promotion and guarantees of human rights in its mission and processes and provides for institutional actions and coordination with governmental and non-governmental organizations.

95. On 11 December 2019, the National Prisons Institute issued a procedure for the management of cases of human rights violations, with the aim of setting out actions to address alleged human rights violations that occur in national prisons as a result of acts or omissions by prison staff. The aim of the procedure is to ensure that the relevant authorities are made aware of such acts or omissions and put in place preventive and corrective measures to prevent their occurrence.

Article 8: Prohibition of slavery, servitude and forced labour, and protection from such practices

Legal developments

96. Article 17 of the Constitution expressly prohibits all forms of slavery, servitude and trafficking in persons. Article 188 A of the Colombian Criminal Code (Act No. 559 of 2000) punishes the following forms of trafficking in persons: sexual exploitation, forced labour or services, marital servitude, forced begging and the removal of organs.

97. In accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, all forms of trafficking in persons constitute criminal offences in Colombia and are therefore subject to investigation and prosecution.

98. Under Act No. 1719 of 2014 on access to justice for victims of sexual violence, especially sexual violence in the context of the armed conflict, the offence of trafficking in protected persons for the purpose of sexual exploitation was included in article 141 B of the Criminal Code. The Act also amended the provisions on the offence of forced prostitution of a protected person and defines the offence of sexual enslavement of a protected person. These two offences are closely related to the offence of trafficking in persons for purposes of sexual exploitation.

99. Constitutional Court judgment C-470 of 2016 eliminated the requirement for victims of trafficking in persons to report the offences before they could receive immediate attention.

Public policy developments

100. The National Strategy to Combat Trafficking in Persons 2016–2018 was adopted by Decree No. 1036 of 2016. In accordance with the provisions of the National Development Plan 2018–2022, the Ministry of the Interior and the Ministry of Foreign Affairs, in coordination with other relevant sectors, formulated the National Strategy 2020–2024, which is the result of a consultation process and the joint efforts of the various actors involved in the fight against trafficking in persons. The new Strategy has six pillars: (1) coordination and sustainability; (2) protection and assistance; (3) investigation and prosecution; (4) knowledge generation and management; (5) prevention; (6) international cooperation and migration.

101. Since 2017, law enforcement officials in diplomatic missions have used the Instructions and Road Map on providing assistance to Colombian nationals abroad who are possible victims of trafficking in persons, which were formulated by the Ministry of Foreign Affairs, to identify possible victims and provide assistance and protection as required.

102. In July 2018, the Public Policy for the Prevention and Eradication of Commercial Sexual Exploitation of Children and Adolescents was adopted, in accordance with Act No. 1336 of 2009. The Policy is the result of a participatory intersectoral exercise to shape State efforts at the national, departmental and municipal levels for the prevention of commercial sexual exploitation, the provision of differentiated assistance to victims and more effective prosecution of perpetrators.

103. In Decision No. 8378 of 2018, the Colombian Family Welfare Institute issued technical guidelines on assistance for child victims of trafficking, which provide for specialized assistance to child victims of any form of exploitation, as defined by the competent administrative authorities. An annex to the guidelines sets out the road map for restoring the rights of trafficked children and adolescents.

104. In 2018 and 2019, the Attorney General's Office led eight public hearings in different cities with the aim of calling attention to trafficking in persons, commercial sexual exploitation and other forms of sexual violence against women and children and engaging the different actors, including national, departmental and local authorities, private enterprise, the media, academia and civil society, in eradicating such practices.

105. In 2019, the Anti-Human Trafficking Operations Centre coordinated assistance and protection programmes for 124 victims of trafficking. In 2020, by 1 October 73 victims had received assistance. The Centre, the Inter-Agency Committee to Combat Trafficking in Human Beings and the Group to Combat Trafficking in Persons are the three bodies that coordinate anti-trafficking efforts at the institutional level.

106. Awareness-raising campaigns and strategies to prevent and combat trafficking include the following:

- 37 discussion groups and meetings organized by the Ministry of the Interior in 2018 and 2019
- Information campaigns at international airports and immigration checkpoints for travellers who fit the profile of trafficking victims
- An intersectoral campaign entitled #EsoEsCuento (That's Not True), which has been running since 2018
- A campaign entitled #OjosEnTodasPartes (Eyes Everywhere), which has been running since 2018 and is linked to the inter-agency strategy to prevent the commercial sexual exploitation of children and adolescents and trafficking in persons for sexual purposes by means of the road network and to provide assistance to victims

Article 9: Right to liberty and security of person and safeguards against arbitrary detention

Legal and public policy developments

107. Article 28 of the Constitution provides that a person held in pretrial detention must be brought before the competent judge within 36 hours so that the latter may take the corresponding decision within the time limit established by law.

108. Act No. 1760 of 2015 contains amendments to some provisions on pretrial detention in Act No. 906 of 2004. Act No. 1786 of 2016 contains amendments to some provisions of Act No. 1760 of 2015. The two Acts refer to the rationalization of the use of pretrial detention in criminal proceedings. They are intended mainly as a means to reinforce the concept that this precautionary measure should be used on an exceptional basis.

Article 10: Rights of persons deprived of their liberty

Legal framework

109. The State has been making significant efforts to mitigate and correct the structural problems of the prison system in Colombia and to comply with the provisions of Constitutional Court judgment T-762 of 2015, which ordered more than 59 entities of the different branches of government to coordinate their actions to address the situation. Responsibility for monitoring was assigned to a Steering Group made up of the Ombudsman's Office, the Attorney General's Office and the Office of the President, which must submit a report every six months on progress, setbacks and obstacles in relation to compliance with the aforementioned judgment.

Public policy developments

110. From 2016 to date, the Government has implemented a series of measures aimed at eliminating overcrowding, including public policies focused on reducing incarceration rates and initiatives to expand prison infrastructure, in order to cope with the demand for places for the current prison population.

111. The National Prisons Institute is working on a series of inter-agency initiatives with other government bodies in order to comply with the Constitutional Court's order on overcrowding and to improve prison health care, food and infrastructure. These initiatives are mainly focused on:

- Increasing the capacity of national prisons through improvements to infrastructure and the expansion of the number of places available nationally
- Reviewing the number of existing places and their suitability, including with reference to the minimum conditions of accommodation required by international standards on deprivation of liberty
- Strengthening health-care services
- Upgrading sanitary facilities in prisons
- Expanding support and treatment programmes
- Ensuring sufficient and suitable food to meet the requirements of the prison population

112. Annex 3 contains data relating to overcrowding, declining rates and the prison population between 2016 and March 2020.

113. In response to the range of issues identified in the prison system, a Comprehensive Transformation and Humanization Plan 2019–2022 has been formulated. The actions set out in the Plan are rooted in respect for human rights, with a focus on prevention, human development and territorial coordination, and are intended to identify the particular needs of the stakeholders involved in the prison system.

114. In addition, with regard to prison infrastructure, short- and medium-term actions and strategies have been formulated to address the difficulties encountered. These measures are aimed at:

- Building and fitting out modular infrastructure to create 4,800 places
- Completing fourth-generation infrastructure begun in previous years, with a view to providing 3,860 places over four years
- Delivering building projects that are 60 per cent complete, to provide 6,720 places
- Managing the design of 12,020 places
- Drafting the Infrastructure Master Plan
- Carrying out maintenance on existing infrastructure as required and transitioning to the formulation of corrective and preventive maintenance plans

115. Overall, in the short and medium terms, about 15,000 extra places are planned, split between fourth-generation infrastructure and modular infrastructure. If current arrival and departure levels in the system remain unchanged, the extra places will reduce the rate of overcrowding by about 14 percentage points. Regional alliances are important in the organization of projects to construct new places through public-private partnerships.

116. Lastly, and in accordance with the measures adopted pursuant to the declaration of the coronavirus disease (COVID-19) pandemic, Decree-Law No. 546 of 2020 was signed with the aim of replacing prison sentences and pretrial detention in prisons with house arrest and temporary house arrest for those persons most vulnerable to COVID-19. Under the ordinary regime, this measure has led to the release of approximately 15,261 prisoners and the placement under house arrest of more than 12,380 persons, leading to a reduction in overcrowding of 29.08 per cent as at 3 September 2020.

Article 11: Prohibition of criminal liability for contractual obligations

Legal developments

117. As noted in the sixth and the seventh periodic reports of Colombia, Colombian criminal law guarantees this principle on the basis of article 28 of the Constitution, which states that “All persons are free ... In no circumstances shall anyone be arrested, detained or imprisoned for debts or sentenced to penalties or security measures that are not subject to statutory limitations.”

Article 12: Freedom of movement

Public policy developments

118. In its concluding observations on the seventh periodic report of Colombia, the Committee recommended that the State continue and step up its efforts to prevent internal displacements.

Support and assistance

119. One of the functions of the Comprehensive Victim Support and Reparation Unit is to provide humanitarian assistance to victims under the terms of articles 47, 64 and 65 of Act No. 1448 of 2011.

120. As at 31 August 2020, a total of 9,048,515 victims had been included in the Central Register of Victims (for events occurring since 1985), of whom 8,062,515 were recorded as victims of forced displacement. According to the Register, there were 20,831 victims of forced displacement during the period January–June 2020.

121. A humanitarian aid management process is used to determine eligibility for humanitarian support to registered victims of forced displacement and humanitarian assistance to registered victims of other acts.

122. Humanitarian support is a welfare measure intended to mitigate needs affecting the right to minimum subsistence, in the components of temporary accommodation and food, as a result of the victimizing event. It is provided in accordance with the results of a procedure to identify households' needs and determine their true situation.

123. The following procedures have been established for analysis, approval and provision of support to victims of forced displacement:

- First-year procedure: applies to households included in the Central Register of Victims that are in their first year of displacement. It is presumed that these families suffer severe deprivation and humanitarian support is granted automatically.
- A procedure for the identification of needs in the components of minimum subsistence: applies to households included in the Central Register of Victims that have been displaced for more than one year, counted from the date of the application.
- Special procedure: used to process applications for humanitarian support in cases where the identification procedure cannot be applied. In such cases, households are granted a four-month humanitarian support payment.

124. Annex 4 gives figures on support and assistance provided to victims.

Article 13: Protection of aliens from arbitrary expulsion

Legal developments

125. Pursuant to article 100 of the Constitution, foreigners enjoy the same civil rights as Colombian citizens. Nevertheless, for reasons of public order, the law may impose special conditions on or nullify the exercise of specific civil rights by foreigners. Similarly, foreigners enjoy the guarantees granted to citizens, subject to the limitations established by the Constitution or by law.

Public policy developments

126. The Venezuelan exodus represents the largest flow of human mobility in the western hemisphere in the last century. According to United Nations figures, at least 5,093,987 people have left Venezuela in the past three years.

127. Colombia has been the main destination country. Estimates by Migration Colombia suggest that at least 1,788,380 migrants from Venezuela are currently in Colombia with the intention of staying.

128. Colombia is also the main transit country. According to Migration Colombia, between January and October 2019 at least 753,433 people from Venezuela transited through Colombia on their way to Panama and Ecuador and, from there, to other countries in the region.

129. It is also estimated that at least 500,000 Colombian nationals, including persons born in Venezuela to Colombian parents, have returned to the country.

130. Mass immigration on that scale has tested the Government's capacity to respond at the central and local levels. For that reason, in an exercise led by the National Planning Department and the Office of the Adviser on the Border with the Bolivarian Republic of Venezuela, with the participation of 19 entities, the Government devised a strategy for addressing migration from Venezuela, which was approved in National Economic and Social Policy Council document No. 3950 of 2018, entitled "Strategy for Addressing Migration from Venezuela". This document remains the public policy framework for the comprehensive response to migration from Venezuela.

131. Document No. 3950 is centred on the general objective of assisting migrants from Venezuela in the medium term. It defines 68 targets for achieving two specific objectives: (i) identifying assistance and integration pathways and (ii) strengthening the existing institutional framework.

132. The Ministry of Foreign Affairs and Migration Colombia have put in place innovative and expeditious mechanisms to facilitate the regularization of migrants. As of June 2020, 43 per cent of the estimated total number of Venezuelan migrants intending to stay in the country had a regular immigration status.

133. In 2020, the Ministry of Labour and the Ministry of Foreign Affairs introduced the special stay permit for the promotion of formalization as an additional regularization mechanism aimed at migrants with an irregular status who receive a formal job offer. Its aim is to prevent the displacement of local labour by lower-paid foreign nationals in an irregular situation.

134. The administrative registration of migrants from Venezuela – a massive characterization exercise conducted between April and June 2018 – yielded important information on the sociodemographic profile of 442,462 migrants, providing a key resource for public policymaking. Of the total number of persons registered, 118,709 (27 per cent) were children and adolescents, including 58,667 girls and 60,038 boys. By age group, 50,729 were aged up to 5 years, 37,841 were aged 6 to 11 years and 30,139 were aged 12 to 17 years.

135. The Government has also been working on two regularization measures scheduled for launch in the second half of 2020: (i) a special stay permit for the education sector, to allow children and adolescents enrolled in educational institutions to regularize their status and take State examinations to obtain their high school diplomas and gain access to higher education programmes; and (ii) a special stay permit for training and recognition of prior learning, intended to allow migrants who do not have a valid identification document in Colombia and who have been selected to attend a vocational training programme, or who wish to obtain recognition of prior learning, to regularize their status.

136. Between March 2017 and December 2019, the public health system, which migrants can access regardless of their immigration status, provided 5.46 million health-care services to 749,444 Venezuelan nationals, including 141,575 pregnant women and 283,743 children and adolescents.

137. In the area of education, the Government has made provision for migrant children and adolescents to freely access the public network of educational institutions, regardless of their immigration status. By March 2020, the Ministry of Education had enrolled 314,419 children and adolescents from Venezuela in the education system, mainly in State schools (96 per cent of the total). It is estimated that 80 per cent of these children and adolescents have irregular immigration status. Furthermore, 134,576 Venezuelan children and adolescents have access to the school meals programme.

138. The Government, through the Colombian Family Welfare Institute, has been adapting and expanding the capacity of the National Family Welfare System in response to the growing demand from Venezuelan children and families in key municipalities. Between 2015 and November 2019, the Institute provided various forms of assistance to 201,949 children and adolescents from Venezuela.

Article 14: Equality before the law, due process guarantees and principles governing the administration of justice

Legal and public policy developments

139. The Ministry of Justice and Law participated in the drafting and the legislative process that gave rise to Act No. 1996 of 2019, which recognizes the legal capacity of persons with disabilities in accordance with article 12 (equal recognition before the law) of the Convention on the Rights of Persons with Disabilities. In 2019, the Ministry trained about 1,200 persons with disabilities and in 2020 it organized a training programme on Act No. 1996, in which 2,300 people enrolled.

140. In 2019 and 2020 the Ministry of Justice and Law adopted public policies for the coordination of justice officials on the ground, creating models adapted to their legal needs, in order to guarantee access to justice. This is done through local justice systems and local and rural justice models, especially in areas of the country with few institutions. Local and

rural justice models correspond to a strategy outlined in the National Development Plan 2018–2022, “Pact for Colombia, Pact for Equity”, which recognizes the need to build differentiated justice models that take into account the socioeconomic, cultural and geographical conditions in each territory.

141. The implementation of these models includes the following actions in relation to the training of justice officials:

- Strengthening the administrative and management capacity of institutions with a territorial presence that are involved in preventing and responding to gender-based violence and in matters relating to rural women’s access to land, including family commissioners’ offices, police inspectorates, the Ombudsman’s Office, the Attorney General’s Office, the Counsel General’s Office, municipal ombudsmen and legal aid clinics.
- Ensuring that family commissioners’ offices and institutions dealing with land-related issues have the technical capacities and tools to be able to: make an adequate assessment of the risk to life and personal integrity posed by gender-based violence within the family; monitor protection and care measures; provide comprehensive and high-quality care to victims of violence; address land-related issues through a differentiated approach; know and disseminate care procedures and protocols; and apply criteria for inclusive services to women, especially rural women.
- Providing conciliation training for municipal ombudsmen, police inspectors and conciliators, with an emphasis on land use and land tenure issues.
- Building institutional capacity to ensure the sustainability of restorative juvenile justice processes.

Article 15: Principles of legality, non-retroactivity and favourability of criminal law

142. Article 6 of the Code of Criminal Procedure (Act No. 906 of 2004), as amended by Act No. 1453 of 2011, incorporates the principles of legality, non-retroactivity and favourability as follows: “No one may be investigated or prosecuted except in accordance with the procedural law applicable at the time of the events, with observance of the forms appropriate to each case. The procedural law that is permissive or favourable in its substantive effects, even when subsequent to the action, shall be applied in preference to that which is restrictive or unfavourable.”

Article 16: Right of everyone to recognition as a person before the law

Legal and public policy developments

143. One aspect of the Venezuelan migration crisis is that since the end of 2015 children have been born in Colombia to parents who did not have regular immigration status and did not meet the legal requirements to register their children as Colombian nationals. These children could not be registered as Venezuelans owing to the total closure of Venezuelan consular offices in Colombia.

144. The Government determined that these children were at risk of statelessness and therefore ordered an exceptional administrative measure granting Colombian nationality by birth to children born to Venezuelan parents in Colombia since August 2015. This measure was set forth in Act No. 1997 of 2019, promoted by the Ombudsman’s Office, which extended the duration of the measure so that it covered children born between January 2015 and September 2021. According to the latest report of the National Civil Registry Office, 47,277 children have been recognized as Colombian by virtue of this measure.

145. In August 2016, the Registry introduced an exceptional procedure, now set forth in a circular of December 2018 on civil registration and identification, with the aim of facilitating the issuance of birth records for persons born in Venezuela to Colombian parents who had subsequently returned to Colombia. Between January 2015 and March 2020, 264,998 adults

and 263,334 minors benefited from this measure and were issued a certificate of late birth registration.

Article 17: Right to privacy, protection of private correspondence, inviolability of the home and protection of honour

Legal developments

146. As a State subject to the rule of law, Colombia has institutional, administrative and legal mechanisms to deal with any complaints of privacy violations occurring in connection with the application of Act No. 1621 of 2013 and/or the Police Code.

147. Article 15 of the Act provides that: “Officials of bodies conducting intelligence and counter-intelligence activities who violate their duties or obligations shall be charged with misconduct, without prejudice to any civil, fiscal, criminal or professional liability they may incur.”

148. Article 17 states that: “The interception of private conversations by fixed or mobile telephone, as well as private data communications, shall be subject to the requirements of article 15 of the Constitution and the Code of Criminal Procedure and may only be carried out in the context of judicial proceedings.”

149. These provisions show that the Colombian legal system protects citizens from abuses that may be committed in application of Act No. 1621 of 2013. The same is true of the application of the Police Code, since the authorities may not violate people’s privacy under any circumstances, unless a judge so orders on an exceptional basis.

Public policy developments

Alleged illegal intelligence activities

150. In its concluding observations on the seventh periodic report of Colombia, the Committee recommended that the State adopt effective measures “to prevent illegal surveillance activities from being conducted and ensure that all allegations regarding such illegal activities are investigated and that the responsible parties are held accountable for their acts”.

151. Intelligence and counter-intelligence activities conducted by the security forces are governed by the legal framework, which guarantees protection from unlawful attacks on reputation and safeguards the rights to privacy, personal and family integrity, due process and legal confidentiality. The aim of these activities is to protect human rights and they are in strict compliance with the Constitution and the law.

152. The Ministry of Defence has a policy of zero tolerance for illegal conduct and has not hesitated to take the necessary decisions against those officials who fail to live up to these standards. It cooperates fully with the competent authorities to determine individual responsibility, where appropriate.

153. The Defence and Security Policy for Legality, Entrepreneurship and Equity states that transparency, respect for human rights, the application of international humanitarian law and the ethical behaviour of the armed forces and the National Police are prerequisites for effective action against crime.

154. On that basis, the following actions have been taken, among others:

- In December 2019, the President of the Republic and the Minister of Defence ordered an audit of army intelligence and counter-intelligence activities over the past 10 years to verify and evaluate their compliance with the Constitution, the laws and intelligence and counter-intelligence programmes, projects, objectives, processes and procedures at all levels of the army.
- In May 2020, the General Command of the Armed Forces, in an official document, issued orders and instructions to the National Army Command regarding the legal

framework for intelligence and counter-intelligence and the sources, agents, methods, means, processes and procedures to be used in strict compliance with the law.

- The National Army Command ordered 205 administrative measures, including the appointment of new military intelligence and counter-intelligence commanders. Changes were also made to the command structure of the army, the General Staff, directorates and operational units to enhance operations and processes.
- The Strategic Review and Innovation Committee was set up with the participation of more than 100 national specialists and foreign validators. As a result of the analysis of 13 working groups over a two-month period, 25 specific actions were determined: 7 for the strengthening of new oversight methods and others aimed at the restructuring of some strategic, operational and tactical units and sections.
- The Ministry of Defence established the post of Intelligence and Counter-Intelligence Inspector in each of the armed forces, with the specific mission of inspecting intelligence and counter-intelligence processes to ensure that they fully comply with the mission, the Constitution and Act No. 1621 and its implementing decrees.

Article 18: Freedom of thought, conscience and religion

Legal developments

155. Freedom of religion and worship is recognized under article 19 of the Constitution.

Public policy developments

156. The most significant development in the area of religious freedom is the formulation by the Ministry of the Interior of the first comprehensive public policy on freedom of religion and worship, issued by Decree No. 437 of 6 March 2018.

157. In addition, pursuant to Decree No. 1140 of 2018, the Department for Religious Affairs was established to coordinate with the religious sector and implement the public policy.

158. In February 2020, Colombia joined the International Religious Freedom or Belief Alliance, a group of like-minded countries that advocate respect for and protection of the right to profess a religion or belief, or none at all, on the premise that where religious freedom exists, other rights are strengthened. Colombia organized the first Hemispheric Forum on Freedom of Religion or Belief, which was held virtually on 22 and 23 October 2020 with the participation of civil society, academia and the Governments of several countries in the hemisphere.

Article 19: Freedom of opinion and expression and responsibilities in exercising those freedoms

Legal and public policy developments

159. In its concluding observations on the seventh periodic report of Colombia, the Committee recommended that the State redouble its efforts to provide timely, effective protection to human rights defenders, journalists, trade unionists, judicial officials, lawyers and social or human rights activists.

Public policy for the protection of defenders

160. The Government recognizes that the role of human rights defenders is fundamental for a social welfare State governed by the rule of law, democratic participation and human rights for all Colombians. Hence, it condemns and rejects all threats, violence, intimidation and aggression against them.

161. In that spirit, in 2018 the Government drew up the Timely Action Plan for Individual and Collective Prevention and Protection concerning the Rights to Life, Freedom, Integrity and Security of Human Rights Defenders, Social and Community Leaders and Journalists.

This document is in line with the “Pact for Colombia, Pact for Equity” National Development Plan 2018–2022, whose “Pact for Legality” component includes, under Objective 5 entitled “Pact for Life”, the goal of formulating and implementing a national public policy for prevention and the comprehensive protection of social and community leaders, journalists and human rights defenders.

162. The Government has identified three risk factors which concern the population in general and human rights defenders and social leaders in particular: (i) intensifying competition for the domination and control of various criminal economies, including drug trafficking and illegal mining; (ii) the slow stabilization of areas formerly under the influence of FARC guerrillas; and (iii) the unprecedented expansion of illicit crops and the collateral consequences of that expansion.

163. A direct correlation may be established between the presence of these factors in different parts of the country and the concentration and increased frequency of acts of violence against citizens, social leaders and human rights defenders. This correlation is particularly evident in the departments of Nariño, Chocó, Cauca, Valle del Cauca and Norte de Santander, some areas of Antioquia, and other pockets of the country. It is particularly explicit in the municipalities with the largest areas of illicit crops. Violence related to organized crime affects people indiscriminately, has no political or ideological basis, and does not follow patterns of party allegiance.

164. The Government has adopted the criteria proposed by OHCHR, according to which there are more than 20 categories of social leaders who defend human rights or represent the demands of their communities at different territorial levels.

165. According to information provided by OHCHR, the killings of 398 human rights defenders and social leaders were reported between January 2016 and 17 June 2020. Between 1 January and 30 June 2020, the number of such homicides fell by 30 per cent compared with the same period in 2019.³ Comparison with the same period in 2018 confirms the downward trend.

166. The Office of the Presidential Adviser on Human Rights and International Affairs has led an important effort to harmonize information, specifically that relating to the number of murders of social and community leaders and human rights defenders. To this end, quarterly reports are drawn up identifying the contexts, territories and types of leaders most affected by human rights violations and the State’s main advances in the areas of prevention, protection and investigation.

Investigation of attacks and threats against defenders

167. The National Commission on Security Guarantees was established by Decree No. 154 of 2017. In line with that measure, pursuant to Decree No. 898/2017, the Special Investigation Unit was created within the Attorney General’s Office to dismantle criminal structures responsible for homicides and massacres targeting human rights defenders, social movements and political movements, among others. This Unit has 35 branch offices and more than 3,500 prosecutors throughout the country, meaning that it is present in the areas where these events occur.

168. During 2020, the Attorney General’s Office reinforced its investigation and prosecution strategy with a view to: (i) boosting and expediting its presence at crime scenes; (ii) focusing research projects on areas where crimes against human rights defenders are most frequent, in order to delve deeper into the association between crimes against human rights defenders and the criminal organizations operating in Colombia; and (iii) further enhancing the investigation methodology that takes a differentiated approach to investigations of crimes against human rights defenders.

169. To significantly improve the outcomes of investigations into threats against human rights defenders, the Government and the Attorney General’s Office successfully advocated the adoption by Congress of Act No. 1908 of 2018, which strengthens the investigation and prosecution of criminal organizations and includes additional measures for bringing the

³ This percentage might be smaller, as there are 49 cases still pending verification.

members of such organizations to justice. The Act includes a new criminal offence of making threats against human rights defenders.

170. In light of internationally established due diligence standards, the Attorney General's Office has introduced a "first line of inquiry" methodology that allows prosecutors to prioritize the hypothesis that the motive for the killing of a social leader was his or her work in defence of human rights. This approach, and the priority given to such complaints, has allowed prosecutors to determine the facts in 54.33 per cent of cases investigated during the period in question. The perpetrators of 207 of the 398 confirmed killings have been identified and 56 judgments have been handed down.

171. The Attorney General's Office is currently implementing the investigation and prosecution strategy with a territorial approach that recognizes the heterogeneity of Colombia, taking into account those factors that vary from one region to another: geography, demography, risks, the special characteristics of crimes, cultural conditions and social circumstances.

172. During 2020, the Attorney General's Office placed emphasis on three key aspects for improving criminal investigation and prosecution:

- Strengthening of the Special Investigation Unit
- Appointment of six regional prosecutors in locations where human rights defenders are most at risk
- Prioritization of research projects on crimes perpetrated against social leaders by criminal organizations

173. The Attorney General's Office also assigned Special Investigations Unit teams to 11 local authorities designated as high-priority on account of their vulnerability and the greater challenges they face. The armed forces have neutralized 115 crime bosses and broken up the groups responsible for criminal activity. Furthermore, the National Protection Unit recently adopted a strategy of thoroughly examining the circumstances of potential victims in order to prevent any criminal acts against them.

174. The Attorney General's Office recently launched a website (<https://www.fiscalia.gov.co/colombia/defensores/>) on which it publishes all official information on the murders of human rights defenders, including the comprehensive strategy being pursued in the investigations.

Protection measures

175. The National Protection Unit reported that, as of September, 3,686 social leaders, 1,235 human rights defenders and 458 former FARC combatants are covered by protection schemes.

176. The National Protection Unit has strengthened its technical body for the collection and analysis of information, resulting in a 37 per cent reduction in the average time taken to respond to protection requests. The Unit's working groups on citizen assistance, protection requests and correspondence are setting up a one-stop shop to further improve response times.

177. Furthermore, 30 analysts and 21 legal advisers have been recruited to eight regional offices of the National Protection Unit. The Unit has signed an agreement with the National Police to improve risk analysis. Various differentiated approaches are being applied in protection schemes and a decision has been taken to strengthen collective protection schemes, of which there are now 160.

178. In 2019 the National Protection Unit allocated US\$ 8 million to the operation of protection schemes for journalists who are beneficiaries of the prevention and protection programme. For 2020, the Unit had resources in the amount of US\$ 255 million allocated to investment and operations.

179. Meanwhile, the security forces are deploying personnel to the most at-risk regions in order to combat organized armed groups who target the population in general and human rights leaders and defenders in particular. The implementation of the National Security Policy has yielded positive results. During the first half of 2020, Colombia recorded its lowest

homicide rate in 46 years: 23.33 homicides per 100,000 inhabitants. Between 1 January and 28 June 2020, 5,281 violent deaths were recorded, compared with 6,128 in the same period in 2019 (down 13.8 per cent). According to the National Police, 496 out of 1,103 municipalities (45 per cent) did not register a homicide during that period in 2020.

Drafting of a National Economic and Social Policy Council document

180. One fundamental public policy measure is the drafting, as envisaged in the National Development Plan 2018–2022, of a National Economic and Social Policy Council document that will build on the guidelines set forth in the Public Policy Framework for Comprehensive Protection and Guarantees for Social and Community Leaders, Journalists and Human Rights Defenders.

181. A series of regional workshops with the involvement of civil society had been scheduled to conclude in 2020. However, this participatory process has been affected by the declaration of the COVID-19 pandemic.

182. The draft document is currently under review by an inter-institutional technical committee composed of the National Planning Department, the Ministry of Defence, the Office of the Presidential Adviser on Human Rights and International Affairs, the Office of the Presidential Adviser for National Security and the Ministry of the Interior.

Article 20: Prohibition of propaganda for war and of any advocacy of national, racial or religious hatred

183. Article 458 of the Criminal Code (Act No. 599 of 2000, as amended by Act No. 890 of 2004) establishes the offence of incitement to war, which is defined as conduct intended to provoke war or hostilities against Colombia by another nation or nations.

Article 21: Right of peaceful assembly

Legal developments

184. Article 37 of the Constitution provides that any group of individuals may gather and demonstrate publicly and peacefully, and that the law alone may expressly establish situations in which the exercise of this right may be limited. Article 38 of the Constitution provides that the right to freedom of association is guaranteed in respect of the different activities that individuals carry out in society.

185. The President has reiterated on various occasions that peaceful demonstration is always welcome, as a democratic channel of expression to which all citizens have a right.

Public policy developments

186. With regard to the use of force during public demonstrations, the National Police are bound by regulations based on international standards that provide for the differentiated use of force during operations, in accordance with the principles of legality, proportionality and rationality and the need to guarantee respect for human rights (Act No. 1801 of 2016, Decisions No. 03002 of 2017, No. 02903 of 2017 and No. 1190 of 2018, inter alia).

187. The regulations are consonant with international standards and consistent with the mission of the National Police, as set out in article 218 of the Constitution, which requires that they ensure the necessary conditions for the exercise of public rights and freedoms. This also implies that police officers are to receive education, training and refresher training on the differentiated use of force and respect for human rights.

188. In accordance with established procedure, the Mobile Anti-Riot Squad may intervene only when deemed necessary, using force only as a last resort, in accordance with the principle of proportionality, to protect the rights not only of the demonstrators but also of third parties who may be affected by any disruption of security and civil harmony.

189. The National Police acts in coordination with judicial oversight and monitoring bodies to ensure that due process is observed, cases are duly documented and the actions of officers are properly monitored. It has a zero-tolerance policy towards human rights violations and ensures full cooperation with the competent authorities in that regard.

190. In addition, the Colombian security forces undergo continuous training in human rights, international humanitarian law and the standards applicable to the use of force. To this end, international organizations such as the International Committee of the Red Cross provide support on an ongoing basis. Standing Ministerial Directive No. 11 of 2019 establishes guidelines for enhancing extracurricular training plans on human rights and international humanitarian law aimed at the security forces.

191. Since 2016, the Colombian State has maintained open communication with civil society organizations through committees set up to monitor national demonstrations as they develop and unified command posts led by the Ministry of the Interior, the National Police or the National Disaster Risk Management Unit, which plan urgent prevention and management measures in respect of peaceful protests in coordination with the Public Legal Service.

192. The National Development Plan 2018–2022, “Pact for Colombia, Pact for Equity”, mandates the Ministry of the Interior, the Office of the High Commissioner for Peace and the National Planning Department to develop and implement a policy for the peaceful management of social conflicts through social dialogue. Decision No. 1190 of 2018, whereby a protocol was adopted for guaranteeing peaceful protests, is currently undergoing review and revision prior to its operationalization and implementation.

193. The Minister of Defence has announced the development of lines of action to facilitate the modernization and transformation of the National Police. This process will be supported by the Ombudsman’s Office and will entail improvements to the services offered to citizens and a revision of police procedures and operations in five key areas: policing activities, education and training, transparency and integrity, human-resource management, and use of technology.

Article 22: Freedom of association, including the right to form and join trade unions

Legal and public policy developments

Collective bargaining

194. For the Colombian State, ensuring tripartite social dialogue is essential, which is why a series of regulatory measures have been taken to improve the effectiveness of social dialogue and labour negotiations. The use, and occasional misuse, of legally authorized mechanisms such as collective bargaining agreements and union contracts is closely monitored; where necessary, sanctions are applied. The impact of such mechanisms on union membership is under review.

195. The Ministry of Labour has issued administrative acts that broaden the membership of the Special Investigations Unit, which currently stands at 15, and grant it the power to carry out investigations into illegal subcontracting and the improper use of collective agreements and trade union contracts. As a result, the number of collective bargaining agreements deposited per year decreased from 254 in 2016 to 141 in 2017, i.e. by 44 per cent.

Protection of trade union leaders and activists

196. The Ministry of Labour and the Attorney General’s Office have established an elite unit to investigate and follow up on cases of violence against members of trade unions.

197. The Deputy Attorney General has personally overseen considerable progress in the following areas:

- Coordination of the directorates tasked with investigating violence against trade unionists

- Gathering of information on cases of violence throughout the country in centralized databases and the promotion of investigations by sectional and national directorates
- Measures to expedite the processing of cases: identifying the prosecutor's office in charge of the proceedings, holding follow-up meetings and assigning specific prosecutors to each case within the directorates
- Monitoring of and follow-up to investigations into cases where the victim is a trade unionist through committees and working groups, and the organization of continuous training for prosecutors

198. This strategy is based on a zero-tolerance approach towards acts of violence or killings perpetrated against trade unionists, in accordance with the Government's principle of protecting the entire population.

199. When the above-mentioned strategy was designed, a baseline was established consisting of the 1,840 cases registered with the Attorney General's Office between 2011 and 2016. As of December 2019, 97 per cent of these cases, i.e. 1,788 cases, had been closed, with only 3 per cent remaining under investigation. New cases were registered between 2017 and 2019, bringing the total number of cases to 2,654, of which 88 per cent have been closed and 12 per cent are under investigation.

200. The grounds on which cases have been closed are as follows:

- 95 cases were settled during the period of implementation of the strategy
- The number of settlements rose from 62 as of August 2016 to 157 as of December 2019 (7 per cent of cases closed); this represents significant progress, with the average number of settlements per year tripling from 10 to 30
- 424 cases (18 per cent of cases closed) were closed after the worker or trade union withdrew the complaint; this is particularly important information, since in these cases the complainant and the business came to a negotiated solution
- 1,268 cases (54 per cent of cases closed) were dismissed: in 61 per cent of these cases, it was determined that no criminal conduct had occurred, i.e. no crime had been committed; in 20 per cent of the cases, it was determined that the complainant did not have standing to submit the complaint
- 145 cases (6 per cent of cases closed) were found to be subsumed in other existing cases
- Other reasons: 345 cases (15 per cent of cases closed) were closed because the statute of limitations for criminal proceedings or the filing of a complaint had expired, *inter alia*

201. The Attorney General's Office reports that, between 2011 and 2019, 209 investigations were conducted into the murder of members of trade unions. The results of those investigations are as follows:

- Judgments have been handed down in 44 cases, including 54 convictions, 34 of which were secured during the period of implementation of the above-mentioned strategy
- 26 cases are currently at the trial stage
- Charges have been brought in seven cases
- 10 cases are at the inquiry stage with arrest warrants pending
- Two cases were dismissed
- Three cases were dismissed because the conduct was determined not to constitute an offence, and one case has been referred to the military criminal justice system
- 205 cases of homicide are currently under investigation, in accordance with ordinary criminal law; of these, 89 cases, or 43.41 per cent, have been clarified

202. Progress continues to be made in the investigation of murders of trade unionists that occurred before 2011, in respect of which 429 convictions were handed down between 2011 and 2019. This figure does not include the 54 convictions handed down for murders

committed between 2011 and 2019, the addition of which brings the total number of convictions to 483, a historic achievement for Colombia.

Article 23: Protection of the family and marriage

Legal developments

203. The main legal developments in this area are as follows:

- Act No. 1857 of 2017, which amends Act No. 1361 of 2009, supplementing and complementing family protection measures, inter alia
- Act No. 1959 of 2019, which amends and supplements Acts No. 599 of 2020 and No. 906 of 2004 with regard to the offence of domestic violence
- National Public Policy for Colombian Families 2012–2022, the primary aim of which is to provide Colombian families with the necessary emotional, economic, cultural, legal and democratic resources and skills to drive their own comprehensive development as collective rights holders and as individuals
- National Public Policy to Support and Strengthen the Family, adopted in July 2018, the overall aim of which is to raise awareness of, promote and strengthen the capacities of families as collective rights holders and protagonists of social development

Article 24: Rights of children and their protection

Legal developments

204. The main legal developments in this area are as follows:

- Act No. 1822 of 2017, which amends articles 236 and 239 of the Substantive Labour Code to ensure that infants can be properly cared for
- Act No. 1857 of 26 July 2017, which amends Act No. 1361 of 2009, supplementing and complementing family protection measures
- Act No. 1878 of 2018, which amends Act No. 1098 of 2006 setting forth the Children's and Adolescents' Code
- Act No. 1885 of 2018 on the Youth Citizenship Statute
- Act No. 1918 of 2018 establishing the regulations governing the disqualification of persons convicted of sexual offences against minors and the register of disqualifications
- Act No. 2000 of 2019, which amends the National Police and Coexistence Code and the Children's and Adolescents' Code with regard to the consumption, possession and distribution of psychoactive substances in places where minors are present
- Act No. 1997 of 2019, which establishes a special and exceptional regime for acquiring Colombian nationality by birth for the children of Venezuelan nationals with regular or irregular immigration status and for asylum seekers born in Colombia, in order to prevent statelessness
- National Policy on Children and Adolescents 2018–2030, the primary objective of which is to contribute to the comprehensive development of children and adolescents in Colombia
- National Policy for the Prevention and Eradication of Commercial Sexual Exploitation of Children and Adolescents 2018–2028
- National Policy for the Prevention of the Recruitment, Use and Sexual Abuse of Children and Adolescents by Organized Armed Groups and Organized Criminal Groups 2019, the objective of which is to prevent the recruitment, use and sexual abuse of children and adolescents by organized armed and criminal groups and to

ensure the effective realization of children's rights and their comprehensive protection by the State, society and the family

Public policy developments

205. In its concluding observations on the seventh periodic report of Colombia, the Committee recommended that the State continue and step up its efforts to prevent the use and recruitment of children by illegal armed groups.

206. To ensure that all children and adolescents who have been used or recruited by illegal armed groups are treated as victims, regardless of the illegal armed group with which they were formerly associated, in accordance with the case law of the Constitutional Court, the Colombian Family Welfare Institute's special programme for the restoration of the rights of child and adolescent victims of unlawful recruitment who have left illegal armed groups includes a series of coordinated actions that contribute to victims' comprehensive reparation based on a comprehensive protection approach.

207. In the context of the special programme for the restoration of the rights of children and adolescents who have left illegal armed groups, as at 31 July 2020, 6,860 child and adolescent victims of recruitment had received assistance, of whom 70 per cent were male and 30 per cent were female.

208. There are currently 222 children and adolescents extricated from the armed conflict under the protection of the Colombian Family Welfare Institute, a figure that demonstrates the reality of a phenomenon that has led the national Government to develop the "Join for Me" prevention strategy, an inter-agency project supported by the United Nations post-conflict multi-partner trust fund for Colombia in cooperation with the Intersectoral Commission for the Prevention of Forced Recruitment, Sexual Abuse and Violence against Children and Adolescents by Illegal Armed Groups and Criminal Organizations. This initiative is being implemented in 200 areas (197 municipalities and three *corregimientos*) across 26 departments that are at high risk according to the prioritization index of the Office of the Presidential Adviser on Human Rights and International Affairs and the early warnings issued by the Ombudsman's Office.

209. Of the children and adolescents who have received assistance under the programme, 3,879 (57 per cent) had been recruited by FARC-EP; 1,270 (19 per cent) by the Ejército de Liberación Nacional (National Liberation Army); 1,054 (15 per cent) by the Autodefensas Unidas de Colombia (United Self-Defence Forces of Colombia); and 640 (9 per cent) by other illegal groups such as criminal gangs and residual organized armed groups.

210. For the Colombian Family Welfare Institute, compliance with Judgment C-069 of 2016 on the protection of children and adolescents has been of vital importance. This judgment provides that a certificate of disengagement must be issued by the Operational Committee for the Surrender of Arms to all victims of illegal recruitment in the context of the armed conflict, regardless of the illegal armed group with which they were formerly associated while they were of minor age, and that all such victims must be referred to the Agency for Reintegration and Normalization. Moreover, since 2007, the Colombian Family Welfare Institute has been providing assistance to children and adolescents extricated from criminal gangs pursuant to Decree No. 2374 of 2010, which provides that, when notified of a case involving a child or adolescent associated with a criminal gang, the Attorney General's Office must immediately inform the Institute, which offers support services and ensures that the child or adolescent receives assistance under the appropriate special programme. Between March 2007 and December 2019, support was provided to 285 adolescents extricated from such groups.

211. To ensure that all children and adolescents separated from such groups receive protection and proper care with a view to their physical and psychological recovery, and to ensure that the responsible parties stand trial and are punished, the special programme for the restoration of the rights of child and adolescent victims of unlawful recruitment lays down technical guidelines, approved in Decision No. 1525 of 23 February 2016, which establish and describe the actions to be carried out by the competent administrative authority in accordance with Acts No. 1098 of 2006 and No. 1448 of 2011, within the framework of the joint responsibility borne by the family, society and the State, with a view to restoring the

rights of children and adolescents. These actions are aimed at providing the necessary conditions for a decent life for the victims, promoting their integration into social, economic and political life, and providing them with information and legal and psychosocial support and guidance with a view to facilitating access to the rights to truth, justice and reparation.

212. The Colombian Family Welfare Institute has also established the Strategy for the Prevention of Specific Risks, which covers some of the problems that most frequently undermine the rights of children and adolescents, including illegal recruitment, abuse and sexual violence.

213. The action taken by the national Government to prevent violence against children and adolescents is based on the identification of specific violations at the local level in order to respond to real-world situations of risk or vulnerability and establish or apply early, urgent and protective prevention plans. To this end, the competent institutions have established efficient, coordinated mechanisms, which include flexible, pertinent and innovative methodologies incorporating art, culture, sport and communications.

Article 25: Political rights and the right to take part in the conduct of public affairs

Legal and public policy developments

214. The participatory democratic system of Colombia is rooted in free, genuine and periodic elections. The fulfilment of this function of the State has been entrusted to the electoral authorities, comprising the National Electoral Council and the National Civil Registry Office, each of which has clearly defined functions that are enshrined in the Constitution (articles 120, 264, 265 and 266) and in the comprehensive regulatory framework on electoral matters.

National electoral roll

215. The National Civil Registry Office has a robust and secure information system to which registrars throughout the country, departmental offices, consulates worldwide and monitoring and auditing bodies have access. The system allows for the processes of screening, updating and disseminating the national electoral roll to be monitored and audited.

216. The electoral roll is published on the website of the National Civil Registry Office in real time, to be used and consulted by citizens; this is an important means of voter verification in the event of inconsistencies. To guarantee transparency and ensure the integrity of the auditing, verification and screening processes, various monitoring bodies and election observers have access to the web application used to manage the electoral roll.

Voter registration

217. The voter registration process has been automated throughout the country. To achieve this, the competent authority developed a technological platform that consolidates and synchronizes the information contained in the electoral roll database and allows for data auditing. The current registration process, which uses identity card numbers, has been systematized, with the use of biometrics allowing for real-time voter registration.

218. For the first time ever, prior to the elections held on 27 October 2019 to elect local authorities – governors, assemblies, mayors, councils and local administrative boards – monthly reports on registered voters were sent to the National Electoral Council so that this information could be used by the Registry Office to combat electoral fraud, particularly the practice of registering to vote in a place other than one's place of residence.

Candidate pre-registration platform

219. The National Civil Registry Office provides a digital platform on which political groups can pre-register their candidates to facilitate the administration of registration-related information, so that candidates can be certain that they have met all prerequisites before

registering with the electoral authorities and thus avoid a situation in which their candidacy is rejected or declared inadmissible.

Citizen support verification software

220. Since the adoption of the 1991 Constitution, political parties and movements whose legal status has been recognized by the National Electoral Council, social movements and significant groups of citizens have been able to participate in the political sphere by putting forward candidates for elective office in various bodies.

221. The primary characteristic of candidacies presented by significant groups of citizens is that they are based on the collection of signatures. Given the proliferation of candidacies put forward by significant groups of citizens, the National Civil Registry Office has established a signature verification unit, which uses specially designed software to cross-check the signatures provided by citizens against the information contained in the National Identification Archive and the electoral roll.

Biometric technology at polling stations

222. In all ordinary, new and complementary elections and civic participation mechanisms organized over the last four years (2016 peace agreement referendum, 2018 congressional, intra-party and presidential elections, 2018 anti-corruption referendum, 2019 local elections), biometric terminals were used to prevent fraud in the form of impersonation of voters or polling officers.

Counting software

223. In its capacity as the secretariat of the vote-counting committees, the National Civil Registry Office provides vote-counting software that securely calculates election results; members of the counting committees use biometric terminals to access and manage the system, the proclamation of the result is automatically generated and computer security standards prevent any alteration of the results.

Article 26: Equality before the law and protection against discrimination

Legal and public policy developments

224. In its concluding observations on the seventh periodic report of Colombia, the Committee recommended that the State provide effective protection and care for the most vulnerable persons and communities, in particular women, children, older persons, persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons and Afro-Colombian and indigenous persons.

225. The Ministry of the Interior has been taking measures to coordinate with national, departmental and local bodies in the formulation of institutional measures aimed at including lesbian, gay, bisexual, transgender and intersex persons in social, economic, educational, political, environmental and cultural activities and promoting their participation and representation in various forums.

226. One of the above-mentioned measures was the adoption of Decree No. 762 of 2018, which established a policy to promote, ensure respect for and guarantee the effective enjoyment of the rights of lesbian, gay, bisexual, transgender and intersex persons and persons with diverse sexual orientations and gender identities.

227. The Ministry of the Interior also issued Decree No. 410 of 2018, which added a new section to part four of book two of the Consolidated Regulatory Decree for the Internal Affairs Sector (No. 1066 of 2015) to prevent discrimination on the grounds of sexual orientation or gender identity. The amendment provides for measures to promote environments free of discrimination, and for the establishment of follow-up and monitoring mechanisms in coordination with departmental and local authorities and national entities to ensure a culture of non-discrimination.

228. Through Decision No. 2795 of 2 May 2018, the Ministry of Defence adopted the Sectoral Public Policy on Gender Mainstreaming for Uniformed Personnel of the Public Security Forces, the main objective of which is to promote the inclusion and mainstreaming of a differentiated gender-based approach within the public security forces, through the promotion of gender equity, equal opportunities and a zero-tolerance approach towards gender-based violence.

229. In addition, in compliance with one of the lines of action of the Sectoral Public Policy on Gender Mainstreaming for Uniformed Personnel of the Public Security Forces, the National Police have launched mobile police units, which symbolize the commitment of the national institutions and local authorities to preventing and responding to gender-based violence.

230. Through the mobile units, the National Police seek to prevent and address cases of gender-based violence and overcome the obstacles that these communities may face in accessing institutional care. These teams were rolled out in 2019, with the support of international partners, national institutions and civil society organizations and with the focus on municipalities that are badly affected by illicit economic activity and the presence of organized armed and criminal groups.

Article 27: Rights of ethnic, religious and linguistic minorities

Legal and public policy developments

231. In its concluding observations on the seventh periodic report of Colombia, the Committee recommended that the State continue and step up its efforts to prevent and combat discrimination against Afro-Colombian and indigenous persons.

232. In response to this recommendation, the Ministry of the Interior has taken steps to prevent and combat discrimination against the black, Afro-Colombian, Palenquero and Raizal communities. To this end, in compliance with the public policy set out in National Economic and Social Policy Council document No. 3310 of 2004, the Observatory on Racial Discrimination and Racism was established in accordance with Decision No. 1154 of 2012, which was amended in 2017 by Decision No. 949.

233. The Observatory on Racial Discrimination and Racism researches, analyses, monitors and follows up on racial discrimination in Colombia and contributes to the formulation of public policies to prevent discrimination and racism against the black, Afro-Colombian, Palenquero and Raizal population.

234. Act No. 1482 of 2011 amends the Criminal Code to guarantee the protection of the rights of any person, group of persons, community or people where these have been violated by acts of racism or discrimination, conduct or behaviour constituting harassment with the aim of causing physical or moral damage on grounds of race, ethnicity, religion, nationality, political ideology or philosophy, gender or sexual orientation. In this regard, the support services offered by the Observatory on Racial Discrimination and Racism with the aim of providing assistance to the black, Afro-Colombian, Palenquero and Raizal population in individual and collective cases have been indispensable. As a result of the foregoing, the number of reported cases decreased from 26 in 2015 to 15 in 2019. Between 2017 and 2020, the following measures were taken:

- Preparation of a report on the rights violation index, which is a tool that can be used to monitor racial discrimination against the Afro-Colombian population
- Preparation of a draft public policy on racism in Colombia, with the support of the International Organization for Migration in association with the Inclusion for Peace programme of the United States Agency for International Development
- Design and dissemination of informational resources aimed at promoting the recognition of Afro-Latin and Afro-Caribbean women and the diaspora and raising awareness of the support services and activities of the Observatory on Racial Discrimination and Racism and the contents of Act No. 70 of 1993

- The “Seal of Inclusion” initiative, which seeks to promote a multicultural society through the establishment of discrimination-free spaces where the values intrinsic to social interaction, such as equality and equity, are promoted, in the black, Afro-Colombian, Palenquero and Raizal communities
 - Technical assistance to facilitate awareness-raising, dialogue and education to prevent and appropriately respond to the problem of racial discrimination and racism and create participatory forums for cooperation between communities and local authorities
 - Coordination between institutions on a system for collecting data on acts motivated by racism, including the number of complaints submitted in that regard and information on the nature of the event, discriminatory factors and any related sentences or judgments, to be analysed by the Observatory
 - Coordination on human rights issues, resulting in the establishment of risk maps showing levels of racial discrimination and rights violations throughout the country
-