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## I. Introduction

1. In compliance with its obligations as a State party to the international human rights treaties, Colombia submits this report containing general information on the country and its institutional architecture, as well as the mechanisms it has set up to protect the human rights of its inhabitants.

## II. General information on Colombia

### A. Demographic, economic, social and cultural characteristics of Colombia

#### 1. Demographics

2. Colombia achieved full independence from the Spanish empire on 7 August 1819 (celebrated as a national holiday on 7 August) after an earlier attempt, in 1810, known as the Cry of Independence (celebrated as a national holiday on 20 July). Located on the north-western tip of South America, it has an area of 2,070,408 square kilometres; of this area, 1,141,748 square kilometres are on the continent, and the remaining 928,660 square kilometres are in the maritime area. The country shares borders with Brazil, Costa Rica, Ecuador, Honduras, Jamaica, Haiti, Nicaragua, Panama, Peru, Dominican Republic and Venezuela, and is comprised of six natural regions (the Amazonian, Andean, Caribbean, Insular, Orinoquian and Pacific regions). It is divided into 32 departments, five districts and 1,102 municipalities.

3. The most recent general census, conducted in 2005 by the National Department of Statistics, shows a permanent population of 42,888,592<sup>1</sup> inhabitants. According to projections by the National Department of Statistics, it is estimated that in 2015, the population will total 48,202,617.

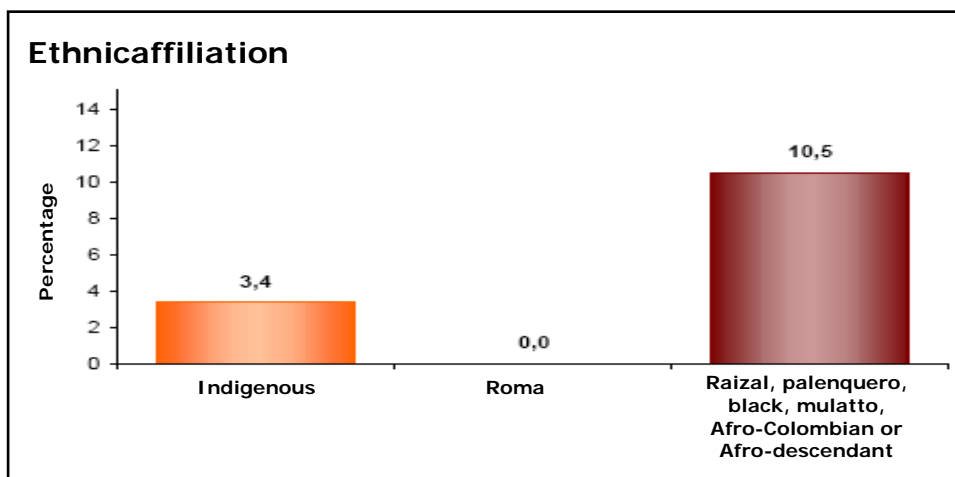
4. Colombia has a predominantly *mestizo* population (descendants of white Europeans, indigenous persons and Africans), although three major ethnic and social groups have been identified, based on geography and culture, as distinct from the rest of the population. These are the Afro-Colombian communities and the Raizal communities of San Andrés and Providencia, who make up 10.5 per cent of the total population; the indigenous peoples, who represent 3.4 per cent and the Roma or gypsies, who make up 0.01 per cent.<sup>2</sup> Specifically, in 2005, the national territory was inhabited by 1,392,623 indigenous persons (298,219 in urban areas and 1,094,404 in rural areas); 4,857 Roma (4,573 in urban areas and 284 in rural areas); 30,565 Raizales (17,328 in urban areas and 13,237 in rural areas); 7,470 Palenqueros (4,708 in urban areas and 2,762 in rural areas); and 4,273,723 black (3,110,301 in urban areas and 1,163,421 in rural areas).

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<sup>1</sup> National Department of Statistics. Censo 2005. Población Conciliada. Población a 30 de junio de 2005.

<sup>2</sup> 2005 Census. National Department of Statistics.

Figure 1



Source: 2005 Census. National Department of Statistics.

5. The Afro-Colombian populations (black, Afro-descendants, Raizales and Palenqueros) live mainly in the departments of Cauca (21.66 per cent of the total population), Chocó (73.62 per cent of the total population), Nariño (18.06 per cent of the total population) and the Cauca Valley (26.65 per cent of the total population) in the Pacific region of Colombia; in the department of Bolívar (27.1 per cent of the total population), in the Caribbean region, and in the archipelago of San Andrés and Providencia (56.84 per cent of the total population).

6. The departments with the highest percentages of indigenous population are in the Amazonian, Caribbean and Pacific regions, as follows: Amazonian (40.47 per cent of the total population), Cauca (21.03 per cent of the total population), Córdoba (10.33 per cent of the total population), Chocó (11.36 per cent of the total population), Guainía (61.69 per cent of the total population), La Guajira (42.41 per cent of the total population), Nariño (10.36 per cent of the total population), Putumayo (18.77 per cent of the total population), Sucre (10.88 per cent of the total population), Vaupés (58.1 per cent of the total population) and Vichada (39.61 per cent of the total population).

7. Spanish is the official language of Colombia. The languages and dialects of the ethnic groups are also official in the territories where they are spoken. The Political Constitution provides for bilingual education in communities that have linguistic traditions of their own. The country has a rich linguistic heritage. Approximately 68 native languages are spoken by around 850,000 persons, including 65 indigenous languages.<sup>3</sup>

8. The Raizal communities of San Andrés and Providencia belong to an Afro-Anglo-Antillean culture; English is their standard language, and San Andrés creole (patois) is their domestic language. Another Afro-Colombian creole, known as Palenquero, is spoken in San Basilio de Palenque, in the mainland Caribbean region of Colombia. The Roma groups, or gypsies, from eastern Europe speak their own language, Romany. Bilingual education is offered in the territories where these languages and dialects are official.

9. According to the National Department of Statistics, in 2005, the urban and rural distribution of communities whose mother tongue is not Spanish was as follows.

<sup>3</sup> Data supplied by the Ministry of Culture.

Table 1  
**Population whose mother tongue is not Spanish**

<i>Capital cities-Rest</i>	<i>Ethnic affiliation</i>	<i>Speak the language of their people</i>			<i>Total</i>
		<i>Yes</i>	<i>No</i>	<i>Not reported</i>	
Capital	Indigenous	78 006	213 373	2 223	<b>293 601</b>
	Roma	3 667	1 225	72	<b>4 964</b>
	Raizal of San Andrés and Providencia	10 770	7 537	63	<b>18 370</b>
	Palenquero	-	28	4 471	<b>4 500</b>
	<b>Total</b>	<b>92 443</b>	<b>22 2164</b>	<b>6 829</b>	<b>321 435</b>
Rest	Indigenous	527 468	544 499	22 072	<b>1 094 040</b>
	Roma	175	17	4	<b>196</b>
	Raizal of San Andrés and Providencia	11 724	1 307	73	<b>13 104</b>
	Palenquero	-	-	3 104	<b>3 104</b>
	<b>Total</b>	<b>539 367</b>	<b>545 824</b>	<b>25 254</b>	<b>111 0445</b>
<b>Total</b>	<b>Indigenous</b>	<b>605 474</b>	<b>757 872</b>	<b>24 295</b>	<b>1 387 641</b>
	<b>Roma</b>	<b>3 842</b>	<b>1 243</b>	<b>76</b>	<b>5 161</b>
	<b>Raizal of San Andrés and Providencia</b>	<b>22 494</b>	<b>8 844</b>	<b>136</b>	<b>31 474</b>
	<b>Palenquero</b>	<b>-</b>	<b>28</b>	<b>7 576</b>	<b>7 604</b>
	<b>Total</b>	<b>631 810</b>	<b>767 987</b>	<b>32 082</b>	<b>1 431 880</b>

10. Freedom of worship is enshrined in the Political Constitution of 199; thus, everyone has the right to freely profess their religion and to disseminate it individually or collectively. According to the Register of Religious Groups, there are currently around 5,315 religious organizations.<sup>4</sup> Nevertheless, Christianity is the predominant religion, and Catholicism is the majority Christian group.

11. According to data, projections and estimates prepared by the National Department of Statistics, the Ministry of Finance and Public Credit and the National Planning Department, the population of Colombia is distributed as follows.

## 2. Population indicators

12. As of 31 December 2013, the country had 47,121,089 inhabitants; of these, 35,869,246 live in urban areas and 11,251,843 in rural areas. The structure of the population by gender was 23,857,050 female and 23,264,039 male.

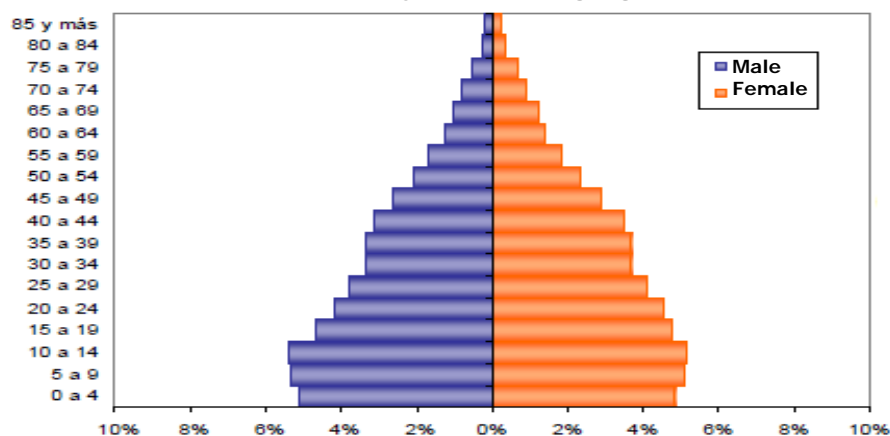
<sup>4</sup> Information taken from the survey on non-Catholic religious groups, updated to 19 March 2015.

Table 2  
**Population by sex and age group**

<i>Age group</i>	<i>Male</i>	<i>Female</i>
0-4	23 799 679	24 403 726
5-9	2 211 071	2 110 566
10-14	2 177 132	2 081 546
15-19	2 187 619	2 095 089
20-24	2 218 821	2 126 291
25-29	2 196 610	2 095 681
30-34	2 005 736	1 952 203
35-39	1 736 122	1 803 602
40-44	1 557 606	1 648 373
45-49	1 385 333	1 494 077
50-54	1 375 401	1 508 394
55-59	1 275 603	1 404 887
60-64	1 046 914	1 171 877
65-69	813 311	915 085
70-74	608 850	698 532
75-79	421 960	504 881
80 and over	297 544	387 074

Figure 2

**Structure of the population by sex and age group**



Source: National Department of Statistics.

13. During the period 2005 to 2010, the natural growth of the population (by thousands)<sup>5</sup> was 14.05, which is equivalent to an average growth rate (exponential)<sup>6</sup> of 11.78. Growth is projected at 13.07 for the period 2010 to 2015.

<sup>5</sup> The increase or decrease in the size of a population resulting from the effect of the balance between births and deaths (increase in relative figures).

14. In terms of population density, there were 37.56 persons per square kilometre in 2005, 38.01 in 2006, 38.46 in 2007, 38.92 in 2008, 39.38 in 2009 and 39.85 in 2010.

15. The number of births during the period from 2010 to 2013 were as follows: 2010: 654,627 (337,025 male and 317,602 female); 2011: 665,499 (341,406 male and 324,093 female); 2012 (projected): 674,881 (346,084 male and 328,797 female); 2013 (projected): 587,030 (301,266 male and 285,764 female).

16. The total number of deaths between 2010 and 2013 were: 2010: 200,524 (114,264 male, 86,250 female, 10 not specified); 2011: 195,823 (111,208 male, 84,590 female, 25 not specified); 2012 (projected): 198,244 (112,152 male, 86,047 female, 45 not specified); 2013 (projected): 156,509 (85,603 male, 70,899 female, 7 not specified).

17. Life expectancy at birth between 2009 and 2014 was 73.81 years (70.83 years for men and 76.94 years for women).

18. During the period 2005 to 2010, the average age of fertility was 27.5 years; it is projected at 27.7 years for the period 2010 to 2015. The overall fertility rate per woman during the period 2010 to 2015 is estimated at 2.35 live births, compared with the previous period, when it was 2.45; during the same period, the overall fertility rate per 1,000 was 71.5. Maternal deaths totalled 569 in 2004, 526 in 2005, 536 in 2006, 536 in 2007, 449 in 2008 and 510 in 2009.

19. The infant mortality rate (per 1,000 live births)<sup>7</sup> during the period from 2005 to 2010 was 19.9; in 2011, it was 17.78.

20. The following table shows the ten main causes of death between 2009 and 2011.

Table 3  
**Main causes of death among males, 2009–2011**

<i>Age group</i>	<i>Cause of death</i>
Under 1 year old	1) Breathing problems in newborns, 2) bacterial sepsis in newborns, 3) pneumonia, unspecified organism, 4) other congenital malformations of the heart, 5) neonatal aspiration syndrome, 6) neonatal diarrhoea and gastroenteritis, 7) other respiratory problems in newborns originating during the perinatal period, 8) congenital pneumonia, 9) necrotizing enterocolitis of fetuses and newborns, 10) other congenital malformations not classified elsewhere.
1 to 4 years	1) Pneumonia from an unspecified organism, 2) diarrhoea and gastroenteritis of presumed infectious origin, 3) unspecified severe protein-calorie malnutrition, 4) unspecified drowning and submersion, 5) other congenital malformations of the heart, 6) other specified drowning and submersion, 7) unspecified protein-calorie malnutrition, 8) other septicaemias, 9) lymphoid leukaemia, 10) death without assistance.

<sup>6</sup> The increase or decrease in the size of a population resulting from the effect of the balance between births and deaths, plus the contribution of net migration. This may also be calculated based on natural growth rates and net migration rates.

<sup>7</sup> The ratio of the number of deaths of infants under one year old in a given period to live births during the same period.

<i>Age group</i>	<i>Cause of death</i>
5 to 14 years	1) Aggression with shots from other firearms and unspecified weapons, 2) pneumonia from unspecified organism, 3) lymphoid leukaemia, 4) accident with unspecified type of vehicle, 5) pedestrian injured in other transportation accidents and in unspecified accidents, 6) drowning and submersion while in natural waters, 7) drowning and submersion, unspecified, 8) pedestrian injured by collision with heavy transport vehicle or bus, 9) malignant encephalic tumour, 10) pedestrian injured by collision with automobile, small truck or pick-up.
15 to 44 years	1) Aggression with other firearm and unspecified weapon, 2) aggression with sharp object, 3) accident with unspecified type of vehicle, 4) acute myocardial infarction, 5) aggression with handgun, 6) sickness from human immunodeficiency virus (HIV), 7) motorcyclist injured in other transport accidents and in unspecified accidents, 8) sickness from human immunodeficiency virus (HIV) with no other specification, 9) gunshot from other firearms and those not specified with undetermined intent, 10) intentional self-inflicted injury from hanging, strangulation or suffocation.
45 to 64 years	1) acute myocardial infarction, 2) aggression with shot from other firearms and unspecified weapons, 3) malignant stomach tumour, 4) unspecified diabetes mellitus, 5) malignant bronchial and lung tumour, 6) other chronic obstructive pulmonary diseases, 7) intra-encephalic haemorrhage, 8) malignant breast tumour, 9) malignant cervical tumour, 10) non-insulin dependent diabetes mellitus.
65 and over	1) acute myocardial infarction, 2) other chronic obstructive pulmonary diseases, 3) hypertensive cardiac disease, 4) other cerebrovascular diseases, 5) unspecified diabetes mellitus, 6) pneumonia from unspecified organism, 7) cardiac insufficiency, 8) malignant stomach tumour, 9) acute encephalic vascular accident not specified as haemorrhagic or ischemic, 10) intra-encephalic haemorrhage
Age unknown	1) Aggression with shot from other firearms and unspecified weapons, 2) unassisted death, 3) acute myocardial infarction, 4) unspecified event with undetermined intent, 5) aggression with sharp object, 6) other chronic obstructive pulmonary diseases, 7) cardiac insufficiency, 8) shot with other firearms and unspecified weapons with undetermined intent, 9) war operations, 10) unspecified diabetes mellitus.

Table 4  
**Main causes of death among females, 2009–2011**

<i>Age group</i>	<i>Cause of death</i>
Under 1 year old	1) Breathing problems in newborns, 2) bacterial sepsis in newborns, 3) pneumonia, unspecified organism, 4) other congenital malformations of the heart, 5) neonatal aspiration syndrome, 6) neonatal diarrhoea and gastroenteritis, 7) other respiratory problems in newborns originating during the perinatal period, 8) necrotizing enterocolitis of foetuses and newborns, 9) congenital pneumonia, 10) other congenital malformations not classified elsewhere.



<i>Age group</i>	<i>Cause of death</i>
1 to 4 years	1) Pneumonia from an unspecified organism, 2) diarrhoea and gastroenteritis of presumed infectious origin, 3) unspecified severe protein-calorie malnutrition, 4) other congenital malformations of the heart, 5) unspecified protein-calorie malnutrition, 6) unspecified drowning and submersion, 7) other specified drowning and submersion, 8) other septicaemias, 9) lymphoid leukaemia, 10) pneumonia caused by solids and liquids.
5 to 14 years	1) Pneumonia from an unspecified organism, 2) lymphoid leukaemia, 3) aggression with shots from other firearms and unspecified weapons, 4) accident with unspecified type of vehicle, 5) malignant brain tumour, 6) pedestrian injured in other transportation accidents and in unspecified accidents, 7) drowning and submersion while in natural waters, 8) cerebral palsy, 9) pedestrian injured by collision with heavy transport vehicle or bus, 10) myeloid leukaemia.
15 to 44	1) Aggression with shots from other firearms and unspecified weapons, 2) malignant cervical tumour, 3) malignant breast tumour, 4) acute myocardial infarction, 5) aggression with sharp object, 6) accident with unspecified type of vehicle, 7) systemic lupus erythematosus, 8) malignant stomach tumour, 9) disease from human immunodeficiency virus (HIV), 10) pneumonia from unspecified organism.
De 45 a 64	1) Acute myocardial infarction, 2) malignant breast tumour, 3) malignant cervical tumour, 4) unspecified diabetes mellitus, 5) malignant stomach tumour, 6) intra-encephalic haemorrhage, 7) other chronic obstructive pulmonary diseases, 8) malignant bronchial and lung tumour, 9) subarachnoid haemorrhage, 10) non-insulin dependent diabetes mellitus.
65 and over	1) Acute myocardial infarction, 2) other chronic obstructive pulmonary diseases, 3) unspecified diabetes mellitus, 4) hypertensive cardiac disease, 5) other cerebrovascular diseases, 6) pneumonia from unspecified organism, 7) cardiac insufficiency, 8) acute encephalic vascular accident not specified as haemorrhagic or ischemic, 9) intra-encephalic haemorrhage, 10) malignant stomach tumour.
Age unknown	1) Acute myocardial infarction, 2) unassisted death, 3) aggression with shot from other firearms and unspecified weapons, 4) other chronic obstructive pulmonary diseases, 5) unspecified diabetes mellitus, 6) cardiac insufficiency, 7) pneumonia from unspecified organism, 8) other cerebrovascular diseases, 9) hypertensive cardiac disease, 10) intra-encephalic haemorrhage.

### 3. Economic indicators

21. As of 28 February 2015, the domestic public debt was 200.231 billion Colombian pesos (24.4 per cent of the projected gross domestic product [GDP] projected for 2014), while the external debt was US\$38.964 billion (11.8 per cent of GDP projected for 2014, for a total of 297.040 billion Colombian pesos (36.2 per cent of GDP projected for 2014)).<sup>8</sup>

22. The gross domestic product in millions of Colombian pesos is shown in the following table:

<sup>8</sup> Data supplied by the Ministry of Finance and Public Credit.

Table 5  
Gross domestic product

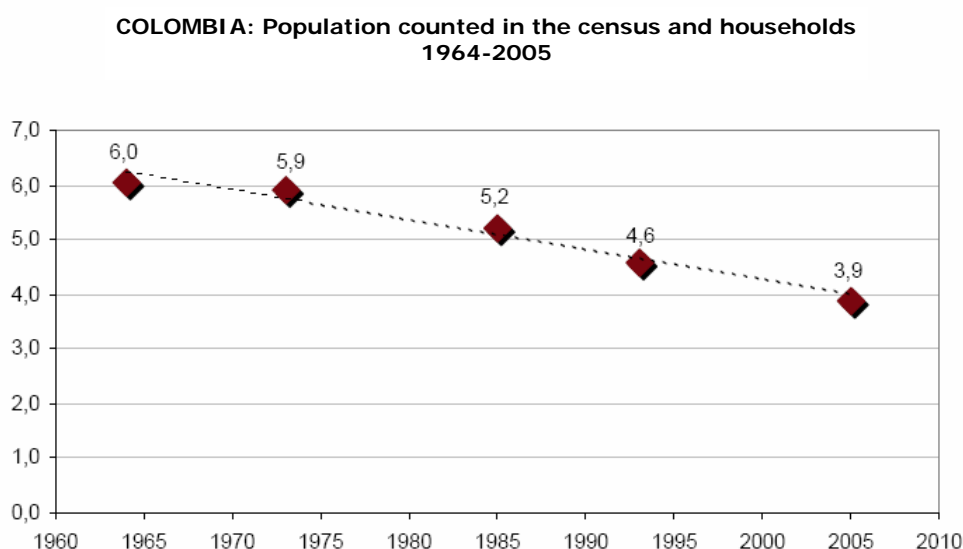
Year	GDP	Growth (%)
2009	504 647	1.5
2010	544 924	5.1
2011	621 615	6.6
2012	665 552	3.1
2013	706 677	4.3

23. The rate of potential economic dependency at the national level (per 1,000)<sup>9</sup> in 2005 was 594.07; in 2010, it was 546.07 (Ministry of Finance and Banking).

24. The average size of households in Colombia is declining, as shown below.

Figure 3

**Population counted in the census and households, 1964–2005**



Source: National Department of Statistics.

25. In 2010, 45 per cent of the population was living in poverty, in 2012, 32.7 per cent were poor, and in 2013, 30.6 per cent (source: National Department of Statistics).

26. The Gini coefficient was 0.548 (0.526 in the capital and 0.459 in the rest) in 2011; it was 0.539 (0.514 in the capital and 0.465 in the rest) in 2012; in 2013, it was 0.539 (0.517 in the capital and 0.446 in the rest) (source: National Department of Statistics).

27. Between 2012 and 2013, the labour force participation rate<sup>10</sup> and the unemployment rate fell in all categories. At the national level, the labour force participation rate

<sup>9</sup> Ratio of the population considered dependent (under 15 years old and over 65) to the population defined as economically productive or “potentially productive” (ages 15 to 64); i.e., X persons of dependent age for every 1,000 persons of productive age.

<sup>10</sup> Ratio of the economically active population to the population of working age.

was 64.2 per cent in 2013, 0.4 percentage points lower than in 2012, while the unemployment rate in 2013 was 9.6 per cent, 0.7 percentage points lower than in 2012 (*source*: National Department of Statistics).

28. Union membership of workers was 3 per cent in 2007, 2.4 per cent in 2008, 2.2 per cent in 2009 and 2.3 per cent in 2010.

29. In 2013, the average per capita income nationwide was 537,720 Colombian pesos. This means that on average, in 2013, a family of four received a monthly income of 2,150,880 Colombian pesos. If the family lived in a capital city, it received 2,539,232 Colombian pesos, and in the rest, its income was 875,028 Colombian pesos (*source*: National Department of Statistics).

30. The distribution of the working population by branch of economic activity between 2006 and 2010 is shown in the following table:<sup>11</sup>

Table 6

**Distribution of the working population by branch of economic activity, 2006–2010**

<i>Economic activity</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
<b>Total employed workers nationwide</b>	<b>16 898</b>	<b>16 768</b>	<b>17 448</b>	<b>18 427</b>	<b>19 140</b>
Not reporting	694	12	25	13	9
Agriculture, fisheries, livestock, hunting and forestry	2 999	2 918	3 170	3 428	3 496
Mining and quarrying	192	178	202	184	230
Manufacturing	2 197	2 287	2 316	2 419	2 470
Electricity, gas and water	78	71	74	79	92
Construction	842	892	888	968	106
Commerce, hotels and restaurants	4 133	4 258	4 493	4 770	5 026
Transport, storage and communications	1 268	1 408	1 454	1 536	1 615
Financial intermediation	208	227	223	221	240
Real estate	808	947	1 119	1 192	1 205
Community, social and personal services	3 479	3 572	3 485	3 618	3 731

31. According to the National Survey of Income and Expenditures for 2006 and 2007, food, housing, health care and education accounted for 43 per cent of a family's expenditures.

32. The following table shows the trend in the consumer price index.

Table 7

**Consumer Price Index**

<i>Period</i>	<i>Yearly index</i>	<i>Yearly % variation</i>
2010	105.24	3.17
2011	109.15	3.73
2012	111.81	2.44

<sup>11</sup> Figures are rounded to thousands; because of rounding, totals may differ slightly.

<i>Period</i>	<i>Yearly index</i>	<i>Yearly % variation</i>
2013	113.98	1.94
2014	114.53	3.66
2015*		1.80

\* Data as of February.

#### 4. Social indicators

33. Net coverage and desertion rates in primary and secondary education and the teacher-student ratio are shown in the following table (Ministry of Education).

Table 8

#### Net coverage and desertion rates in primary and secondary education, student/teacher ratio

<i>Year</i>	<i>Primary basic</i>		
	<i>Net coverage rate (%)<sup>a</sup></i>	<i>Desertion rate (%)</i>	<i>Students/teachers<sup>b</sup></i>
2004	89.9	6.42	28
2005	91.1	6.17	27
2006	91.5	5.71	27
2007	91.4	5.38	27
2008	90.6	4.98	27
2009	90.2	--	27
2010 <sup>c</sup>	89.66	--	26
2011	89.35		
2012	87.10		

<i>Year</i>	<i>Secondary and Intermediate Basic</i>		
	<i>Net coverage rate (%)<sup>d</sup></i>	<i>Desertion rate (%)</i>	<i>Teachers/students<sup>b</sup></i>
2004	58.3	Secondary: 6.7 Intermediate: 4.4	22
2005	63.2	Secondary: 5.7 Intermediate: 3.6	23
2006	66.1	5.06	23
2007	67.8	5.05	23
2008	69.8	4.88	23
2009	71.1	--	23
2010c	71.5	--	24
2011			

*Source:* Research on Formal Education-Form C600, National Department of Statistics. Population projections, National Department of Statistics. Estimates: Research on Formal Education, National Department of Statistics.

<sup>a</sup> Net coverage rate: number of students enrolled during the period (t) at educational level (n) at the right age for level (n)/number of persons during period (t) in the age range for level (n). Age ranges: Primary: 6 to 10 years; Secondary and Intermediate: 11 to 16 years. Includes Advanced Placement levels.

<sup>b</sup> Number of students enrolled at level (n)/number of teachers with highest academic load at level (n).

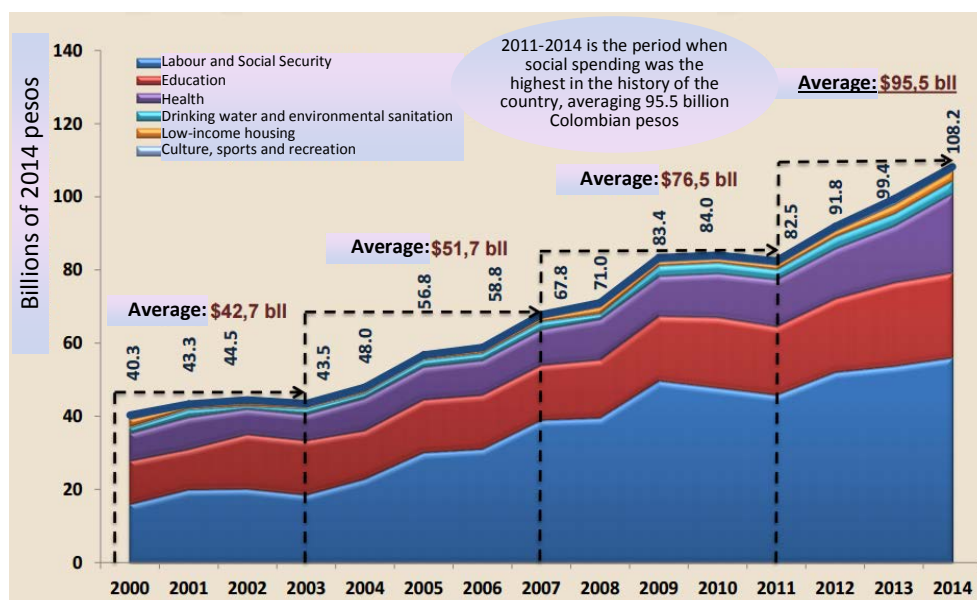
<sup>c</sup> Information gathered without adjusting for coverage.

<sup>d</sup> Includes cycles for adults (C3, C4, C5, C6).

34. Literacy rates were as follows: 87.1 per cent in 2007, 87.6 per cent in 2008, 87.5 per cent in 2009 and 87.6 per cent in 2010 (Ministry of Education).

35. Spending on social programmes<sup>12</sup> during the period from 2011 to 2014 was the highest in the history of the country, averaging 95.5 billion Colombian pesos per year (Ministry of Finance).

Figure 4  
Social spending, 2000–2014



## B. Constitutional, political and legal structure of the State

36. The main legal and political framework of the country is the Political Constitution of 1991, article 1 of which states that Colombia is a “social State under the rule of law, organized in the form of a unitary republic, decentralized, with autonomy of its territorial units, democratic, participatory, and pluralistic, based on respect for human dignity, the work and solidarity of the individuals who belong to it, and the prevalence of the general interest”.<sup>13</sup>

<sup>12</sup> This category includes spending on education, the environment, social protection, recreation, sports and culture, health, and housing and public spaces.

<sup>13</sup> Republic of Colombia, *Constitución Política de Colombia, 1991*.

37. The purpose of the Political Constitution of 1991 was to create in the country an institutional architecture that would provide independence and balance among the three branches of public power, in order to foster greater transparency and competence in the discharge of public duties. The executive branch, the legislative branch and the judiciary, as well as other autonomous and independent entities, were established in order to avoid any concentration of power.<sup>14</sup> The authorities of the indigenous peoples are able to perform their duties within their jurisdictions.

### **Structure of the Colombian State**

38. To provide further information on the architecture of the Colombian State, following is a description of the three branches of public power.

#### **The executive branch**

39. The executive branch is headed by the President of the Republic, who is the Head of Government and Supreme Administrative Authority. The executive branch is comprised of the ministers in the Office of the President, directors of administrative departments, governors' offices, departmental assemblies, mayoral offices, municipal councils, supervisory bodies, public institutions and State-owned industrial and commercial enterprises.

40. The President of the Republic is elected by popular vote for a period of four years, as is the Vice-President. Pursuant to the transitional paragraph of article 197 of the Political Constitution, as amended by article 2 of Legislative Act 2 of 2004, "a person who serves or has served as President of the Republic before the entry into force of the present Legislative Act<sup>15</sup> [number 2 of 2004] may only be elected for one further term as President". The most recent presidential elections were held in May (first time) and June (run-off) of 2014, and resulted in the election of Dr. Juan Manuel Santos Calderón for the term from 2014 to 2018.<sup>16</sup>

41. The Administrative Department of the Office of the President of the Republic is responsible for coordinating, monitoring and administering the different units in the Office of the President. Act 55 of 1990 establishes the special nature of this department, stipulating that it is to be headed by the Secretary-General, who acts as its director. Decree 1649 of 2014 states that the administrative sector of the Office of the President of the Republic is made up of the Administrative Department of the Office of the President of the Republic, a related entity, the Virgilio Barco Vargas National Urban Renewal and Development Enterprise, and three subsidiary bodies, the Colombian Agency for the Reintegration of Armed Persons and Groups, the National Unit for Disaster Risk Management and the Presidential Agency for International Cooperation of Colombia – APC COLOMBIA.<sup>17</sup>

42. Decree 1649 of 2014, changing the structure of the Administrative Department of the Office of the President of the Republic, states that the main duties of the director are: (1) to assist in the formulation of public policies by the President of the Republic, in his or her capacity as Head of Government and supreme administrative authority; (2) to assist the

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<sup>14</sup> Political Constitution of Colombia, 1991. Title V.

<sup>15</sup> This is the designation used in Colombia for amendments to the Political Constitution that are enacted by the Congress of the Republic.

<sup>16</sup> For further information, see the website of the National Civil Registry Office, <http://www.registraduria.gov.co/-Elecciones-2014,1995-.html>.

<sup>17</sup> See article 1 of Decree 394 of 2012, which provides for partial reorganization of the Administrative Department of the Office of the President of the Republic.

President in the performance of his or her duties in connection with the public authorities and other agencies or authorities referred to in the Political Constitution; (3) to deal with relations with the public authorities and other agencies or authorities referred to in the Political Constitution, following the guidelines established by the President of the Republic.

43. The Department director is also responsible for formulating an approach to government that is consistent with the guidelines laid down by the President of the Republic, which in the case of President Juan Manuel Santos are based on the three pillars of peace, equity and education, which guide the National Development Plan (2014–2018) that is currently under consideration by the Congress of the Republic. In working towards these goals, every effort is being made to adhere to the principles of good government, efficiency and transparency while at the same time fighting corruption.

44. In order to fulfil these priorities, the Department was reorganized by the aforementioned Decree 1649 of 2014. Agencies were created to provide cross-cutting coordination of all stakeholders working to achieve the Government's objectives and priorities, as follows:

- Coordinated by the Office of the Director:
  - Secretariat of Transparency;
  - Presidential Advisory Office on Equity for Women;
  - Directorate for Political Affairs;
  - Directorate of the Colombia Joven (Young Colombia) National Youth System.
- Coordinated by the Office of the Minister Advisor to the Government and the Private Sector:
  - Presidential Advisory Office for Early Childhood;
  - Presidential Advisory Office for the Competitiveness and Innovation System;
  - Directorate for Government Implementation and Strategic Areas;
  - Directorate for Public Policies;
  - Directorate for the Regions.
- Coordinated by the Office of the Minister Advisor for the Post-Conflict Period, Human Rights and Security:
  - Presidential Advisory Office for Human Rights;
  - Directorate for Comprehensive Action against Antipersonnel Mines;
  - Directorate of Security;
  - Directorate for the Post-Conflict Period.
- Office of the High Commissioner for Peace.

45. In addition to the minister advisors, the directors and the High Commissioner, the Office of the President of the Republic has five secretariats — the Press Secretariat, the Private Secretariat, the Transparency Secretariat, the Legal Secretariat and the Secretariat for Presidential Security — which contribute to the proper and timely fulfilment of the duties constitutionally and legally assigned both to the entity concerned and to the President of the Republic.

46. The Political Constitution provides that the President of the Republic may entrust certain matters to the Vice-President. Accordingly, the Vice-President is currently in charge of special projects, infrastructure and housing.

47. The ministers and department heads are appointed directly by the President of the Republic. It is their responsibility to formulate policies pertaining to their portfolio, direct administrative operations and apply the law.<sup>18</sup> The number and titles of these officials are established in Act 1444 of 2011, which sets the number of ministries at 16. Following is a list of the titles, order and ranking of the ministries, as well as the most recent changes made in the subsidiary bodies.

#### *Ministry of the Interior*

48. Pursuant to article 2 of Act 1444 of 2011, the Ministry of the Interior and Justice was reorganized and renamed as Ministry of the Interior. Decree 2893 of 2011 changes the objectives, structure and duties of the Ministry and describes its functions as follows: To formulate, adopt, direct, coordinate and implement public policies, plans, programmes and projects in areas such as human rights, international humanitarian law, integration of the Nation with the territorial entities, citizen security and social harmony, ethnic affairs, lesbian, gay, bisexual, transsexual and intersex (LGBTI) issues, vulnerable populations, prior consultation and copyright and related rights, all to be carried out through the institutional structure of the administrative sector.<sup>19</sup>

49. Decree 4065 of 2011 created the National Protection Unit within the Ministry of the Interior, with the aim of coordinating and implementing protection services for persons who, because of their political, public, social, humanitarian, cultural, ethnic or gender-related activities, circumstances or situations or because of their being victims of violence, displaced persons or human rights activists are deemed by the national Government to be at extraordinary or extreme risk of suffering harm against their life, personal integrity and security, or who because they have a government job or carry out other activities that might generate extraordinary risk, such as leading trade unions, non-governmental organizations (NGOs) or groups of displaced persons, and to guarantee the timeliness, efficiency and suitability of the measures provided.

#### *Ministry of Foreign Affairs*

50. Decree 3355 of 2009 (as amended by Decree 2674 of 2013) provides that the Ministry of Foreign Affairs, under the direction of the President of the Republic, is responsible for formulating, planning, coordinating, implementing and evaluating foreign policy and international relations and administering the foreign service.

51. Decree 4062 of 2011 created the Special Administrative Unit as a civilian security agency, called Migración Colombia, within the Ministry of Foreign Affairs, to perform duties pertaining to surveillance and control of migration and aliens within the context of national sovereignty and in accordance with the laws and policies on the subject laid down by the national Government.

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<sup>18</sup> See article 208 of the Political Constitution of Colombia.

<sup>19</sup> Republic of Colombia, Decree 2893 of 2011, article 1. Modifying the objectives, organizational structure and functions of the Ministry of the Interior and integrating the administrative sector of the Ministry of the Interior.



*Ministry of Finance and Public Credit*

52. This Ministry is responsible for defining, formulating and implementing the country's economic policy and related general plans, programmes and projects, as well as for drafting laws, decrees and regulations pertaining to fiscal, tax, customs, public credit, budget, treasury, cooperatives, finance, exchange rates, monetary and credit policies, without detriment to the powers conferred on the Board of Directors of the Bank of the Republic.

53. Decree 575 of 2013 changed the structure of the Special Administrative Unit for Pension Management and Parafiscal Contributions of the Social Protection System. This national administrative entity has legal standing, administrative autonomy and independent assets. It is the unit of the Ministry of Finance and Public Credit that is in charge of recognizing and administering the pension entitlements and economic benefits managed by agencies representing specific groups of civil servants who are covered by the special pension system known as *Régimen de Prima Media con Prestación Definida* (average premium with specific entitlements system) at the national level or entities of the national Government that are undergoing liquidation or when liquidation or cessation of the activity has been ordered. The decree also outlines the organizational structure, functions and domicile of the aforementioned entity.

*Ministry of Justice and Law*

54. Article 2 of Act 1444 of 2011 reorganized the Ministry of the Interior and Justice and renamed it Ministry of Justice and Law. Decree 2897 of 2011 establishes the objectives, structure and functions of the Ministry, which is responsible for formulating, adopting, directing, coordinating and implementing public policies pertaining to the legal order, defence and legal certainty, access to the courts and alternative mechanisms, fighting crime, transitional judicial mechanisms, crime prevention and control, matters relating to jails and prisons, promotion of a culture of lawfulness, harmony and respect for rights.

55. Decree 3183 of 2011 eliminated and ordered the liquidation of the National Narcotics Directorate, which had been a unit of the Ministry of Justice and Law and had legal standing, administrative and budgetary autonomy and independent assets. The deadline set for liquidation of the National Narcotics Directorate was 31 December 2013.

56. The National Agency for the Legal Defence of the State was created by Decree 4085 of 2011 as a special administrative unit of the Ministry of Justice and Law. It is charged with designing strategies, plans and actions for implementing the national Government's policies on the legal defence of the Nation. It is responsible for formulating, evaluating and disseminating policies on legal defence, prevention of unlawful conduct by civil servants and public entities and of actions that undermine law of order. It is also responsible for directing, coordinating and carrying out actions designed to protect the legal processes of the nation.

57. The Prison Services Unit was created by Decree 4150 of 2011 as a special administrative unit of the Ministry of Justice and Law. It is responsible for procuring and supplying goods and services, infrastructure and logistical and administrative support for prisons and jails operated by the National Prisons Institute.

*Ministry of National Defence*

58. The Ministry of National Defence is responsible for formulating and adopting plans, programmes and projects pertaining to the administrative sector of national defence, to defend the sovereignty, independence and territorial integrity of the country, and to maintain the constitutional order and guarantee democratic harmony. Decree 4890 of 2011 (as amended by Decree 2758 of 2012) partially modifies the structure of the Ministry of

National Defence, developing the organization chart and defining the responsibilities of the following individual units: Office of the Minister, Office of the Vice-Minister for International Policies and Affairs, Office of the Vice-Minister for Strategy and Planning, General Secretariat, the advisory and coordination body, and the Office of the Vice-Minister for the Entrepreneurial Social Group of the Defence Sector, and wellbeing.

59. One of the most recent changes to the Ministry was made by Decree 4177 of 2011, creating a unit to coordinate the entities that make up the defence sector. This agency, known as the Entrepreneurial Social Group of the Defence Sector, is responsible for guaranteeing and facilitating the implementation and execution of sectoral policies in a consistent and synchronized manner according to unified strategic criteria.

#### *Ministry of Agriculture and Rural Development*

60. This ministry is responsible for formulating, coordinating and adopting policies, plans, programmes and projects in the agriculture, fisheries and rural development sector.

61. The Special Administrative Unit for Restitution of Misappropriated Lands was created within the Ministry of Agriculture and Rural Development by Decree 4801 of 2011. The Unit has legal standing, administrative autonomy and independent assets. Its fundamental purpose is to serve as the national Government's administrative unit in charge of the restoration of misappropriated lands, based on the provisions of Act 1448 of 2011, on reparations (legal and material restitution of real property, restitution by equivalency or recognition of compensation).

62. Decree 4181 of 2011 removed from the Ministry of Agriculture and Rural Development the responsibilities established in article 40 of Act 13 of 1990 and other responsibilities assigned to the Colombian Institute for Rural Development in article 3, paragraph 5; article 4, paragraphs 22, 23 and 24; and article 32, paragraph 16 of Decree 3759 of 2009. The National Aquaculture and Fisheries Authority was set up to exercise authority over fisheries and aquaculture. It is responsible for planning, research, land management (*ordenamiento*), promotion, regulation, registry, information, inspection, surveillance and monitoring of fisheries and aquaculture. It applies such sanctions as may be appropriate, in a manner consistent with the promotion and sustainable development of those resources.

#### *Ministry of Health and Social Protection*

63. Article 6 of Act 1444 of 2011 removed from the Ministry of Social Protection the objectives and responsibilities assigned to the Office of the Vice-Minister for Health and Social Welfare and the responsibilities associated with the Office of the Vice-Minister for Technical Matters. Accordingly, the Office of the Minister was reorganized and renamed Ministry of Health and Social Protection. As stipulated in Decree 4107 of 2011, this Ministry is responsible for formulating, adopting, directing, coordinating, implementing and evaluating public policies in the area of health, public health and health-related social promotion, and for participating in the formulation of policies pertaining to pensions, periodic economic benefits and workmen's compensation. It is also charged with directing, orienting, coordinating and evaluating the General System of Social Security in the Area of Health and the General System of Workmen's Compensation.

64. Decree 4109 of 2011 provides for changing the legal nature of the National Health Institute; thus, instead of being a public agency, it is now a unit of the Ministry of Health and Social Protection known as the Scientific and Technical Institute. It is responsible for: (a) developing and managing scientific knowledge in the area of health and biomedicine with a view to improving health; (b) conducting basic and applied scientific research in health and biomedicine; (c) promoting scientific research and innovation and designing

studies based on the public health priorities of which it has knowledge; (d) health surveillance and security in the areas of its competence, producing inputs and biologics; (e) serving as the national reference laboratory and coordinating special networks within the framework of the General System of Social Security in the Area of Health and the System of Science, Technology and Innovation.

65. The Intersectoral Commission for the Central Register of Participants in the Comprehensive Social Security and Social Protection System was created by Decree 0540 of 2012 to coordinate implementation of the System. The Intersectoral Commission is presided over by the Minister of Health and Social Protection or his or her representative; its other members are the Minister of Finance and Public Credit or his or her representative; the Minister of Labour or his or her representative and the Minister of Information and Communication Technology or his or her representative.

#### *Ministry of Labour*

66. The Ministry of Labour was created by Act 1444 of 2011, which removed from the Ministry of Social Protection the objectives, responsibilities and issues assigned under existing legislation to the Office of the Vice-Minister of Health and Welfare, as well as the responsibilities assigned to the Office of the Vice-Minister for Technical Matters. Decree 4108 of 2011 defines the objectives of the Ministry of Labour as follows: To formulate and adopt policies, general plans, programmes and projects pertaining to labour, respect for fundamental rights, worker guarantees and the strengthening, promotion and protection of activities of the solidarity economy and decent work.

67. The legal structure of the Colombian Pensions Administration was modified by Decree 4121 of 2011 to that of an industrial and commercial State enterprise. As a special financial entity within the Ministry of Labour, it is responsible for granting the entitlements and benefits established by the general Social Security system referred to in article 48 of the Political Constitution.

#### *Ministry of Mines and Energy*

68. The structure of the Ministry of Mines and Energy was modified by Decree 0381 of 2012 (as amended by Decree 2881 of 2013 and Decree 1617 of 2013). The objective of the Ministry is to formulate, adopt, direct and coordinate policies, plans and programmes in the mining and energy sector.

#### *Ministry of Commerce, Industry and Tourism*

69. The objectives of this Ministry are to formulate, adopt, direct and coordinate general policies on the economic and social development of the country in terms of competitiveness, integration and development of the production sectors and to implement policies, general plans, programmes and projects in the area of foreign trade. Some of the responsibilities of the Ministry of Commerce, Industry and Tourism were reassigned by Decree 4176 of 2011 to the Administrative Department of National Taxes and Customs, which administers the register of contracts for imports of technology and exports of services.

#### *Ministry of National Education*

70. Decree 5012 of 2009 stipulates that the objectives of the Ministry are to establish policies and guidelines to guarantee access to public education and the quality of education in Colombia.

*Ministry of the Environment and Sustainable Development*

71. Article 11 of Act 1444 of 2011 removed from the Ministry of the Environment, Housing and Territorial Development the objectives and responsibilities assigned under current legislation to the Office of the Vice-Minister for Housing and Territorial Development and the Office of the Vice-Minister for Water and Basic Sanitation and to the agencies working under them. In that regard, the Ministry of the Environment, Housing and Territorial Development was reorganized by article 12 of the aforementioned Act and renamed Ministry of the Environment and Sustainable Development. Its objectives and structure are outlined in Decree 3570 of 2011, which assigns it responsibility for orienting and regulating the environmental management of the territory and establishing policies and regulations for the recovery, conservation, protection, land use, management and sustainable development of the renewable natural resources and the environment of the nation.

72. The Special Administrative Unit on Natural National Parks of Colombia was created by Decree 3572 of 2011 as a unit of the Environment and Sustainable Development Sector. It is responsible for administering and managing the Natural National Parks System and coordinating the National System of Protected Areas. Finally, Decree 3573 of 2011 created a special administrative unit at the national level, called the National Environmental Licensing Authority, as part of the Administrative Sector for the Environment and Sustainable Development. The National Environmental Licensing Authority is responsible for ensuring that projects, works and activities that are subject to licensing, permits or other procedures fulfil the environmental regulations such that they contribute to the sustainable environmental development of the country.

*Ministry of Housing, Cities and Territories*

73. Article 11 of Act 1444 of 2011 removed from the Ministry of the Environment, Housing and Territorial Development the objectives and responsibilities assigned under existing legislation to the Office of the Vice-Minister for Housing and Territorial Development and the Office of the Vice-Minister for Water and Basic Sanitation. Article 14 of the Act created the Ministry of Housing, Cities and Territories, assigning to it the objectives and responsibilities that were separated from the Ministry of the Environment, Housing and Territorial Development. Decree 3571 of 2011 established the objectives, structure and functions of the new ministry.

*Ministry of Technology and Communications*

74. This ministry was reorganized by Decree 091 of 2010, which assigned to it the following objectives: (a) to design, formulate, adopt and promote policies, plans, programmes and projects on information and communications technology (ICT); (b) to promote the use and appropriation of ICTs by citizens, businesses, the government and other national bodies; (c) to define policy and to manage, plan and administer the radioelectric spectrum and postal and related services.

*Ministry of Transportation*

75. Decree 087 of 2011 stipulates that this ministry is responsible for formulating and adopting policies, plans, programmes, projects and economic regulations for transportation, traffic and infrastructure for road, maritime, river, rail and air transport.

*Ministry of Culture*

76. This ministry is responsible for formulating, coordinating, implementing and monitoring State policies in the area of culture, sports, recreation and leisure. In 2012, the

National Council on Economic and Social Policy adopted the plan known as CONPES 152, which sets priorities for the use of resources under the Sistema General de Participaciones (the system for allocation of government funds) for comprehensive early childhood services and enables the culture sector to provide furniture for children's reading rooms in the national network of public libraries.

77. As regards the administrative departments, the following changes were made recently:

- Decree 4152 of 2011 removed from the Presidential Agency for Social Action and International Cooperation – Social Action the objectives and responsibilities for coordination and promotion of international cooperation in Colombia, and created the special administrative unit called Presidential Agency for International Cooperation of Colombia, within the Administrative Department of the Office of the President of the Republic. This Agency is a national-level decentralized entity within the executive branch; it has legal standing, administrative and financial autonomy and its own assets. Its objective is to arrange for, guide and provide technical coordination of public, private, technical and non-reimbursable international cooperation received by and granted by the country.
- Under Decree 4155 of 2011, the Presidential Agency for Social Action and International Cooperation – Social Action was revamped as the Administrative Department for Social Prosperity, within the Administrative Sector for Social Inclusion and Reconciliation. The objective of this entity is, within the framework of its competencies and the law, to formulate, adopt, direct, coordinate and implement policies, general plans, programmes and projects for poverty eradication, social inclusion, reconciliation, restoration of territories, services for vulnerable groups, disabled population, social and economic reintegration, services to and reparations for victims of violence, under the terms of article 3 of Act 1448 of 2011. The Administrative Department for Social Inclusion and Reconciliation carries out its responsibilities directly or through subsidiary or affiliated entities, working in coordination with other competent entities or agencies. The following decrees define the subsidiary bodies of this administrative department. The Administrative Sector for Social Inclusion and Reconciliation was reorganized as follows:
  - Decree 4156 of 2011 establishes the Colombian Family Welfare Institute as a unit within the Administrative Department for Social Prosperity. The purpose of the Colombian Family Welfare Institute is to prevent risks or threats and to protect the children and adolescents of the country.
  - Decree 4157 of 2011 establishes the Comprehensive Victim Support and Reparation Unit within the Administrative Department for Social Prosperity. Decree 4802 of 2011 lays down the structure for this unit, which is responsible for coordinating the National System for Comprehensive Victim Support and Reparation and for implementing public policies on comprehensive victim support, assistance and reparation on the terms established by law.
  - Decree 4158 of 2011 establishes the Centre for Historical Memory as a unit of the Administrative Department for Social Prosperity and provides for the reorganization of the Administrative Sector for Social Inclusion and Reconciliation. Decree 4802 of 2011 lays down the structure of the Centre for Historical Memory, the responsibility of which is to receive, recover, preserve, compile and analyse all documentation, oral testimonies and other information relating to violations that occurred during the internal armed conflict.

- Decree 4160 of 2011 creates the special administrative unit known as the National Agency for the Eradication of Extreme Poverty within the Administrative Sector for Social Inclusion and Reconciliation. It is charged with participating, along with other competent entities and territorial units, in the formulation of public policy for the eradication of extreme poverty and coordinating implementation of the national strategy for the eradication of extreme poverty in conjunction with public and private stakeholders and promoting social innovation, among other things.
  - Decree 4161 of 2011 creates the Special Administrative Unit for Territorial Consolidation within the Administrative Department for Social Prosperity, which belongs to the Sector for Social Inclusion and Reconciliation. Its purpose is to implement, execute and monitor implementation of the National Policy on Territorial Consolidation and to channel and coordinate differentiated institutional intervention in the regions targeted for consolidation and in areas affected by illicit crops.
  - Finally, Act 1532 of 2012 was passed to regulate the operations of the Families in Action Programme, which is directed and coordinated by the Administrative Department for Social Prosperity. The Families in Action Programme is responsible for helping to eradicate and prevent poverty and train human capital by providing direct cash allowances to beneficiary families.
- Another change in administrative departments was effected with Decree 4057 of 2011, eliminating the Administrative Department for Security, and Decree 4179 of 2011, creating the administrative department known as the National Directorate of Intelligence. This directorate is a civilian security agency that carries out strategic intelligence and counter-intelligence activities with the aim of protecting the rights and freedoms of citizens and residents of Colombia. The National Directorate of Intelligence also works to prevent and counteract internal or external threats against the democratic system, the constitutional and legal order, security and national defence, as well as to fulfil requests in the area of intelligence made by the President of the Republic and high government authorities in order to achieve the essential purposes of the State, in accordance with the law.
  - Decree 1832 of 2012 reorganized the National Planning Department and charged it with coordinating and designing public policies and the budget for investment resources, coordinating planning by government entities at the national and other levels; preparing, monitoring implementation, and evaluating the outcomes of policies, plans, programmes and projects in the public sector. It continually monitors the national and international economy and proposes studies, plans, programmes and projects for the advancement of economic, social, institutional and environmental development and promotes the regional convergence of the country.

78. The executive branch is comprised of the governors and deputies of departmental assemblies and municipal mayors and council members, who are elected by popular vote for four-year terms. The last elections were held on 30 October 2011 for the purpose of electing governors for the 32 departments, deputies for the departmental assemblies, mayors of 1,099 municipalities, and municipal councillors and members (*ediles*) of Local Administrative Boards throughout the country.

79. The executive branch also includes public institutions, supervisory bodies and State-owned and mixed industrial and commercial enterprises.

### The legislative branch

80. The main legislative body in Colombia is the Congress of the Republic. In accordance with articles 114 and 150 of the Political Constitution, the Congress is responsible, in particular, for presenting, discussing, processing and adopting bills which are then sent to the national Government for approval. The Congress of the Republic also has other responsibilities, in particular, adopting amendments to the Constitution, exercising political control over the national Government and the Administration, and carrying out certain administrative duties.

81. The Congress of the Republic is divided into two chambers: the Senate of the Republic and the Chamber of Representatives. Senators and Representatives are democratically elected for four-year terms.

82. In exceptional cases, the Congress of the Republic performs judicial duties, as it may judge or impeach State officials to hold them politically accountable. It has electoral responsibilities, as it elects some officials, such as the Comptroller-General of the Republic, the Counsel-General of the Republic, the judges of the Constitutional Court and of the Jurisdictional Disciplinary Division of the High Council of the Judiciary, the Ombudsman and the Vice-President of the Republic when there is a permanent vacancy; it exercises oversight of public officials and is empowered to summon anyone to make statements on matters or events that are being investigated by its committees. It also carries out administrative and protocol-related duties.

83. The upper chamber or Senate, is made up of 100 senators who are elected by the national constituency and two additional senators who are elected by special constituencies for indigenous populations.

84. The lower chamber, or Chamber of Representatives, is currently made up of 166 representatives who are elected by territorial constituencies and special constituencies (Afro-Colombian, indigenous, Colombians abroad and political minorities). Representatives may be re-elected for subsequent terms. The last elections for Congress of the Republic were held on 10 March 2014.

### The judiciary

85. The judiciary is independent and autonomous. It is made up of the following bodies:

- The ordinary courts (criminal, civil and labour courts): The highest court is the Supreme Court of Justice. It is made up of judicial district high courts, circuit courts and municipal courts.
- The administrative court: This court deal with litigation in which one of the parties is the State. The highest court and the highest consultative body of the Government is the Council of State. It is the final instance for litigation involving the State and private individuals or in cases involving two state entities, including mixed-economy companies having a public capital of more than 50 per cent. It is also empowered to judge disputes involving individuals in the private sector who have been assigned responsibilities corresponding to those of State agencies. This jurisdiction includes the courts for contentious-administrative proceedings and the administrative courts.
- The Constitutional Court: The highest court is the Constitutional Court, which is responsible for safeguarding the integrity and supremacy of the Constitution. This court deals exclusively with matters of constitutionality and sets the rules of jurisprudence regarding the scope of the provisions of the Constitution. In matters relating to *tutela* (protection) actions, it is comprised of all the judges of the Republic.

- Special courts: The Political Constitution of Colombia stipulates that these courts are comprised of the authorities of indigenous peoples and justices of the peace. The justices of the peace are empowered to resolve in equity individual and communal disputes according to the criteria of justice prevailing in the community concerned, but their decisions are not equivalent to judicial sentences.

86. The High Council of the Judiciary is responsible for the administration of the judiciary and for applying disciplinary measures in the judiciary. It has two divisions: the Administrative Division is in charge of organizational and management duties within the judiciary, and the Jurisdictional Disciplinary Division is charged with investigating the conduct of judicial officials and lawyers and resolving disputes regarding competence.

87. The Office of the Attorney General of the Nation was created by the Political Constitution of 1991, and it is part of the judiciary. At the request of the Counsel-General of the Nation, the Ombudsman or in cases reported by a public official, it must bring investigate and charges against the alleged perpetrators before a competent authority, except in cases of service-related criminal conduct of members of the military and of law enforcement in active service. The Office of the Attorney General is made up of the Attorney General, the special prosecutors and other officials designated by law.

88. Finally, although the military criminal justice system is not part of the organizational structure of the judiciary, it administers justice in respect of service-related offences committed by members of the military or of law enforcement in active service.<sup>20</sup> Offences such as torture, genocide and forced disappearance, understood in terms of the definitions laid down in international conventions and treaties ratified by Colombia, or acts that so patently run counter to the constitutionally defined functions of the military and of law enforcement that their commission, in and of itself, severs the perpetrator's functional connection with his or her service may never be considered service-related.<sup>21</sup>

### **Independent bodies**

89. In addition to the three branches of Government, there are independent and autonomous bodies, as follows.

#### *Monitoring agencies*

90. The Office of the Comptroller-General of the Republic monitors the financial management of the administration and of individuals or entities that handle public funds or assets. The Office is headed by the Comptroller-General of the Republic, who is elected by the Congress during the first month of its session for a period equal to that of the President of the Republic, from a shortlist made up of candidates submitted by the Constitutional Court, the Supreme Court of Justice and the Council of State. The Comptroller-General may not be re-elected for a consecutive term nor may he or she continue to perform his or her duties upon completion of the term.

91. The Public Legal Service is made up of the Office of the Counsel-General of the Nation and the Office of the Ombudsman. The Office of the Counsel-General is headed by the Counsel-General of the Nation, who is elected by the Senate. It is the body that represents citizens before the State. It is the highest body of the Office of the Public Legal Service, and has administrative, financial and budgetary autonomy; this body was created to safeguard and protect human rights, to protect the public interests and to monitor the official conduct of persons who perform public duties. The Office of the Counsel-General

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<sup>20</sup> See [Constitutional Court] Decision C-361/01.

<sup>21</sup> Act 1407 of 2010, art. 3.



is responsible for initiating, advancing and deciding on investigations of disciplinary issues against civil servants and against individuals who perform public duties or handle public funds.

92. The Office of the Ombudsman is responsible for monitoring compliance with human rights as a fundamental element of a constitutional state. To this end, it has the following responsibilities: To promote and publicize human rights, protect and defend human rights and prevent violations, and foster respect for international humanitarian law. The Office of the Ombudsman is part of the Public Legal Service and acts under the authority of the Counsel-General. It has administrative and budgetary autonomy.

#### *Administrative Bodies*

93. The Electoral Organization is made up of the National Civil Registry Office and the National Electoral Council. It is responsible for organizing, managing and monitoring elections, as well as for handling matters relating to the identity of individuals.

94. The mission of the National Civil Registry Office is to guarantee the organization and transparency of the electoral process and the timeliness and reliability of vote counting and results, to help strengthen democracy by remaining neutral and objective, and to promote social participation that entails the expression of the will of the people.<sup>22</sup>

95. The National Civil Registrar is chosen by the presidents of the Constitutional Court, the Supreme Court of Justice and the Council of State, by competitive merit-based review. His or her term is four years, and he or she must have the same qualifications required by the Constitution for a judge of the Supreme Court and must not have exercised leadership positions in political parties or movements within the year immediately preceding his or her election. He or she may be re-elected once. He or she conducts the management and organization of elections, civil registration and identification of individuals and may conclude contracts on behalf of the nation as provided by law.

96. The National Electoral Council regulates, inspects, surveils and monitors all electoral activity of political parties and movements, large groups of citizens and their legal representatives, directors and candidates, guaranteeing compliance with their principles and duties. It has budgetary and administrative autonomy. It is comprised of nine members elected for a four-year term by the Congress as a whole, by the electoral quotient (*cifra repartidora*) system, upon nomination by political parties or movements with legal status or by coalitions thereof.

#### *Other entities*

97. The Bank of the Republic serves as the central bank; it is organized as a juridical person under public law. It has administrative and technical autonomy, manages its own assets and operates with its own legal framework. Its basic responsibilities are to regulate currency, international exchange and credit; to issue legal currency; to administer international reserves, to act as lender of last resort and banker for credit institutions; and to serve as financial agent for the Government. The central banking system has its own special legal regulations and administrative and technical autonomy, and it manages its own assets.

98. The governing body of the Bank of the Republic is its Board of Directors, which is the authority that controls the monetary, foreign-exchange and credit systems. It is responsible for directing and carrying out the Bank's responsibilities. It has seven members, including the Minister of Finance, who presides over it. The Manager of the Bank is chosen

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<sup>22</sup> Official website of the National Civil Registry Office. <http://www.registraduria.gov.co>.

by and is a member of the Board of Directors. The five remaining members, who serve on the Board full time, are appointed by the President of the Republic for renewable terms of four years, with two of them being replaced every four years.

99. The National Television Commission was liquidated beginning on 10 April 2012 and is no longer active. Its responsibilities are currently carried out by the National Television Board of the National Television Authority, which was created by Act 1507 of 10 January 2012.

## **C. Mechanisms for participation**

### **1. Citizen participation**

100. Colombian legislation provides for a number of mechanisms to encourage citizen participation and involvement in decision making at the national level on matters that have implications for social harmony, thus protecting the common good. Mechanisms for participation are regulated by Act 134 of 1997, and include the following:

- Voting: The act whereby a citizen participates in the election of his or her representatives or the adoption of a decision.
- Plebiscite: Convened by the President of the Republic so that citizens can express their opinion in support or rejection of a decision by the executive branch.
- Referendum: May be convened by a group of citizens (no less than 10 per cent of registered voters) so that the public can approve or reject a proposed law or repeal or not repeal an existing law. A referendum may be conducted at the national, regional, departmental, district, municipal or local level.
- Consultation with the people (*consulta popular*): The method whereby the President of the Republic, the Governor or the Mayor, as the case may be, submits a general question on a matter of national, departmental, municipal, district or local importance, which is submitted for consideration by the citizens so that they may formally decide on it. In any event, the decision is obligatory for the executive branch.
- Open town meeting (*cabildo abierto*): A public meeting of district and municipal councils and local administrative boards where citizens can participate directly in discussions on matters of concern to the community.
- People's initiative (*iniciativa popular*): The domestic legislation provides for this mechanism as a political right of groups of citizens to submit bills and draft legislation (on constitutional amendments) to the Congress of the Republic, ordinances to the departmental assemblies, decisions to municipal or district councils and resolutions to the local administrative boards and or to governing bodies of territorial entities. These initiatives must be discussed and subsequently approved, amended or rejected by the public body concerned.
- Revocation of a mandate (recall of officials): This is also a political right whereby citizens terminate the mandate they have conferred on a governor or a mayor.

### **2. Other forms of participation**

101. Prior consultation: This is the fundamental right of indigenous peoples and other ethnic groups [to express themselves] when legislative or administrative measures are taken or when projects, works or activities are to be undertaken within their territories, so as to protect their cultural, social and economic integrity and guarantee the right of participation.

102. The legal basis for this procedure is Act 21 of 1991, ratifying the Indigenous and Tribal Peoples Convention, 1989, which was adopted at the seventy-sixth session of the International Labour Conference (ILC), held in Geneva in 1989; article 76 of Act 99 of 1993; Decree 1320 of 1998; Decree 4730 of 2008 and resolution 3598 of 2008 (Ministry of the Interior).

103. This concept has been the subject of many legislative actions, through decisions of the high courts, which have specified its scope and nature.

### 3. Participation of non-governmental organizations

104. The subject of citizen participation and the manner in which civil society may organize is discussed in the following section, which describes the legislative provisions that allow for collective action on the part of NGOs.

105. The Political Constitution of 1991 includes 65 articles devoted to regulating citizen participation,<sup>23</sup> a mandate that is further developed in Enabling Act 134 of 1994, in order to facilitate the work of NGOs.

106. Non-governmental organizations are legal entities that belong to the category of non-profit organizations. Depending on the purpose for which they were established and the legislation currently in force, there are two alternatives for registration of non-profits: they may register with a chamber of commerce or with a governmental body responsible for recognizing legal status and exercising oversight, inspection and control. Non-profit entities that are organized as associations, entities or foundations and institutions that serve a public purpose, charities, civic and community organizations, or human rights organizations must register with chambers of commerce.

107. Decrees 2150 of 1995 and 427 of 1999 stipulate that non-profit organizations acquire their legal status from the moment their charter is registered with the chamber of commerce that has jurisdiction in the main domicile of the entity. Thus, the status of non-profit legal entities is published by means of this registration. These legal entities register their charter and the acts required by law with the chambers of commerce. In order to set up a NGO, the persons concerned must be identified, as well as the contribution each one will make and the resources available to the organization. The charter, duly signed by all members, and the by-laws must be submitted to the office of the municipal mayor. The documents in question must include the information required for non-profit organizations (Decree 2150 of 1995), as follows:

- The name, identification and domicile of the principals;
- Name of the non-profit organization;
- Class of legal entity (juridical person);
- Domicile;
- Purpose;
- Assets and manner of making contributions;

<sup>23</sup> See articles 1, 2, 3 and 40 on control over political power; 95 on the duty to participate in political, civic and community life; 103 on agreement, control and oversight; 270 on oversight of public authorities; 2, 339 and 340 on participation in planning; 133 on the accountability of elected officials to their constituents; 259 on programme mandates; 273 on contracts; 20 and 23 on the right to information and to submit petitions; 86 to 94 on requests for protection (*tutela*), group action and requests for compliance; 350 on budgetary allocations for public social expenditures; 41 to 78 on social rights, and 38, 39 and 103 on the right of free association.

- Type of administration, including the duties and powers of the person responsible for administration and for providing legal representation;
- Periodicity of ordinary meetings and cases in which extraordinary meetings are to be convened;
- Exact duration of the entity and grounds for dissolution;
- Manner of liquidation once the entity or foundation has been dissolved;
- Obligations and powers of the statutory auditor;
- Name and identification of administrators and legal representatives;
- Acceptance of persons appointed as administrators, legal representatives and statutory auditors if such are appointed.

108. The charter of a non-profit organization may be:

- *A private document:* When an entity is established by means of a private document, all members or founders must sign the charter, which must contain the by-laws and meet the aforementioned requirements. This document must be signed and recognized before a notary, or submitted personally to a judge or to the secretary of the chamber of commerce at the same time as the documents are filed by all the charter members.
- *A public instrument:* The entity may be set up by means of a public document submitted before a notary. All members or founders must be personally present or be represented when the public instrument is signed. Non-profit organizations must follow this procedure whenever their assets include real property. After the charter is reviewed and approved, the registration form is requested in the mayoralty, and it is processed and delivered right there. The next step is the filing of the accounting books, after which the tax identification number is requested at the office of the Directorate of National Taxes and Customs.

109. Oversight of these entities entails monitoring their finances and accounting practices. The Political Constitution stipulates, in article 15, that for tax or legal purposes and for cases of inspection, supervision and intervention, the State may require the submission of accounting ledgers and other private documents, within the limits specified by law. Thus, all non-profit social organizations are required to file before 30 April of each year, for periods ending on 31 December of the immediately preceding year, the following reports:

- Basic financial statements: General balance sheet, statement of results, cash flow statement, statement on changes in financial situation, statement on changes in assets.
- Management report signed by the legal representative: Must contain a faithful description of the economic, legal and administrative situation of the organization, stressing important events that occurred after the end of the tax period and description of transactions with administrators.
- Notes on financial statements: Each note must be identified with numbers or letters duly labelled and summarize the organization's policies and accounting practices and matters that are especially important.
- Certificate extended by the public accountant or decision of the statutory auditor (if there is one): the accountant or statutory auditor should define the scope of the review for purposes of certification, based on the information and the period of the audit, as an integral part of the company's financial statements, or on a limited

review or a simple compilation of figures. Every effort should be made to ensure that all professional certifications are consistent with the scope of the work done.

- Budget for the following year approved by the highest body: this is essential for determining what resources or income the organization will have during the next year and how they will be used.
- Documents supporting the implementation of the organization's social purpose: Each organization must provide physical documentation showing the outcome of its daily transactions in consecutive order.
- Certificate of existence and updated legal representation issued by the chamber of commerce.
- Amendments to the statutes if there are any.

110. International NGOs which are foreign non-profit legal entities under private law, with their domicile abroad and with permanent branch offices in Colombia, do not register with the chambers of commerce. Pursuant to article 48 of the Code of Civil Procedures and article 10 of Decree 2893 of 2011, the Legal Advisory Office of the Ministry of the Interior is responsible for registering foreign legal entities under private law with domicile abroad that establish businesses or permanent offices in Colombia.

111. The Political Constitution stipulates that inspection, oversight and monitoring of non-profit organizations is the responsibility of the President of the Republic.<sup>24</sup> Pursuant to Article 2 of Act 22 of 1987 and article 12 of Decree 427 of 1996, the President of the Republic delegated to the governors of departments and the Mayor of Bogotá responsibility for inspection and oversight of associations, entities, charities and foundations and institutions that serve a social purpose. This includes NGOs that promote human rights.

112. Non-governmental organizations are subject to monitoring, oversight and inspection by the State in which their main offices are located or their State of origin. However, their branches in Colombian territory must obey the national laws that are applicable to their activities.

#### **D. Indicators of the political system**

113. The Political Constitution provides that for all elections, political parties and movements must submit slates and single candidates, the number of which must not exceed the number of seats or posts to be filled in the election. Posts for public entities are to be distributed through the quotient system<sup>25</sup> from among the slates of candidates obtaining a minimum number of votes, which may not be less than 2 per cent of votes cast for the Senate or 50 per cent of the electoral quotient<sup>26</sup> in the case of other entities.

114. In the case of Colombia, elections are scheduled so that elections for President and Vice-President of the Republic do not coincide with any other election. Elections for

<sup>24</sup> See article 189, paragraph 26 of the Political Constitution.

<sup>25</sup> The electoral quotient is the minimum number of votes needed on a slate to elect a candidate; it is obtained by successively dividing by one, two, three or more the number of votes obtained for each slate and arranging the results in descending order until the total number of results is equal to the number of seats to be distributed. That lower result is called the electoral quotient, and each slate obtains as many seats as the number of times the electoral quotient is contained in the total number of votes cast for it.

<sup>26</sup> The electoral quotient is the result of dividing the total number of valid votes by the number of positions to be filled.

Congress of the Republic must be held on a different date than elections for departmental and municipal authorities. Elections for departmental, municipal and local authorities are held on the last Sunday of October of the last year of the term of the incumbent (the institutional period).

115. Pursuant to Enabling Act 1475 of 2011, rules were adopted for the organization and operation of political parties and movements and electoral processes, the rules deal with issues such as their organization, responsibility and financing. It is important to note the significance of the creation of the Central Register of Political Parties and Movements under the responsibility of the National Electoral Council. The Council authorizes the registration of the charter, by-laws and amendments thereto, documents relating to the ideological or programme platform and the appointment and removal of directors of each party or movement, subject to prior verification of its compliance with the principles and rules of organization and operation enshrined in the Constitution and the law.

116. Information provided by the National Civil Registry Office regarding political parties and movements in Colombia shows that, based on article 1 of Resolution 1959 of 26 August 2010, the following 12 political parties and movements have legal standing recognized by the National Electoral Council:

- Partido Social de Unidad Nacional (Partido de la U)
- Partido Liberal Colombiano
- Partido Conservador Colombiano
- Partido Verde
- Movimiento MIRA
- Partido Cambio Radical
- Partido Polo Democrático Alternativo
- Movimiento Alianza Social Indígena
- Partido de Integración Nacional (PIN)
- Movimiento Autoridades Indígenas de Colombia (AICO)
- Movimiento Afrovides/La Esperanza de un Pueblo
- Movimiento Interétnico de Opción Participativa (MIO)

#### **General information on the 2014 elections for Congress of the Republic**

117. The total number of seats to be assigned for Senate of the Republic is 100.

Table 9

#### **General information, elections for the Senate**

<i>General Information</i>		<i>%</i>
Polling stations installed	97 417	
Informal polling stations	95 864	98.40
Potential voters	32 835 856	
Blank ballots	842 615	5.88
Spoiled (invalid) ballots	1 485 567	10.38
<b>Total votes cast</b>	<b>14 310 367</b>	<b>43.58</b>

Table 10  
**Votes in elections for Senate**

<i>National Senate</i>		<i>%</i>
Votes for slate or party	10 925 592	76.34
Blank ballots	746 659	5.21
Spoiled (invalid) ballots	11 672 251	81.56

118. The following table shows the results obtained by each political party or movement that participated in the elections.

Table 11  
**Votes cast by party in elections for Senate**

<i>National Senate</i>	<i>Votes</i>	
Partido de la U	2 230 208	15.58%
Centro Democrático Mano Firme Corazón Grande	2 045 564	14.29%
Partido Conservador Colombiano	1 944 284	13.58%
Partido Liberal Colombiano	1 748 789	12.22%
Partido Cambio Radical	996 872	6.96%
Partido Alianza Verde	564 663	3.94%
Polo Democrático Alternativo	541 145	3.78%
Partido Opción Ciudadana	527 124	3.68%
Movimiento "MIRA"	326 943	2.28%

119. The total number of seats to be assigned for the Chamber of Representatives is 166.

Table 12  
**General information, elections for the Chamber of Representatives**

<i>General Information</i>		<i>%</i>
Polling stations installed	97 417	
Informal polling stations	95 878	98.42
Potential voters	32 835 856	
Blank votes	489 853	3.42
Spoiled (invalid) ballots	1 750 071	12.23
<b>Total votes cast</b>	<b>14 309 641</b>	<b>43.57</b>

Table 13  
**Votes cast in elections for the Chamber of Representatives**

	<i>Departmental Chamber</i>		<i>Afro-descendants Chamber</i>		<i>Indigenous Chamber</i>	
Votes cast by slate or party	10 891 000	76.10%	159 523	1.11%	79 199	0.55%
Blank ballots	824 956	5.76%	77 538	0.54%	37 501	0.26%
Valid ballots	11 715 956	81.87%	237 061	1.65%	116 700	0.81%
Seats to be assigned		163		2		1

120. The following table shows the results obtained by each political party or movement that participated in the elections.

Table 14

**Votes by party in elections for the Chamber of Representatives**

<i>Departmental Chamber</i>	<i>Votes</i>	
Partido de la U	2 297 786	16.05%
Partido Liberal Colombiano	2 022 093	14.13%
Partido Conservador Colombiano	1 884 706	13.17%
Centro Democrático Mano Firme Corazón Grande	1 355 358	9.47%
Partido Cambio Radical	1 108 502	7.74%
Partido Alianza Verde	479 521	3.35%
Partido Opción Ciudadana	467 728	3.26%
Polo Democrático Alternativo	414 346	2.89%
Movimiento "MIRA"	411 800	2.87%
Mov. Político Cien Por Ciento Por Colombia	157 621	1.10%
Partido Unión Patriótica "UP"	99 414	0.69%
Por un Huila Mejor	73 573	0.51%
Movimiento Autoridades Indígenas de Colombia	65 888	0.46%
Partido Alianza Social Independiente	46 789	0.32%
Movimiento de Integración Regional	4 440	0.03%
Movimiento Blanco por la Paz	592	0%
Movimiento de Inclusión y Oportunidades	501	0%

### III. General framework for the protection and promotion of human rights

#### A. Acceptance of international human rights norms

121. The Colombian State has ratified the following international treaties on human rights.

Table 15

**International human rights treaties ratified by Colombia**

<i>Name of treaty</i>	<i>Date of signature</i>	<i>Date of ratification</i>
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	10 April 1985	08 December 1987
International Covenant on Civil and Political Rights	21 December 1966	29 October 1969
Optional Protocol aiming at the abolition of the death penalty		05 August 1997 (a)
International Convention for the Protection of All Persons from Enforced Disappearance	27 September 2007	11 July 2012



<i>Name of treaty</i>	<i>Date of signature</i>	<i>Date of ratification</i>
Convention on the Elimination of All Forms of Discrimination against Women Optional Protocol	17 July 1980	19 January 1982
International Convention on the Elimination of All Forms of Racial Discrimination	23 March 1967	02 September 1981
International Covenant on Economic, Social and Cultural Rights	21 December 1966	29 October 1969
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families		24 May 1995 (a)
Convention on the Rights of the Child	26 January 1990	28 January 1991
Optional Protocol on the involvement of children in armed conflict	6 September 2000	25 May 2005
Optional Protocol on the sale of children, child prostitution and child pornography	6 September 2000	11 November 2003
Convention on the Rights of Persons with Disabilities	30 March 2007	10 May 2011

122. Colombia has also ratified other international human rights instruments adopted in the framework of the United Nations system, as follows:

- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
- Amendments to articles 17(7) and 18(5) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Agreement establishing the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean
- International Convention against Apartheid in Sports
- International Convention on the Suppression and Punishment of the Crime of Apartheid
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others
- Convention on the Prevention and Punishment of the Crime of Genocide
- International Convention for the Suppression of the Traffic in Women and Children
- International Convention for the Suppression of the White Slave Traffic
- International Agreement for the Suppression of the “White Slave Traffic”

123. In the framework of the Inter-American system for the protection of human rights created by the Organization of American States (OAS), Colombia has ratified the following instruments:

- Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities

- Inter-American Convention on Forced Disappearance of Persons
- Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belem do Pará)
- Inter-American Convention on International Traffic in Minors
- Protocol to the American Convention on Human Rights to Abolish the Death Penalty
- Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador)
- Inter-American Convention to Prevent and Punish Torture
- American Convention on Human Rights (Pact of San José)
- Inter-American Convention on the Granting of Civil Rights to Women

124. Colombia has been a member of the International Labour Organization (ILO) since 1919. In that organization, it has supported the adoption of over 54 international treaties on labour rights, including the following:

- Worst Forms of Child Labour Convention, 1999 (No. 182)
- Indigenous and Tribal Peoples Convention, 1989 (No. 169)
- Occupational Health Services Convention, 1985 (No. 161)
- Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1963 (No. 159)
- Collective Bargaining Convention, 1981 (No. 154)
- Minimum Age Convention, 1973 (No. 138)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- Abolition of Forced Labour Convention, 1957 (No. 105)
- Equal Remuneration Convention, 1951 (No. 100)
- Protection of Wages Convention, 1949 (No. 95)
- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
- Forced Labour Convention, 1930 (No. 29)
- Right of Association (Agriculture) Convention, 1921 (No. 11)
- Maternity Protection Convention, 1919 (No. 3)
- Unemployment Convention, 1919 (No. 2)

125. Finally, in the area of international humanitarian law, Colombia has ratified the following treaties:

- On the protection of victims of armed conflict:
  - Geneva Conventions of 12 August 1949: (i) Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; (ii) Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; (iii) Convention relative to the Treatment of Prisoners of War; and (iv) Convention relative to the Protection of Civilian Persons in Time of War. Ratified on 8 November 1961.

- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I). 1 September 1993.
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). 14 August 1995.
- Rome Statute of the International Criminal Court, which entered into force on 5 August 2002.

## **B. Legal framework for the protection of human rights at the national level**

126. The Political Constitution of Colombia of 1991 states, in article 1, that “Colombia is a social state under the rule of law, organized in the form of a unitary republic, decentralized, with autonomy of its territorial units, democratic, participatory, and pluralistic, based on respect for human dignity, the work and solidarity of the individuals who belong to it, and the prevalence of the general interest”.

127. In addition, an entire section of the Constitution, Title II, is devoted to rights, guarantees and duties, including provisions on fundamental rights, in Chapter I (arts. 11 to 41); social, economic and cultural rights, in Chapter II (arts. 42 to 77), collective rights and the environment, in Chapter III (arts. 78 to 82) and the protection and application of rights, in Chapter IV (arts. 83 to 94).

128. The following provision are also worth noting: Article 95, on the duties and obligations of individuals and citizens; article 118, on the Public Legal Service and its responsibilities; article 164, on the procedure for the adoption by Congress of bills ratifying human rights treaties; article 209, on the principles of the administrative function; article 214, on *estados de excepción* (public emergencies); article 217, on the structure and purpose of the armed forces; article 218, on the purpose and organization of the national police; article 222, on the system of professional, cultural and social development of members of law enforcement; articles 277 and 278, on the responsibilities of the Counsel-General; article 282, on the responsibilities of the Ombudsman; article 303, on governors, and articles 314 to 316, on the responsibilities of mayors.

129. Article 93 of the Constitution provides that international treaties and agreements ratified by Congress that recognize human rights have domestic priority.

130. Finally, it should be noted that Colombia is one of the States that has ratified the most international treaties on human rights and international humanitarian law, both at the global level and at the inter-American level. These 61 treaties are an integral part of the Constitution; hence, any legislation that contradicts them must be declared unconstitutional. In that same regard, treaties that recognize human rights are part of the “constitutional block”, this being understood as the overall group of norms and principles that although not explicitly mentioned in the Constitution, are used to enforce constitutionality.

131. The Constitution also provides for *estados de excepción* (public emergencies), which may be declared by the President in the event of external war, internal unrest or a state of emergency, and establishes prohibitions on their use in order to safeguard human rights. For example, the Constitution limits the executive branch’s extraordinary powers, particularly those set out in article 214, paragraphs 2 and 3, as follows:

“2. Human rights and fundamental freedoms shall not be suspended. The rules of international humanitarian law shall be upheld in all circumstances.

“3. The normal functioning of the branches of government or of State bodies shall not be disrupted.”

132. Enabling Act No. 137 of 1994 regulates the Government’s powers during public emergencies and establishes legal safeguards and guarantees for the protection of human rights, in keeping with international treaties.

133. Colombia has a set of norms designed to promote, protect and guarantee human rights, as well as policies, plans, programmes and projects on implementation of measures adopted by the State. The norms issued to promote the protection of human rights include the following:

- Decree 1649 of 2014, changing the structure of the Administrative Department of the Office of the President of the Republic;
- Decree 0552 of 2012, amending Decree 4690 of 2007, which created the Intersectoral Commission for the Prevention of Forced Recruitment and Use of Children, Adolescents and Young People by Criminal Organizations;
- Decree 4690 of 2007, creating the Intersectoral Commission for the Prevention of Forced Recruitment and Use of Children, Adolescents and Young People by Criminal Organizations;
- Decree 519 of 2003, which eliminates, changes and creates presidential advisors and programmes;
- Decree 127 of 2001, creating presidential advisors and programmes in the Administrative Department of the Office of the President;
- Decree 4635 of 9 December 2011, which establishes measures providing assistance, support, comprehensive redress and restitution of land for victims belonging to the Afro-Colombian, black, Palenquero and Raizal communities;
- Decree 4100 of 2 November 2011, creating and organizing the National Human Rights and International Humanitarian Law System, modifying the Intersectoral Commission on Human Rights and International Humanitarian Law;
- Act 1448 of 2011, the Victims and Land Restitution Act, establishing comprehensive care, assistance and reparation measures for victims of the internal armed conflict and other provisions, and establishing enforced disappearance as grounds for declaring victim status. Its regulating decree, No. 4800 of 2011, establishes mechanisms for the effective implementation of comprehensive care, assistance and reparation measures for victims and the realization of their constitutional rights, and Decree 4803 of 2011 provides for the establishment of the Centre for Historical Memory to fulfil the right to truth of the victims of the armed conflict;
- Directive 007 of 2011, on implementation of the National Register of Disappeared Persons;
- Act 1429 of 2010, on formalization and generation of employment;
- Act 1424 of 2010, on transitional justice;
- Act 1408 of 2010 (or Commemoration Act), commemorating the victims of enforced disappearance and laying down measures to locate and identify them;
- Act 1309 of 2009, amending Act 599 of 2000, on punishable offences against the legally protected interests of members of a legally recognized labour union;

- Act 1210 of 2008, partially amending articles 448, paragraph 4, and 451 of the Substantive Labour Code and article 2 of the Procedural Code of Labour and Social Security and adding a new article 129A to the Procedural Code of Labour and Social Security and issuing other provisions;
- Decree 1512 of 2000, establishing the responsibilities of the Ministry of Defence;
- Decree 1529 of 1999, establishing the responsibilities of the Vice-President of the Republic;
- Act 489 of 1998, articles 3, 4, 5 and 6, on the principles and purposes of the administrative function;
- Act 387 of 1997, on prevention of forced displacement; assistance, protection, consolidation and socioeconomic stabilization of persons internally displaced by violence in the Republic of Colombia;
- Act 136 of 1994, on the organization and work of municipalities;
- Act 62 of 1993, on the National Police;
- Act 4 of 1991, on the management of public order.

134. In general terms, Colombia has a vast framework of norms and regulations designed to protect and promote human rights that are consistent with the country's international obligations in that area and with the mandates laid down in the Constitution. Among others, the following areas are covered: judicial actions and appeals; intersectoral commissions; human rights advocacy; genocide; forced disappearance; forced displacement; torture; cruel, inhuman and degrading treatment; social, economic and cultural rights; international humanitarian law; military forces; rights of children and youth; state and governmental agencies; participation; settlement of disputes; public emergencies; implementation of international recommendations.

135. The following bodies are competent in the area of implementation of human rights legislation.

### **C. National Human Rights and International Humanitarian Law System**

136. In compliance with Act 1450 of 2011 (the National Development Plan 2010–2014), the Government issued Decree 4100 of 2011, creating the National Human Rights and International Humanitarian Law System with the aim of coordinating norms, policies, entities and agencies at the national and territorial level to promote respect for and guarantee human rights and the application of international humanitarian law. The System also seeks to promote a human rights approach and a differential approach in sectoral public policies.

137. The principles and criteria underlying the system are enshrined in the Political Constitution and in international human rights treaties. These include the principle of *pro homine*, equality and non-discrimination; of progressivity and non-regressivity and the principles of coordination, concurrence, subsidiarity and complementarity. The following bodies are part of the National Human Rights and International Humanitarian Law System:

- The Intersectoral Commission on Human Rights and International Humanitarian Law. Its aim is to consolidate institutional mechanisms for the protection of human rights and international humanitarian law and to disseminate information on these matters. It also works to eradicate impunity in the area of human rights and international humanitarian law, to promote the alignment of domestic legislation

with international human rights treaties to which Colombia is a party and to promote compliance with international commitments in these areas. The Commission is presided over by the Vice-President of the Republic; its other members are the Minister of Agriculture and Rural Development, the Minister of Health and Social protection, the Minister of Labour, the Minister of National Education, the Minister of Culture, the Minister of the Interior, the Minister for Foreign Affairs, the Minister of Justice and Law, the Minister of National Defence and the Director of the Presidential Agency for Social Action and International Cooperation or his or her surrogate. In some cases, the Commission may invite other ministers or the Director of the National Planning Department. The Office of the Attorney General of the Nation, the Office of the Counsel-General of the Nation, the Office of the Ombudsman, the Office of the Comptroller-General of the Republic, the High Council of the Judiciary and the Congress of the Republic are invited on a permanent basis. The Intersectoral Commission holds ordinary meetings once every three months and extraordinary meetings when circumstances make it necessary or at the request of one of its members.

- The Technical Secretariat. This advisory body provides technical, logistical and operational support to the Intersectoral Commission on Human Rights and International Humanitarian Law and the technical groups. It reports to the Presidential Human Rights and International Humanitarian Law Programme.
- The Technical Groups. Each subsystem is coordinated by a technical group, based on the guidelines of the Intersectoral Commission on Human Rights and International Humanitarian Law. The groups are made up of the human rights directorates and offices in the ministries and administrative departments and of the different State entities and agencies, programmes and units, in accordance with the competencies and duties assigned to them in the protection of civil, political, economic, social, cultural and collective rights and the environment, and the application of international humanitarian law.
- Territorial bodies. There shall be a unit of the National Human Rights and International Humanitarian Law System in each territorial entity, based on its sphere of competence and autonomy.

#### **D. Legal framework for the protection of human rights**

138. The Political Constitution recognizes persons as holders of individual and group or collective rights. It establishes legal mechanisms for providing full protection in cases of action or omission on the part of public authorities, through appeals, lawsuits and proceedings established in the law. How those rights are made effective depends on the legal mechanisms adopted by the legislature, which must then be applied by the executive branch through plans and programmes designed for implementation at the national, regional and local levels.

139. The State has a full institutional structure for ensuring respect for citizens' rights. In the executive branch, the Presidential Programme on Human Rights and International Humanitarian Law, headed by the Vice-President of the Republic, is the governmental agency that advises on human rights policies and international humanitarian law. This programme is charged with coordinating the efforts of different government entities to promote, protect and defend human rights. Its main objective is to improve levels of respect for and protection of human rights and observance of international humanitarian law.

140. The subject is addressed specifically, within their own spheres of competence, by the Directorates of Human Rights of the Ministry of the Interior, the Ministry of Foreign

Affairs, the Ministry of National Defence, the Ministry of Social Protection and the National Police.

141. The Public Legal Service, working through the Counsel-General's Office and the Ombudsman's Office, safeguards and promotes human rights, protects the interests of the public and monitors the performance of public servants. In the judiciary, the Attorney-General's Office is in charge of investigating, prosecuting and charging those responsible for violating the law. The Unit on Human Rights and International Humanitarian Law in the Attorney-General's Office deals with matters specifically related to offences that involve violations of human rights or of international humanitarian law.

142. On matters of enforceability, citizens may appeal to the judicial and administrative authorities to enforce their rights by taking the following actions:

- Plea of unconstitutionality: In cases where they are clearly contrary to the principles and precepts of the Constitution, judges may exceptionally refrain from applying provisions of a general and abstract nature produced at different levels of the legal order constituting the Colombian State: laws, decrees, resolutions, ordinances, agreements and other rules.
- Petitions of unconstitutionality<sup>27</sup> or of nullity due to unconstitutionality<sup>28</sup> may be lodged by any citizen before the competent judicial authority<sup>29</sup> for a ruling on the constitutionality of laws, decrees or administrative acts, both as to their substantive content and as to errors of procedure.
- Petition of nullity. The purpose of the petition of nullity against an administrative act is to protect the legal order, so that the act may be set aside as being contrary to the higher rules of the law. This action is in the general interest, ensuring that legality is upheld as against acts taken at a lower administrative level. It may be brought by any person at any time.
- Petition for redress. A person who believes he or she has been harmed by an administrative act may petition an administrative court in defence of his or her individual and specific interest, maintaining not only that the act was null as contrary to higher rules of law but also that the right disregarded or impaired by the act should be restored. Therefore, this action may only be brought by the person whose right is allegedly infringed by the administrative act.
- Petition for direct reparations. By this action citizens can request that the State respond materially for wrongful damage attributable to it, caused by acts or omissions of public authorities.
- Petition for compliance. The Constitution provides for the so-called petition for compliance. Through this action all persons are entitled to appear before a judicial authority in order to enforce compliance with a law or administrative act; if the action is successful, the court orders the non-complying authority to discharge the unfulfilled duty.
- Petition for protection (*tutela*). This is the most effective remedy and arises from the direct vigilance each person exercises over his fundamental rights, recognized as such by the Constitution, to seek from the courts at any time and place, through a prompt and summary procedure, for himself or through a representative, the

<sup>27</sup> See article 241 of the Political Constitution.

<sup>28</sup> See article 237 of the Political Constitution.

<sup>29</sup> The Constitutional Court is the competent authority for the first action, and the Council of State is the competent authority for the second.

immediate protection of such rights, when they have been infringed or threatened by any action or omission of any public authority or by individuals responsible for the provision of public services, or by individuals in respect of whom the applicant is in a position of subordination or helplessness, or whose conduct seriously and directly affects the public interest.<sup>30</sup>

- Class-action suits. Under the Constitution (art. 88), citizens may seek protection of collective rights and interests related to property, space, public safety and health, administrative ethics, the environment, free economic competition and other similar interests defined by Act 472 of 1998.
- Right of petition. The right of petition (art. 23) is a further constitutional remedy which citizens may use in order to submit applications to the authorities for reasons of a general or individual interest and to obtain a prompt resolution on the matter.

143. The Constitution establishes the material responsibility of the State for wrongful damage attributable to it, caused by acts or omissions by public authorities. In this regard, it also provides a right of recovery by the State against its agent when the State is ordered to pay damages arising out of wrongful or gravely negligent acts of one of its agents.

144. On the matter of reparations to victims of the internal armed conflict, Act 1448 of 2011, the Victims and Land Restitution Act, outlines measures for care, assistance, reparation, restitution and compensation, either individual or collective, in cases of serious violations of human rights and violations of international humanitarian law. This act recognizes the rights of victims to the truth, to justice and to full reparation and guarantees that the damage will not be repeated. It takes a differential approach, thus ensuring that differences among victims will be taken into account, as well as the differences in damage suffered by them based on their age, gender, sexual orientation and disability.

145. Act 1448 of 2011 provides the basis for implementation of a public policy on assistance and full reparation for victims. The regulations to the act, which are laid down in Decree 4800 of 2011, outline the procedures to be followed in order for all victims covered by the act to have access to the mechanisms set up to implement their rights. Full reparation involves: (a) administrative compensation; (b) restitution of land; (c) measures of satisfaction, symbolic reparation and construction of historic memory; (d) creation of a rehabilitation programme covering both physical and psychological effects on victims, such as the breakdown of the community and social fabric; (e) guarantees of non-repetition.

146. On the matter of mechanisms that are competent in the area of human rights, it should be noted that in 1996, at the invitation of President Ernesto Samper, a permanent office of the United Nations High Commissioner for Human Rights (OHCHR) was opened in Colombia. Its mandate is to assist the Colombian authorities in developing policies and programmes to promote and protect human rights, to observe violations of human rights in the country and to submit its reports and analyses to the High Commissioner.

147. In October 2014, the mandate of OHCHR in Colombia was extended to 31 October 2016, and consideration was given to the possibility of including cooperation in post-conflict scenarios, should an agreement for the termination of the conflict be reached.

148. In terms of regional mechanisms, the mandate of the OAS Mission to Support the Peace Process in Colombia has continued. The purpose of the Mission is to assist with implementation of the national Government's peace policy in regard to the illegal armed organizations. Thus, the Mission's main responsibility is to monitor compliance with

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<sup>30</sup> Mendoza Palomino, Álvaro, *Teoría y Sinopsis de la Constitución de 1991*, Ediciones Doctrina y Ley, Bogotá, D.C., Second edition, 1996, pp. 355 and 356.



agreements on the cessation of hostilities and to put underway a process of disarmament, demobilization and reintegration.

## **E. Framework within which human rights are promoted at the national level**

149. The following table describes the measures been taken by the Colombian State to promote human rights.

Table 16

### **Measures taken by the Government to promote human rights**

<i>Agency</i>	<i>Main responsibility</i>
Commission on Human Rights and Hearings in the Senate and the Chamber of Representatives of the Congress of the Republic	<p>Its main responsibility is to protect human rights; accordingly, it reports to the plenary meetings of each chamber on its findings in that area. It also exercises oversight and monitors all the authorities who are charged with safeguarding human rights and promotes actions to be taken so that, in cases of non-compliance, the necessary criminal and disciplinary sanctions will be applied, as the case may be.</p> <p>When public hearings are held, it calls on different sectors of public opinion to speak on aspects of the existing legislation and on bills under consideration by the legislature. Non-governmental organizations may be present at meetings of the Commission when it considers human rights issues, and they may speak on matters that are of concern to the Congress.</p>
Commission on Human Rights and Peace of the Congress of the Republic	<p>Studies and discusses situations relating to human rights and peace in the territory, in order to follow up on and monitor the actions of the Government.</p>
National Unit for Human Rights and International Humanitarian Law of the Office of the Attorney General of the Nation	<p>Created in 1995, this Unit is in charge of investigating violations of human rights and International humanitarian law. Given its sphere of competence, it investigates high-profile cases that draw attention at the national and international levels. The Office of the Attorney General created 11 support units to assist the National Unit; these are based in different cities throughout the country, and they serve as rapid-response units.</p>
Office of the Ombudsman	<p>The basic duty of this entity is to ensure the promotion, exercise and dissemination of human rights. It is responsible for promoting the effective enjoyment of human rights, designing and adopting policies for promotion and dissemination of rights, and receiving complaints from citizens and guiding them on possible solutions.</p> <p>The operational units of the Office of the Ombudsman include the National Directorate for the Promotion and Dissemination of Human Rights. The Office of the Ombudsman has also carried out the following projects:</p>

<i>Agency</i>	<i>Main responsibility</i>
Office of the Counsel-General of the Nation	<ul style="list-style-type: none"> <li>• National Human Rights Training Programme for Municipal Personnel: The objective of this programme is to train the staff of the Public Legal Service so that they can improve their work in promoting, disseminating and protection human rights. This programme is carried out in coordination with the Institute of the Public Legal Service; it receives support from OHCHR;</li> <li>• <i>Ciro Angarita Barón Chair</i>: This institutional programme is carried out every year for the purpose of training civil servants and staff of NGOs in a specific area of human rights. The programme is implemented in cooperation with the Konrad Adenauer Foundation and the Higher School of Public Administration;</li> <li>• National Training Plan for Social Control. This is an inter-agency programme for training civil servants and citizens on how to exercise social control of public officials. The Higher School of Public Administration and the Ministry of Justice also participate in this plan.</li> </ul> <p>This is the highest-level body of the Public Legal Service. It is responsible for monitoring the work of public officials so as to safeguard the rights and interests of citizens and guarantee protection of human rights.</p> <p>The Office of the Counsel-General has identified four population groups that need protection of their human rights: Victims of the armed conflict, persons who have been forcibly displaced, children and adolescents, and ethnic groups.</p>
Presidential Advisory Office for Human Rights	<p>This office works within the national Government to draw up and coordinate public policies on human rights and international humanitarian law.</p> <p>Through the National Human Rights and International Humanitarian Law System, created by Act 4100 of 2 November 2011, the Advisory Office coordinates and promotes actions for the promotion, protection and defence of human rights with the competent public agencies. The main objective of the Presidential Advisory Office is to improve levels of respect for and protection of human rights and the application of international humanitarian law and to help the State develop a comprehensive policy of promotion of and respect for human rights.</p> <p>The Presidential Advisory Office on Human Rights and International Humanitarian Law focuses on ensuring the effective enjoyment of human rights for the entire population, combatting impunity, consolidating the National Human Rights Information System, promoting a culture of human rights and strengthening relations with civil society and cooperation with international organizations.</p>

<i>Agency</i>	<i>Main responsibility</i>
Directorate of Human Rights of the Ministry of the Interior	The Presidential Advisory Office for Human Rights supervises the Technical Secretariat of the Intersectoral Commission on Human Rights and International Humanitarian Law, the Technical Secretariat of the Intersectoral Commission for the Prevention of Forced Recruitment, Sexual Abuse and Violence against Children and Adolescents. It is also charged with promoting the work of the Disappeared Persons Investigative Commission.
Directorate of Human Rights of the Ministry of Defence	Leads, within its sphere of competence, the formulation, follow-up and evaluation of components of comprehensive national policy on human rights and international humanitarian law.  Is part of the Office of the Vice-Minister for International Policies and Affairs. Monitors implementation of governmental policies in regard to the promotion of, respect for and guarantee of human rights and application of international humanitarian law by the military and the National Police. Also advises the Minister on the formulation of sectoral policies for training, protection, dissemination and respect in the area of human rights and international humanitarian law.
Directorate of Human Rights and International Humanitarian Law of the Ministry of Foreign Affairs	Is responsible for inter-agency coordination relating to the definition of technical, legal and conceptual issues involved in the formulation and implementation of Colombian foreign policy in the area of human rights and international humanitarian law. Advises on the formulation and implementation of Colombian foreign policy in that area, participates actively in consultations and discussion between national authorities and foreign governments and international organizations and coordinates the management of individual cases involving complaints of possible violations of human rights.
High-level Presidential Advisory Office on Equity for Women	Its main objective is to guarantee comprehensive and interdependent human rights for women, and gender equality. It works to promote gender equity, so as to contribute in a significant and decisive way towards closing social gaps and forging a culture of social harmony based on equity, equality and solidarity, promoting affirmative action, social policy with equal opportunities and gender mainstreaming.  Among other things, it works on the following issues: prevention of violence against women, participation of women in the labour market, political participation of women, mechanisms for follow-up and research, institutional strengthening and sexual and reproductive health.

<i>Agency</i>	<i>Main responsibility</i>
Colombian Family Welfare Institute	This agency is part of the Administrative Department for Social Prosperity; it is committed to ensuring comprehensive protection of families and, in particular, of children. It coordinates its work with the National Family Welfare System, proposing and implementing policies, providing advice and technical and socio-legal assistance to communities.
Directorate of Indigenous Affairs, Minorities and ROM of the Ministry of the Interior	<p>Supports the formulation of public policies targeting this group, including LGBTI minorities, works to protect their ethnic and cultural integrity and promotes their fundamental rights. It also provides inter-agency coordination of opportunities for participation of Afro-Colombian communities and promotes the mainstreaming of the differential approach for these communities in special sectoral policies, plans, programmes and projects.</p> <p>This Directorate works for the design, programming and inter-agency coordination of mechanisms to allow for the enjoyment of the rights enshrined in the Political Constitution and the law to guarantee the ethnic and cultural diversity of the Colombian nation.</p>
Directorate for Black, Afro-Descendant, Raizal and Palenquero Communities of the Ministry of the Interior	<p>Supports the formulation of State policies targeting these groups, works for their ethnic and cultural integrity and promotes their fundamental rights. It also provides inter-agency coordination of opportunities for participation of Afro-Colombian communities and promotes the mainstreaming of the differential approach for these communities in special sectoral policies, plans, programmes and projects.</p> <p>This Directorate is in charge of the Central National Register of Black, Afro-Colombian, Raizal and Palenquero Councils, Communities and Organizations.</p>
Directorate of “Young Colombia” National Youth System	Helps coordinate the formulation, implementation and follow-up of public policies on youth; coordinates the National Youth System; promotes strategies to facilitate young people’s access to services, resources and benefits offered and promotes actions to generate opportunities for young people to improve their overall training and quality of life; formulates programmes, projects and activities to benefit youth; orients and coordinates the implementation of public policies; offers technical assistance in the formulation, implementation and follow-up to policies to guarantee the rights of young people; promotes the participation of young people in the formulation, implementation and follow-up to policies, plans, programmes and projects related to social, political, economic, cultural, sports and environmental development and encourages the linkages of young people to the social, political, economic, cultural, sports and environmental development of the nation and to processes of globalization and global competitiveness, through programmes that provide training in citizen participation, access to work, use of leisure time and development of their potential and talents.

<i>Agency</i>	<i>Main responsibility</i>
Colombian Reintegration Agency	<p>The Colombian Reintegration Agency is the unit in the Office of the President of the Republic that is in charge of coordinating, advising and implementing — with other public and private agencies — the Reintegration Route for persons demobilized from illegal armed groups.</p> <p>The Colombian Reintegration Agency also designs, implements and evaluates State policy on social and economic reintegration of persons or illegal armed groups who demobilized voluntarily, either individually or collectively.</p> <p>The Agency works in coordination with the Ministry of Defence, the Ministry of the Interior and Justice and with the Office of the High Commissioner for Peace.</p>
Human Rights Education Programme of the Ministry of Education	<p>The Programme helps the education sector improve the development of projects on education for the exercise of human rights, focusing on rights and competencies. These learning projects are aimed at promoting pedagogical practices and school cultures that bring to life and foster respect, on a daily basis, for human rights in school, contributing to the improvement of educational quality.</p>

## **F. Mechanisms for disseminating information on human rights**

150. Information on human rights instruments may be disseminated by the three branches of Government. The Congress of the Republic has mechanisms for disseminating information on international treaties before, during and after their adoption. In addition, the Directorate for Human Rights and International Humanitarian Law of the Ministry of Foreign Affairs transmits the recently adopted instruments to the different agencies of the national Government, in accordance with their competence and scope.

151. The Directorate of International Legal Affairs of the Ministry of Foreign Affairs has an information system that enables it to monitor and follow up on the work of state agencies so as to ensure that they fulfil the provisions of all the international treaties that have been ratified by the State.

152. The national Government is firmly committed to the protection of human rights. One of the chapters of the National Development Plan 2010–2014, entitled “Prosperity for All”, which is set forth in Act 1450 of 2011,<sup>31</sup> is devoted to the subject of human rights, international humanitarian law and international justice. The chapter refers to creation of the National Human Rights and International Humanitarian Law System and the design and implementation of the Comprehensive National Policy on Human Rights and International Humanitarian Law.

153. Under the institutional framework presented, each public department and agency is responsible for promoting and disseminating international instruments and other human

<sup>31</sup> For the text of the Act and the basis of the National Development Plan, see the website of the Senate of the Republic at [http://www.secretariasenado.gov.co/senado/basedoc/ley/2011/ley\\_1450\\_2011.html](http://www.secretariasenado.gov.co/senado/basedoc/ley/2011/ley_1450_2011.html) and the website of the National Planning Department (<http://www.dnp.gov.co/PND/PND20102014.aspx>).

rights mechanisms, according to their respective duties and competencies. This work would not be possible without the valuable contribution of civil society organizations, whose participation in discussions with State agencies plays a decisive role in enhancing the content of public policies on this subject. Thus, NGOs, as well as social and academic organizations, trade unions and foundations that are concerned with human rights and international humanitarian law are expected to participate in the Intersectoral Commission on Human Rights.

154. According to figures compiled by the Presidential Agency for Social Action and International Cooperation (Social Action), Colombia has received a total of US\$ 239,910,665 for a total of 661 human rights projects, which is almost 6 per cent of the official development aid received by the country; the national counterpart amounts to US\$ 22,976,072, while cooperation for peace and regional development amounts to the equivalent of over US\$ 2 million, with a national counterpart of US\$ 77,067,440, representing 66 per cent of cooperation for development.

155. With regard to South-South cooperation, Colombia has been implementing the strategy of international cooperation in comprehensive security so as to increase the effectiveness of the fight against transnational crime. This includes not only matters of security, but also the implementation of guidelines for protection and guarantee of human rights and international humanitarian law.

## **G. The reporting process**

156. The Directorate for Human Rights and International Humanitarian Law of the Ministry of Foreign Affairs is responsible for coordinating the preparation and submission of reports on all treaties concerned with the promotion and defence of human rights. To that end, it has designed the following working methodology.

### **Methodology for the preparation and submission of reports**

157. All international treaties include provisions on the requirement of States to submit periodic reports; they usually set a time frame for the submission of a preliminary report on the situation of the State in terms of the rights covered by the treaty at the time of ratification. They also establish time frames within which States must submit subsequent periodic reports, usually between four- and five-year intervals. The preliminary report provides a starting point from which the committee can follow, with the periodic reports, the progress achieved in regard to implementation of the commitments undertaken by States upon ratification of the international instrument in question.

158. All these instruments also envisage the creation of a treaty body to monitor compliance, usually called a “committee”. The treaty lays down details as to the composition of the committee, the number of its members, their terms of service, procedures for electing them and their duties. Reports on the treaties are to be submitted to these treaty bodies or committees.

159. The dates for submission of periodic reports are always set by the committee or treaty body concerned, usually in the final paragraph of its concluding observations and recommendations. Considering the process that is involved in preparing a report for a treaty body, it is recommended that preparation of the report should begin at least one year ahead of the submission date set by the committee.

160. The usual practice has been for social organizations in each country to prepare and submit alternative reports to the treaty body so that the treaty body can have another perspective on the implementation by States of their commitments. Such reports are prepared independently by the social organizations that decide to do so.

161. Following is a description of the methodology followed by Colombia in preparing its treaty reports. It should be borne in mind that leadership and initiative for report preparation is the responsibility of the Ministry of Foreign Affairs, working through the Directorate for Human Rights and International Humanitarian Law or a unit acting in its stead.

*Planning stage*

- Identify the team that will lead the report preparation process. An executive secretariat should be set up to direct the entire process; it should be comprised of the bodies responsible for the subject matter of the international treaty in question; the Presidential Programme on Human Rights and International Humanitarian Law, bearing in mind that the report concerns an international human rights treaty; and the Ministry of Foreign Affairs. Throughout the process, however, all government and state agencies responsible for implementing the treaty should also be involved. Since it is a State report, it is important to work with entities in all three branches of government, and since it is a national report, it is important to include information pertaining to the national, departmental and local levels.
- Decide on the participation of civil society in drawing up the report. Although it is not strictly necessary to work together with civil society organizations, it is important to bear in mind that the guidelines for the treaty committees mention that the reporting process should encourage and facilitate, at the national level, public scrutiny of government policies and constructive engagement with relevant actors of civil society conducted in a spirit of cooperation and mutual respect, with the aim of advancing the enjoyment by all of the rights protected by the relevant convention.
- Identify the resources required to prepare the report, including those needed to organize inter-agency meetings — which will require a full day's work, especially during the stage of information analysis — and for publication and dissemination of the report, hiring of experts — if needed — or for other types of support, and decide how those resources will be obtained.
- Decide on the dates of the information to be used in drawing up the report. It will be necessary to decide what time period will be covered, bearing in mind the date on which the final version will be ready and the approximate date of submission to the committee.
- Develop a work schedule. This schedule should include the activities that need to be completed and the expected time frame for each task, according to the stages outlined in this document, in order to ensure timely submission of the report to the committee.

*Preparation stage*

- Identify what information is needed and where it will be found. Develop a template containing the committee's reporting guidelines and specifying what information should be included in the report for each one of the rights recognized in the relevant international convention or instrument.
- Identify partners within each body. The highest authority in each entity should be asked to assign an official who can act as the liaison person for gathering information within the body concerned and be able to take part in meetings and discussions when needed, and when necessary, to have available a specialist or expert on a particular topic who can be contacted and invited to the meetings.

- Organize and carry out the first workshop. Once the aforementioned aspects have been defined, the first workshop should be organized for the following purposes:
  - To transmit background information on the Colombian State's obligation to submit periodic reports;
  - To make a presentation on the international instrument, bearing in mind that public bodies have a high staff turnover rate;
  - To give a general presentation of the contents of the last report submitted to the body concerned, so as to determine the starting point;
  - To present the most recent observations and recommendations made to the State by the monitoring body, and the general recommendations of the committee concerned;
  - To present the methodology and work schedule;
  - To explain the role of each body in the preparation of the report.

At this stage, technical support may be requested from the Office in Colombia of OHCHR and/or another United Nations agency present in Colombia, with a view to their participation in presenting information on the aforementioned subparagraphs (a), (b) and (d).

*Information-gathering stage*

- Draw up and send specific requests for information to each public body – Executive Secretariat.<sup>32</sup>
- Design and implement the data-collection system.
- Gather and compile the information, including follow-up to recommendations.
- Consolidate the information. At this point, information may be sought from NGOs and other non-governmental actors where deemed relevant to preparation of the report.

*Information-analysis stage*

- Analyse and collate information gathered – Executive Secretariat.
- Carry out workshops to analyse information by topic. These workshops are arranged for the purpose of carrying out analyses and evaluations, with the participation of all the bodies involved, in order to ensure that the information to be included in the report is reliable, appropriate and relevant, bearing in mind that, on the same topic, there may be different sources which produce contradictory information or different or non-comparable data or indicators, views on challenges to be met and how to overcome them or to explain the obstacles that have made it difficult to overcome them.

It is important to bear in mind the latest concluding observations and recommendations of the committee throughout the report preparation process. The Executive Secretariat should make every effort to secure the participation of all the bodies concerned.

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<sup>32</sup> At this information gathering stage, the Executive Secretariat is responsible for all four activities.



*Report preparation stage*

- Draft the preliminary report – Executive Secretariat.
- Transmit the preliminary report to the bodies concerned.
- Hold an inter-agency meeting to present the preliminary report – The Executive Secretariat should organize the meeting, and all the entities concerned should participate.
- Review the text; this should be done initially by the Executive Secretariat and secondly by the bodies with lead responsibility for the topic dealt with in the report.
- Make adjustments and write the final report.
- Adopt the report; this is to be done by the most senior authority of the bodies comprising the Executive Secretariat, in all cases with the participation of the Ministry of Foreign Affairs.

*Presentation of the report*

- Transmit the report. The Colombian State, through the Ministry of Foreign Affairs, must transmit the report to the Secretary-General of the United Nations, who will forward it to the specific body concerned. As a precautionary measure, the report should also be transmitted to the chairperson of the relevant body, by diplomatic note sent through the Colombian Mission in Geneva or New York, as applicable.
- Form. Reports should be submitted in electronic form (on diskette or CD-ROM or by electronic mail), along with a printed paper copy. The length and format of reports must conform to the guidelines established by each committee. The State must submit separately, as annexes, copies of the main legislative, judicial, administrative and other texts referred to in the reports, preferably on CD-ROM.

Reports should contain a full explanation of all abbreviations used in the text, especially where referring to national institutions, organizations, laws, etc., which are not readily understandable outside the Colombian State.

**H. Follow-up to concluding observations of human rights treaty bodies**

162. Following is a description of some of the activities that are carried out once the concluding observations and recommendations of the committee are known.

**Analysis and response**

- Disseminate the report. The Foreign Ministry should disseminate the report or document among the State agencies concerned with the topic, in particular, those that were on the delegation that presented the report.
- Publish the document on the Foreign Ministry's website so as to further disseminate it.
- Analyse the content of the document. This is an inter-agency effort coordinated by the Foreign Ministry. The content of the concluding observations and recommendations is analysed with a view to determining the State's position on the matter.
- Define the State's position on the recommendations of the treaty body. The State, acting through the Foreign Ministry, issues a report presenting its position on the recommendations made by the treaty-monitoring body.

- Send a communication to the committee. If necessary, a formal written communication signed by the Foreign Ministry is sent to the committee, transmitting the observations of the Colombian State on its recommendations.

163. Based on the State's position in regard to the recommendations, the Foreign Ministry should follow-up on implementation of the recommendations. To that end, the Foreign Ministry should:

- Inform the bodies concerned about the concluding observations and recommendations.
- Invite or urge them to propose measures to be taken to implement the recommendations in the sphere of their competence, setting time limits for their completion and, if appropriate, establish indicators to measure progress.
- Draw up a timetable for following up on the recommendations. It is important to verify the dates on which the State should provide partial information to the treaty body concerned, based on its suggestions. The timetable will be useful for this purpose, and it should be shared with the institutions concerned. Follow-up will provide a basis for preparing the next State report and for addressing any requirement on the matter that might arise; the Foreign Ministry should therefore keep a follow-up chart with up-to-date information.

## **IV. Other related human rights information**

### **A. Follow-up to international conferences**

164. The Colombian State participates in the main international and regional conferences and forums on human rights with a view to generating consensus on the promotion and protection of human rights. It observes the commitments it has undertaken in those forums, including the following: the 1993 Vienna Programme of Action, the 1994 Cairo Programme of Action, the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development of 1995, the 1995 Beijing Declaration and Platform for Action, the 2000 Millennium Declaration and the Durban Declaration and Programme of Action.

165. To facilitate inter-agency follow-up to the recommendations, the Ministry of Foreign Affairs set up a system of follow-up to human rights recommendations made by international organizations. Under this system, intra- and inter-agency measures and policies are promoted to enable State entities to fulfil their commitments in the field of human rights.

166. The objectives of the follow-up system are to generate inter-agency discussions on international recommendations; to facilitate the preparation of timely, consistent and high-quality reports; to recognize the competencies of and strengthen the means available to entities for following up on recommendations; to strengthen constructive and good-faith dialogue and promote international cooperation in the area of human rights.

### **B. Information on non-discrimination and equality and effective remedies**

#### **1. Equality**

167. The Political Constitution and Act 270 of 1996 stipulate that the administration of justice is a public function of constitutional rank and that its decisions are independent. The

purpose of the judiciary is to guarantee the rights and liberties established in the Constitution. Pursuant to the Constitution and the law, its responsibilities are carried out by the constitutional, administrative, ordinary, and special (indigenous authorities and justices of the peace) courts, the military criminal courts and the Office of the Attorney General of the Nation.

168. In order to guarantee equality before the law and judicial protection for everyone, the Colombian State created the Office of the Ombudsman as a free public service for citizens who do not have the economic or social means to defend their rights. The Office of the Ombudsman is a public service that is available to individuals who show that they are unable to pay the costs of their own defence. In this regard, it should be noted that:

- Public defence in regard to criminal matters is provided at the request of the accused, the defendant or the convicted person, or upon a request from the Public Legal Service, a judicial official or the Ombudsman.
- On labour or administrative matters, according to the criteria established for the Office of the Ombudsman, the party concerned must grant a power of attorney authorizing the Ombudsman to represent him or her in court proceedings.
- On civil matters, the Office of the Ombudsman acts in representation of a party claiming poverty, based on the provisions of the Code of Civil Procedures. The applicant must also grant a power of attorney to the public defender.

169. In order to guarantee access for all citizens to comprehensive, free and efficient justice, the law provides for alternative dispute-settlement mechanisms. The Directorate for Access to Justice of the Ministry of Justice carries out a programme to facilitate the right of citizens to full and equal justice through strategies such as the National Justice Houses Programme, the National Centres for Social Harmony Programme, the National Justice in Equity Programme and the National Programme for Conciliation in Law and Arbitration.

170. The National Justice Houses Programme is an inter-agency dispute-settlement initiative that makes it possible to guarantee access to the administration of justice, enabling citizens to obtain a timely, effective, comprehensive and free response to family conflicts; problems between neighbours; criminal, civil and labour matters, and human rights violations, among others. The key element in the implementation of the Justice Houses Programme is the combination of formal and non-formal mechanisms for the settlement of disputes. Thus, individual citizens may be invested with authority to carry out duties pertaining to the administration of justice, and they are empowered to hand down decisions in law or in equity.

171. The National Justice in Equity Programme includes conciliation in equity and justices of the peace. Conciliation in equity is an alternative mechanism that is set up by the parties concerned themselves, whereby two or more individuals resolve their conflicts through a third party known as the conciliator in equity, who helps them reach an agreement which will have full legal effect. The duty of the justices of the peace is to take cognizance of conflicts on matters that can be settled by compromise, conciliation or discontinuance, which are brought to them, voluntarily and by common agreement, by individuals or by a community.

172. Persons who see justice through the National Programme for Conciliation in Law and Arbitration agree from the outset that the matter to be considered by the arbitrators will be resolved by the arbitrators themselves; this means that the decision is made by a third party and that the decision must be complied with because it has legal effect. Another important element of the administration of justice is the family commissioner (Comisaría de Familia), who is responsible for preventive action, safeguarding, restoring and providing

reparation of family members' rights, through restoration and protection proceedings to ensure the safety of persons affected by domestic violence.

173. In the case of women who are victims of violence, legal representation is provided, this being understood as the right to receive free, immediate and specialized legal assistance from the competent authority from the time when it becomes aware of the facts. The investigation and support centres for victims of sexual violence and the investigation and support centres for victims of domestic violence in the Office of the Attorney General of the Nation provide timely and efficient services to victims and persons involved in offences against liberty, integrity and sexual development, trafficking in persons and domestic violence, in a context of respect for human dignity.

174. These centres in the Attorney General's Office work with other agencies to ensure that women victims of violence are treated with dignity and have access to justice. They provide psychosocial, legal, investigative and medical-legal services. In addition, the Office of the Ombudsman has assigned public defender(s) to represent women victims, guaranteeing them their full right to justice.

## **2. Non-discrimination**

175. The Colombian State is firmly committed to eliminating and punishing all forms of discrimination on grounds of race, sex, religion, nationality, gender, language, sexual orientation, economic or social situation and, in general, on other grounds or conditions. Act 1482, the Anti-discrimination Act, was passed in 2011, to guarantee protection for the rights of individuals, groups of persons, communities or peoples who have suffered as a result of acts of racism or discrimination.

176. The Act provides for criminal and economic penalties for anyone who promotes or instigates acts, conduct or behaviours that constitute harassment, are intended to cause physical or moral damage on the basis of race, ethnicity, religion, nationality, political or philosophical ideology, sex or sexual orientation. In terms of criminal law, the Act stipulates that persons committing acts of racism or discrimination or harassment based on race, religion, political ideology or national, ethnic or cultural origin shall be liable to 12 to 36 months imprisonment and a fine of 10 to 15 times the minimum wage in force at the time, unless the act constitutes an offence that incurs a more serious punishment. Anyone who justifies genocide will be liable to 96 to 180 months imprisonment and a fine of between 666.66 and 1,500 times the minimum monthly wages in force at the time and shall be disqualified from exercising rights and holding a public post for a period of 80 to 180 months.<sup>33</sup>

177. With regard to vulnerable groups, Decree 4065 of 2011 created the National Protection Unit within the Ministry of the Interior to provide protection for anyone who, because of his or her activities or political, public, social, humanitarian, cultural, ethnic or gender-related situation, or as a victim of violence or displacement, or human rights activism, is at extraordinary or extreme risk of harm to his or her life, integrity, liberty or personal security. This law covers individuals who hold public office or who carry out other activities that might generate extraordinary risk, such as leadership of a trade union, a NGO or groups of displaced persons.

178. To prevent multiple discrimination, the executive branch created the National Agency for the Eradication of Extreme Poverty within the Department for Social Prosperity. This Agency is responsible for implementing the national strategy for the eradication of extreme poverty through linkages with the public and private sectors and the

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<sup>33</sup> See articles 3, 4, 5, 6 and 7 of Act 1482 of 2011.

promotion of social innovation. It is expected that between 2010 and 2014, the Agency will assist more than 350,000 families (1,000,500 individual citizens) to overcome extreme poverty. This led to the creation of a network known as Red Unidos (network of those who are united), which includes 26 State entities involved in providing basic social services for persons living in extreme poverty.

179. Red Unidos designed the following three components for implementation of the strategy: (a) support to families and communities in gaining access to government social services; (b) management of the supply and preferential access to government social programmes to facilitate preferential access to the public and private supply of goods and services; (c) institutional strengthening to coordinate activities of social services. The following chart shows the results obtained by the National Agency for the Eradication of Extreme Poverty in its efforts to guarantee basic conditions for households and for children.

Table 17

	<i>Achievements Required</i>			
	<i>Achieved or in process</i>	<i>Achievement pending</i>	<i>Applies</i>	<i>% achieved or in process</i>
12. Child labour	366 878	18 395	385 273	95
13. Covered by health services	608 676	87 709	696 385	87
9. Children in the education system	333 917	86 194	420 111	79
18. Early detection of growth anomalies	235 326	87 213	322 539	73
16. Child vaccination	131 980	54 548	186 528	71
24. Drinking water	448 180	248 205	696 385	64
8. Comprehensive services for children	104 373	76 816	181 189	58

*Source:* National Agency for the Eradication of Extreme Poverty. Unidos Information System (as of August 2012).

### 3. Effective remedies

180. This information may be found in chapter III, section D (Legal framework for the protection of human rights).