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Summary record of the 4013th meeting*

Held at the Palais Wilson, Geneva, on Monday, 10 July 2023, at 3 p.m.

Chair: Ms. Abdo Rocholl

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* No summary records were issued for the 4011th and 4012th meetings.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Eighth periodic report of Colombia (CCPR/C/COL/8; CCPR/C/COL/Q/8; CCPR/C/COL/RQ/8)

1. *At the invitation of the Chair, the delegation of Colombia joined the meeting.*
2. **Ms. Taylor Jay** (Colombia), presenting the eighth periodic report of Colombia (CCPR/C/COL/8), said that her Government had made significant progress in key areas relating to civil and political rights. The country's robust democracy and its citizens' full enjoyment of their electoral rights had been evidenced in the free and transparent presidential and parliamentary elections that had recently taken place. In addition, mechanisms for consultation and inclusive dialogue had been introduced to ensure the active participation of civil society and other stakeholders in the creation of public policy. For instance, her Government had launched a series of citizens' dialogues concerning the formulation of the National Development Plan as a road map for national policy.
3. A number of difficulties had initially hindered the implementation of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, some of which had stemmed from the actions of previous Administrations themselves, but the Final Agreement was at last being actively implemented by the current Government. Efforts to that end had included the establishment and strengthening of institutions tasked with investigating crimes committed during the armed conflict and trying and punishing the perpetrators of those crimes, seeking out the truth, ensuring accountability and, above all, providing reparations for victims and achieving national reconciliation.
4. The Government was promoting the effective reintegration of former combatants into civilian life by providing opportunities for education, work and participation in political life. The implementation of the recommendations of the Truth Commission was a priority and would require the cooperation of the United Nations human rights treaty bodies and the rest of the international community.
5. The measures being taken to provide comprehensive reparations for victims of the conflict included educational workshops and the processing of claims in cases brought before the Special Jurisdiction for Peace within the framework of the Comprehensive System for Truth, Justice, Reparation and Non-repetition. Land restitution was a particularly important part of those measures, and the Land Restitution Unit was working tirelessly to process claims and support affected communities. Given the importance of land restitution, not only as the return of a material asset but as recognition of the suffering endured by victims, her Government had taken the decision to create a special jurisdiction for agrarian and rural issues that would seek to ensure the swift and effective resolution of land disputes.
6. Achieving gender equality and the empowerment of women and members of the LGBTIQ+ community were priorities for Colombia. Combating violence against women was an integral part of those goals. A mechanism had been established to coordinate the work being done by institutions at all levels of government to protect and support victims of gender-based violence. As part of the peacebuilding process, a strategy was being developed for the protection of women who were in the process of reintegrating into society. Pursuant to that strategy, cross-cutting gender analyses were to be included in reports and recommendations for strengthening policies and measures to support women, persons with diverse sexual orientations and gender identities, rural women, human rights defenders and victims of the conflict. Her Government held the firm conviction that women's empowerment, economic independence and participation in public life and dispute settlement were central to the prevention of violence against women. To promote women's participation in public life and dispute settlement, Colombia was developing a national action plan on women and peace and security in line with the provisions of Security Council resolution 1325 (2020). A feminist foreign policy was also under development. In line with its commitment to respect the sexual and reproductive rights of women and girls in Colombia, her Government had withdrawn from the Geneva Consensus Declaration on Promoting Women's Health and Strengthening the Family and was working to strengthen technical

support for health workers to reduce barriers to access to services for the voluntary termination of pregnancy.

7. Her country had made great strides in the recognition and protection of the human rights of persons with diverse sexual orientations and gender identities. The 2022–2026 National Development Plan made direct reference to LGBTIQ+ persons in 7 articles and indirect reference in another 64. In addition, the Government had established the Office for Sexual Diversity and LGBTIQ+ Rights in 2023, and a decree was soon to be signed that would establish an intersectoral commission for the inter-agency coordination of national public policy on LGBTIQ+ issues.

8. Her Government had gone to great lengths to protect the rights of Indigenous Peoples, persons of African descent and the Raizal, Palenque and Roma communities. Soon after assuming office, her Government had established the Ministry of Equality and Equity to address the economic, political and social inequalities historically faced by marginalized groups. Consultative mechanisms had been introduced for obtaining the free, prior and informed consent of communities in respect of decisions that could affect them, their territories or their natural resources, along with laws and standards for safeguarding the cultural and linguistic diversity of those communities and ensuring their access to basic services, intercultural education and health care.

9. **Mr. Quezada Cabrera** said that, as the previous interactive dialogue with the State party had taken place in October 2016, the Committee was particularly eager to hear about the results of efforts to implement the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace.

10. He would be grateful if the delegation would provide clarification concerning the mandate and membership of the Internal Working Group on Follow-up to Instructions and Recommendations Issued by International Human Rights Bodies referred to in the State party's replies to the list of issues in relation to its eighth periodic report (CCPR/C/COL/RQ/8). The Committee had received reports that, in a significant number of cases, its Views had not been implemented by the State party, and he therefore wished to learn in how many cases the Committee's Views had been acted upon and in how many instances implementation was still pending. Information on the reparation provided to victims would also be appreciated.

11. Further information on the procedure established under Act No. 288 of 1996 for providing monetary compensation would be welcome, in particular with respect to any delays that had occurred in that respect, as would information about measures taken to provide the Ombudsman's Office with adequate funding to increase its presence on the ground.

12. He would be interested to learn how effective the Early Warning System was in preventing serious human rights violations and protecting human rights defenders. He also wished to invite the delegation to comment on reports of failures on the part of government bodies to implement the recommendations of the Ombudsman's Office regarding risk reports and follow-up notes.

13. The Committee remained interested in learning more about the mechanisms in place at the State level for receiving and investigating reports of cases of torture. Information on the number of complaints, investigations, prosecutions and convictions, as well as on the remedies provided to victims, would be appreciated. The delegation might clarify whether State authorities such as the Attorney General's Office and the Institute of Forensic Medicine applied the Istanbul Protocol in the investigation of complaints of torture or other cruel, inhuman or degrading treatment or punishment. Information would also be welcome on the status of investigations concerning acts of torture committed by State officials in response to non-compliance with lockdown measures, including in the case of Javier Ordóñez.

14. The Committee had received reports that investigators and judicial bodies often neglected to determine whether a victim's body showed signs of torture or ill-treatment. He wished to know whether the State party was taking any steps to address that situation and, if so, what types of measures were being adopted.

15. He would like to know whether the training courses on the prevention of torture initiated in 2015 for officials in the prison system had continued and how effective they had

been. Information would also be welcome on the development and implementation of independent mechanism in national prisons for submitting complaints of torture or ill-treatment, including the number of complaints received, the status of investigations, the penalties imposed and the reparation awarded to victims. In addition, he would be grateful for information about the measures taken to address the serious problem of prison overcrowding, substandard living conditions in prisons and the practice of holding large numbers of detainees in police stations for periods that exceeded the maximum of 36 hours provided for in the Constitution. Lastly, he wondered whether the State party intended to sign and ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

16. **Mr. Gómez Martínez** said that he wished to learn more about the extent to which the Final Agreement had been implemented. In particular, he wished to know how many penalties had been imposed for violations of Covenant rights. He would also be grateful for disaggregated data on criminal and administrative penalties imposed on officials and judges found to have engaged in acts of corruption. The Committee appreciated the information provided about the number of persons who had benefited from individual or collective inclusion programmes and administrative and collective reparations programmes, as well as the number of children who had benefited from protective measures, but it also wished to know how many applications for such programmes and measures had been rejected. Information on campaigns to make the existence of such programmes and measures known to the public would also be welcome.

17. Clarification concerning the data provided in figures 1 and 2 in annex 10 to the State party's replies to the list of issues would be helpful, as it seemed that the stated time frame for those data of November 2020 to October 2031 was an error. The Committee appreciated the quantitative information given in the State party's report and its annexes about persons eligible for collective reparation measures and other support; however, the Committee would like to hear a brief description of each of the programmes and measures listed.

18. The Committee would be grateful for information on the results of the efforts made by the Comprehensive Victim Support and Reparation Unit to return, relocate and integrate victims, including the number of success stories, and the results of the programmes for children who had been recruited by illegal armed groups and for those who had taken part in the administrative process for the restoration of rights.

19. The Committee remained eager to hear the delegation's response to reports that, owing to bottlenecks, the Land Restitution Unit had returned only 538,212 of the 6.6 million hectares that had been taken from the rightful owners during the armed conflict. He invited the delegation to inform the Committee whether those figures were correct and, if so, to report on any measures taken to increase the effectiveness of the Land Restitution Unit.

20. In the light of an alarming increase in violence in many areas of the country, as paramilitary groups had reportedly taken over large areas of the country formerly occupied by the Revolutionary Armed Forces of Colombia – People's Army (FARC-EP), the Committee was still awaiting a response to the question it had asked in paragraph 4 of its list of issues in relation to the eighth periodic report of Colombia (CCPR/C/COL/Q/8) concerning the impunity of demobilized paramilitary groups.

21. The Committee wished to learn more about the measures and resources to be put in place to ensure that the recommendations contained in the final report of the Commission for Establishing the Truth, Social Harmony and Non-recurrence would be implemented. Having learned that the State party had recently approved a human security plan, he would be interested to learn what the timetable for its implementation was. Lastly, in reference to the State party's plans to engage in talks with armed groups, he wondered whether the State party had considered engaging in a dialogue with civil society organizations in occupied areas and taking active control of key territories occupied by armed groups as a way of turning the situation in the country around.

22. **Mr. Carazo** said that the Committee had been informed that law enforcement officers had been responsible for 1,760 cases of physical violence, 3 cases of sexual violence and 45 homicides in which the victims had been persons of African descent during the period between 2017 and 2020. It had also received numerous reports of discrimination by the

police. He therefore wished to know what measures had been taken to put a stop to unequal treatment of persons of African descent by law enforcement officers.

23. The Committee had been informed that 2,257 acts of violence had been perpetrated against LGBTQI+ persons, including 863 homicides, during the period from 2016 to 2021, and that the police had been responsible for 617 cases of violence, 36.8 per cent of which had involved transgender women. The Committee would appreciate information on the total number of cases of police violence involving LGBTQI+ persons, the investigations undertaken and the penalties imposed.

24. Numerous reports of violence against Indigenous persons, persons of African descent, persons with disabilities and LGBTQI+ persons indicated that stereotypes concerning such persons continued to prevail. He therefore invited the State party to comment on the effectiveness of the measures taken to combat such stereotypes.

25. **Ms. Kpatcha Tchamdja** said that she was aware of the numerous measures taken by the State party to address the coronavirus disease (COVID-19) pandemic. She would, however, appreciate information about the legal basis for those measures. She wished to know, in particular, whether any of them had involved derogations from the State party's obligations under the Covenant and, if so, whether they had been strictly necessary and proportionate and whether their duration, geographical coverage and scope had been limited.

26. She was interested in hearing about the human, material and financial resources allocated to the institutions responsible for implementing the Comprehensive Programme of Safeguards for Women Leaders and Human Rights Defenders. She wished to know how many complaints of assaults and acts of violence against human rights defenders had been received and how they had been addressed in terms of investigations, prosecutions and the imposition of penalties. The Committee had been informed that the security guarantees for female human rights defenders and political leaders were inadequate. Some of those women had been murdered, and women leaders and their families had been subjected to threats and intimidation. Given the scale of such victimization by known and unknown actors, she wondered whether women leaders and human rights defenders were capable of performing their functions freely and safely throughout the national territory.

27. While she was aware of the steps taken by the State party to put a stop to the excessive use of force by law enforcement officers, some officers reportedly continued to resort to the disproportionate use of force and to commit violations of the right to life during social protests. During the national strike of 2021, 36 of the 89 homicides that had been reported had allegedly been perpetrated by law enforcement officers. In addition, the State had apparently failed to take the requisite measures to prevent extrajudicial killings since, for instance, 52 such cases had been recorded in 2021, and several military leaders appointed by the Government of Iván Duque had been linked to extrajudicial executions in 2019.

28. She would welcome a response from the State party concerning the events that had occurred on 28 March 2022 in Puerto Leguízamo, during which 11 civilians had allegedly been killed by members of the armed forces. She wished to hear about the strategies adopted by the State party to ensure that legal proceedings were conducted in such cases and brought to their conclusion by the courts.

29. **The Chair**, speaking as a member of the Committee, said the Committee appreciated the ample information provided by the State party concerning its efforts to prevent violence against women and girls, which, unfortunately was nonetheless on the rise. However, the number of convictions handed down and the provision of comprehensive remedies still left a great deal to be desired. For example, according to annex 5 to the report, the conviction rates in the cases involving 98 victims of femicide in 2020 had been only 7.46 per cent. She wished to know why the conviction rate was so low and what legal action was being taken to remedy the situation.

30. She would like to know whether the Special Jurisdiction for Peace had taken steps to open a macro case for the investigation of sexual violence in the context of the internal armed conflict. She also wished to know whether the agreements reached with non-State armed groups on ceasefires or the cessation of hostilities included provisions prohibiting all forms of sexual violence, including forced recruitment of girls for sexual exploitation. The

Committee would appreciate receiving updated data on criminal prosecutions, convictions of perpetrators and comprehensive remedies for victims in cases involving offences related to sexual violence, domestic violence and femicide.

31. The Committee had been informed that members of the armed forces operating in Bolívar had perpetrated acts of gender-based violence, including sexual violence, and had promoted early and forced unions with girls and adolescents. It wished to hear about any investigations and convictions in that regard. While the programmes and policies aimed at preventing violence against women and girls were commendable, there had nonetheless been an increase in such violence, and the Committee would therefore like to hear about the size of budgetary allocations for those programmes during the past five years and the State party's plans for the years ahead.

32. She noted that abortion continued to be defined as an offence in the Criminal Code, although it had been depenalized up to the twenty-fourth week of pregnancy. It was a matter of serious concern that the most vulnerable women – women and girls living in rural areas, victims of various forms of gender-based violence and young women in the 14 to 17 age group – tended to be the ones who were tried on criminal charges for having terminated their pregnancies. She wished to know whether all health-care personnel were fully aware of the existing legal provisions and whether the entire population had access to up-to-date information on the voluntary termination of pregnancy.

33. The Government's use of glyphosate to eradicate illegal crops had reportedly had an impact on people's sexual and reproductive health. She would like to know whether victims were entitled to obtain compensation and whether the State party planned to repeal Decree 380 of 2021 and to prohibit the use of glyphosate in view of its harmful effect on women's reproductive health.

34. It had been reported that 315 former combatants of FARC-EP had been murdered as of 25 March 2022, and that 256 massacres had been perpetrated – primarily by criminal organizations but also, to a lesser extent, by non-State armed groups – in Colombia between 2016 and 2021. She wished to know what measures were being taken to prevent such massacres, whether progress had been made in identifying the perpetrators and, if so, what penalties had been imposed. She also was keen to learn whether members of the armed forces who were suspected of having committed human rights violations were referred to a civilian or a military court.

The meeting was suspended at 4 p.m. and resumed at 4.25 p.m.

35. **A representative of Colombia** said that the Internal Working Group on Follow-up to Instructions and Recommendations Issued by International Human Rights Bodies was composed of four advisers and a coordinator. While it was true that the Internal Working Group had encountered some difficulties in pursuing its efforts within the framework of Act No. 288 of 1996, the Government was striving to get the Group's work back on track in order to implement the recommendations that were still pending. The constitutional reform procedure that had recently been launched was largely based on the Committee's recommendations.

36. The Minister of Foreign Affairs and the Deputy Minister of Justice and Law had presented a bill on 7 February 2023 that could lead to the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in the near future. An initial discussion of the bill had been held in Congress, and the debate would continue on 20 July 2023 when the session of the new legislature had begun.

37. **A representative of Colombia** said that the Government had taken steps to move forward with the implementation of the recommendations issued by the Truth Commission. For instance, the Ministry of Justice and Law had adjusted existing policies in the light of recommendations concerning the search for missing or disappeared persons. It had promoted the establishment of a national search system and formulated a policy on the disbanding of criminal organizations in cooperation with the National Commission on Security Guarantees, civil society associations and public-sector institutions.

38. Progress had also been made towards amending the law concerning compensation for victims in line with a recommendation of the Truth Commission. An autonomous committee

composed of seven human rights experts had been set up to monitor and follow up on the implementation of the Truth Commission's recommendations. That committee, which also received support from the Special Jurisdiction for Peace, was in the process of preparing its report.

39. The Ministry of Justice and Law was formulating a draft resolution for submission to the National Council on Narcotic Drugs with a view to the prohibition of the use of the glyphosate herbicide on cropland.

40. **A representative of Colombia** said that article 8 of the bill on the National Development Plan that had been submitted to Congress had included a provision requiring the Government and the State to promote the progressive implementation of the Truth Commission's recommendations. Unfortunately, some members of Congress had opposed the provision and succeeded in having it removed from the bill. Although that certainly constituted a political setback, the Government would continue to promote the implementation of the 67 recommendations of the Truth Commission. The support of the international community was required for three recommendations, namely recommendation 36, on investigations of violations of human rights and humanitarian law and corruption, recommendation 40, on reform of the security sector, and recommendation 62, on the promotion of a culture of peace to take the place of the previous culture of war. A draft resolution on those three recommendations was about to be submitted to the Human Rights Council at its fifty-third session in the expectation that the Office of the United Nations High Commissioner on Human Rights (OHCHR) could support their implementation. The High Commissioner had proposed including an additional recommendation concerning protection for human rights defenders. In addition, in the draft resolution, the High Commissioner was requested to appoint an international expert to identify the obstacles that were impeding the peace process and to issue recommendations on how they could be overcome. He hoped that the draft resolution would be adopted by consensus within the next few days.

41. **A representative of Colombia** said that the budget of 1.2 trillion pesos (Col\$) allocated to the Ombudsman's Office in 2023 was 35 per cent more than its 2022 budget allocation had been. The corresponding increase between the budgets for 2021 and 2022 had totalled approximately 16 per cent. The current Government recognized the Ombudsman's Office as an indispensable monitoring body.

42. The Ombudsman's Office had established an early warning system that sought to address imminent threats or structural hazards. The Office had issued 260 early warnings to the State as of December 2022 and had produced 177 follow-up reports. However, the response to early warnings was unsatisfactory because, while 112 officials in the Ombudsman's Office were responsible for issuing early warnings, only 3 or 4 government officials were assigned to carrying out rapid response procedures. The current Government was therefore determined to overhaul the system and to enhance its response capacity. The budget of the Intersectoral Commission for Rapid Response to Early Warnings had been almost tripled, appropriate personnel had been recruited, and the participation of civil society in its sessions had been ensured. A resolution aimed at reforming the early warning methodology was currently being drafted.

43. Implementation of the Final Agreement was a central element of the Government's National Development Plan. Many of the bodies established under the Final Agreement had not been functioning when the new Administration had taken office, but they were now all operational, except for the High-level Forum of the Comprehensive Security System for Political Activity, which would soon be established. Meeting every 15 days, the high-level steering committee for the Final Agreement comprised the Minister of the Interior, the Director of the Final Peace Agreement Implementation Unit and the Director of the Administrative Department of the Office of the President of the Republic, along with three representatives of the other signatory of the Final Agreement. Following eight months of talks, the public policy for the dismantling of illegal armed groups was ready for approval by the President. The overall budget for implementing the Final Agreement had been boosted by almost 25 per cent.

44. Agrarian reform and the replacement of illicit crops constituted the most transformational aspect of the Final Agreement. Of the Ministry of Agriculture and Rural

Development budget, 4.2 trillion pesos was devoted to agrarian reform. The Government had recently amended the Constitution to explicitly mention campesinos, to whom 1.5 trillion pesos had been allocated for land purchases, in particular by woman victims. In the space of six months, 1.4 million hectares of land had been given to campesinos and four of the long-planned campesino reserve areas had been established. Glyphosate was no longer used for crop eradication, and forced eradication measures had been suspended. Talks with communities on consensual eradication were ongoing, and 1.3 trillion pesos had been allocated to the Comprehensive National Programme for the Replacement of Illicit Crops.

45. One measure to protect persons undergoing reintegration was the doubling of the law enforcement presence in 15 transitional areas. Since full implementation of the Comprehensive Programme of Safeguards for Women Leaders and Human Rights Defenders had not been taking place when the new Administration had taken office, the budget for that programme had been increased by 450 per cent, and it was now being implemented in 8 departments; it was hoped that it would cover all 32 departments by 2025. The Government had been working on the Comprehensive Programme with women's groups and had invited groups representing women and LGBTIQ+ persons to help in reworking the country's policies for protecting human rights defenders and converting them into feminist policies.

46. **A representative of Colombia** said that, in the 10 macro cases that had been opened, more than 7,300 individual victims and nearly 290 collective beneficiaries had been registered, the latter accounting for more than 196,100 Indigenous persons, more than 126,100 persons of African descent and over 10,200 other persons. More than 13,700 persons were scheduled to be tried before the Special Jurisdiction for Peace, more than 9,800 of them former members of FARC-EP, more than 3,700 of them law enforcement officers and nearly 180 of them third-party civilians or other State agents. In order to accelerate the Jurisdiction's work, the Government had allocated additional resources to it.

47. In macro case 01, which pertained to hostage-taking and other serious instances of deprivation of liberty by the former FARC-EP, in 2022 all the most senior figures in FARC-EP had acknowledged, both to their victims and to the State, their responsibility for war crimes – including hostage-taking, homicides and enforced disappearances – and crimes against humanity; in early July 2023, 10 leading figures of FARC-EP had been indicted for such crimes. Crimes of sexual and gender-based violence had been investigated as part of macro case 01. Several law enforcement officers had, as part of macro case 03, admitted responsibility to the State and to their victims for murders and enforced disappearances that had been presented as cases of persons killed in combat by State agents. In 2022, the Jurisdiction had opened macro case 08, which dealt with crimes committed by members of law enforcement agencies, other security forces or other State agents in association with paramilitary groups or civilian third parties in Antioquia, Magdalena Medio and Cesar, among other parts of the country. The investigations undertaken to date had been made possible by the more than 900 reports submitted by victims' organizations throughout Colombia. A macro case relating to sexual violence was being prepared and would be opened very soon. The Jurisdiction was analysing reports from all over Colombia. More than 31,300 women and more than 12,300 minor victims of such violence had been identified, as had a pattern of its use to control territory.

48. The Special Jurisdiction for Peace had established that more than 18,000 children and adolescents had been illegally recruited, and it would soon be issuing indictments in that connection. More than 3,700 individual and collective victims had taken part in that investigation.

49. In the light of the murders of numerous former fighters who had signed the peace agreement, the Jurisdiction had issued precautionary measures in order to protect them and to protect the right to the truth and the memory of the victims.

50. **A representative of Colombia** said that the Attorney General's Office provided the Special Jurisdiction for Peace with any information at its disposal that could further the effective prosecution of the macro cases. In recent years, the Office had made significant progress in discovering how representatives or leaders of the Autodefensas Unidas de Colombia (United Self-Defence Forces of Colombia) (AUC) had been linked to offences such as homicide, forced displacement, crimes against sexual freedom and enforced

disappearance. Under the new Administration, AUC leaders had been convicted of more than 12,400 offences and, in the sometimes overlooked area of crimes perpetrated against LGBTIQ+ persons, those leaders had been successfully charged with offences against 130 victims in more than 80 cases.

51. Also under the new Administration, assets worth some US\$ 240 million recovered from paramilitaries had been added to the Reparation Fund for the Victims of Violence, and the remains of approximately 11,800 disappeared persons had been exhumed. In relation to the funding of AUC, almost 100 charges had been brought against, for example, banana exporting and marketing companies, the multinational Drummond and sugar producers in Valle del Cauca. In a similar vein, businesspersons in Caramanta and in the north of Santander Department linked to that financing had been convicted of the forced displacement of persons so that their land could be used for raising livestock, and timber companies in Darién had also been charged with forcibly displacing people from their land so that the companies could extend their logging activities.

52. **A representative of Colombia** said that the Office of the Vice-President had been tasked with inter-institutional and intersectoral coordination of policies to strengthen safeguards for the rights of groups that suffered discrimination or marginalization. One example of its work in that area was the establishment of the Ministry of Equality and Equity, within which directorates had been set up to administer investment projects targeting groups requiring the priority attention of the State, such as lesbian, gay, bisexual and transgender persons, Indigenous persons and persons of African descent. The Vice-President had also created various management groups dealing with the inclusion of persons with disabilities, ethnic and racial justice, and the rights of LGBTIQ+ persons, as well as a group that was working towards the establishment of a national care system.

53. With a view to addressing the lack of inter-agency coordination that had existed under previous Administrations in respect of the rights of lesbian, gay, bisexual or transgender persons or persons who had other sexual orientations or identities, an inter-institutional commission for public policy coordination was to be established. The Vice-President had emphasized that policy in that area must be aimed at both urban and rural populations and that specific measures were needed for lesbian, gay, bisexual and transgender persons who were of African descent, were members of Indigenous Peoples or had disabilities. In the National Development Plan, it was recognized that targeted measures were required to bolster legal services for lesbian, gay, bisexual and transgender persons and that a coordination mechanism and an observatory were needed to join in the effort to combat all forms of violence against such persons.

54. **A representative of Colombia** said that, since the approval of the National Development Plan, the Office of the Presidential Adviser on Human Rights and International Humanitarian Law had been running a programme in more than 980 municipalities aimed at preventing child recruitment and protecting children from sexual exploitation and violence. In addition, 10 localized pilot projects on preventing child recruitment would be run in municipalities where it was especially likely to occur. Psychosocial workshops on the issue would also be held. Furthermore, the Office would promote the incorporation of a gender perspective, as well as the perspectives of persons of African descent and other minorities, into the public policy on the prevention of child recruitment and sexual exploitation and the prevention of sexual violence against children and adolescents. The Office was also participating in other ministries' programmes with a view to helping to combat child recruitment.

55. Under Act No. 2294 of 2023, by which the National Development Plan 2022–2026 had been adopted, the Government was empowered to implement a public policy to combat systemic racism against all persons of African descent and against the Raizal and Palenquero communities.

56. **Mr. Gómez Martínez**, expressing his gratitude for the ample statistical data that had been provided, which demonstrated that an impressive volume of legal work was under way in the area of transitional justice, said that, nevertheless, he would appreciate more details about the judges who would be hearing the cases submitted to the Special Jurisdiction for Peace. He wondered how many, if any, of the suspects in macro cases 01 and 08 were in

pretrial detention. He also wished to know whether the victims were able to bring private prosecutions or whether they had to be represented by the public prosecutor. In addition, he was curious about how or whether the trials would be publicized. Lastly, confirmation that the Government had, as had been reported, drawn up a human security plan would be useful, as would the details of that plan.

57. **Mr. Quezada Cabrera** said that he would be grateful for the delegation's comments on reports that decision 192 of 2018 of the National Prisons Institute on the use of force in detention centres was insufficient to prevent torture or cruel, inhuman or degrading treatment. If that decision was not in line with international standards, he wondered whether the State party planned to amend it. In addition, he would appreciate information on the progress and results of the investigation into the riot in La Modelo prison in Bogotá on 21 March 2020, in which 24 persons had been killed and 83 injured.

58. **Mr. Santos Pais** said that, since the delegation had mentioned action taken in follow-up to just one of the Committee's Views, he wished to know if the Government saw the Committee's Views as binding and whether it intended to implement all the Views issued by the Committee thus far.

59. He would like to know whether it was true, as it seemed, that the Framework Plan for Implementation presupposed negotiations with the criminal and paramilitary organizations that controlled a large part of Colombian territory. He would be interested to learn when the State party intended to move to take control over the whole of the country's territory so that its law enforcement agencies could provide all of its citizens with the protection to which they were entitled.

60. **Mr. Carazo**, commenting on the difficulty of tackling systemic racism, said that he wondered what first steps the State party planned to take in order to address that problem, which was at the root of the structural violence that the country was suffering.

61. **A representative of Colombia** said that the Special Jurisdiction for Peace comprised 38 judges, 54 per cent of whom were female, in accordance with the Final Agreement, which called for a gender balance in the composition of the Jurisdiction. The Government had recently started broadcasting the Jurisdiction's hearings on public television channels, the most recent being a hearing on macro case 03, in which it had become quite clear to the national audience that the extrajudicial executions to which the case related had not been "made up" by the victims. In addition, several representatives of the Government had attended the hearing, which had taken place in Urabá, in person. Victims participated in the Jurisdiction's hearings and were represented by lawyers, whose services could be made available by the Government, where necessary.

62. In the transitional justice system, the great majority of the persons under investigation – members of law enforcement agencies and of the now defunct FARC-EP, along with some third parties – were not in pretrial detention. The transitional, conditional early release granted to them imposed upon them an obligation to tell the truth and to meet certain requirements in relation to the victims; if they breached those conditions, they would be returned to pretrial detention. In one recent case, a senior military officer who had been sending messages to victims via social media in which he had used stigmatizing language had been returned to pretrial detention.

63. In addition, the Jurisdiction had opened macro case 09. It related to crimes not eligible for amnesty which had been committed against ethnic minorities and their lands as a result of, during, or in direct or indirect connection with the armed conflict in Colombia.

64. **A representative of Colombia** said that her Government accepted and would continue to accept all the Committee's Views, as well as all the decisions of other international judicial institutions, including, in particular, the advisory opinions of the Inter-American Court of Human Rights and the recommendations of the Inter-American Commission on Human Rights. Unlike its predecessors, her Government would not continue denying the State's responsibility for violations of human rights and international humanitarian law. Under the current Government, the Ministry of Defence was acknowledging the State's responsibility in cases where such responsibility had previously

been denied for as long as 30 years. The Ministry had a long list of cases in which it would seek amicable settlements.

65. Moreover, in recognition of the dignity of the victims of violations of their human rights and international humanitarian law and of their right to reparations, the Ministry and the armed forces were issuing public apologies in all cases in which doing so was appropriate; for example, on 3 July 2023, they had issued an apology concerning an extrajudicial execution committed in 2008. In view of the sheer number of such cases, however, they had adopted the practice of holding a day-long event in which apologies for all instances of a given offence committed in a particular area would be offered, with three areas selected for such public apologies in 2023. In addition, the Ministry was playing a full part in the Government's reactivation of the Intersectoral Commission on Human Rights and International Humanitarian Law, through which the very large backlog of victims' claims for redress was being tackled; the Ministry of Finance and Public Debt had set aside a large, permanent fund for that purpose.

66. The Ministry of Defence had accepted all the recommendations of the Commission for the Clarification of Truth, Coexistence and Non-Repetition. Furthermore, the Ministry had issued instructions for all law enforcement and security force officers and Ministry staff to undergo compulsory awareness-raising training in connection with the Truth Commission's recommendations; two meetings with the upper echelons of the military on implementing those instructions had been held in the first half of 2023. Also in 2023, the Ministry had issued a directive concerning the security forces' duty to respect the human rights of children and adolescents and the prohibition of their forced recruitment; OHCHR was providing support in that connection. Under the directive, the use of explosive weapons in areas where minors were thought to have been forcibly recruited was expressly banned. In addition, Colombia had recently acceded to the Safe Schools Declaration, and the Ministries of Defence and Education were working together on its practical implementation.

67. The fundamental principle of the "Safeguards for Life and Peace" Security, Defence and Citizen Coexistence Policy 2022–2026 was the protection of life in all its expressions. That policy included 4 specific goals and 20 life and environmental strategies. Peacebuilding was now the foundational concept for all policymaking concerning security matters, but caring for and protecting nature was also a fundamental policy goal. The Ministry was drawing up a human rights policy for the security forces which would be fully in line with international human rights standards and humanitarian law. The Ministry was discussing the draft with the General Command of the Armed Forces and the police force and hoped that it would be completed by September 2023, when it would be incorporated into all human rights training for the security forces. In addition, the Ministry, supported by the Embassy of the Kingdom of the Netherlands, was establishing a system for monitoring and tracing all reports of human rights violations, including sexual violence.

68. **A representative of Colombia** said that the prison system was chronically overcrowded, with an occupancy rate of approximately 121 per cent; around 22,000 persons were housed in immediate response units and police stations. That critical situation had existed in the prison system for over 30 years, and the persistent level of overcrowding had been declared unconstitutional by the Constitutional Court as long ago as 1998. The Government had acknowledged the existence of that crisis and had committed to expanding the capacity of the prison system by more than 9,800 beds and to renovating and reopening prison blocks that had been closed down; in the first half of 2023, additional capacity for some 2,000 prisoners had been created in various locations, including Medellín and Santa Marta, with capacity for a further 500 prisoners soon to come on line in Cartagena.

69. With a view to easing pressure on the prison system by reforming criminal policy to ensure that custodial sentences would primarily be given only to the most dangerous criminals, the Government had presented a prison system modernization and humanization bill to Congress. In a similar vein, Act No. 2292 of 2023 was intended to introduce a system of restorative justice for women who had committed minor offences under which custodial sentences would be replaced with community service.

70. All senior officials of the National Prisons Institute had taken an online training course on the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson

Mandela Rules) that had been offered in conjunction with the United Nations Office on Drugs and Crime, and the plan was for all prison guards to undergo the training as well. The Government also planned to have a representative of the Ombudsman's Office be physically present in every prison in the country to provide oversight. Guidelines on all relevant regulations, including the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), had been distributed. Lastly, in relation to decision 192 of 2018 of the National Prisons Institute, an inter-agency effort was under way to develop a protocol on the reasonable use of force in custodial settings.

The meeting rose at 6 p.m.