



**International Convention for
the Protection of All Persons
from Enforced Disappearance**

Distr.: General
25 June 2024
English
Original: Spanish
English, French and Spanish only

Committee on Enforced Disappearances

**Additional information submitted by Colombia
under article 29 (4) of the Convention***

[Date received: 6 June 2024]

* The present document is being issued without formal editing.



I. Introduction

1. In April 2021, the Committee on Enforced Disappearances considered the second periodic report of Colombia outlining the progress it had made in implementing the International Convention for the Protection of All Persons from Enforced Disappearance.

2. At the end of its consideration of the report, the Committee, on 2 June 2021, issued its concluding observations on the additional information submitted by Colombia under article 29 (4) of the Convention (CED/C/COL/OAI/1) and, in paragraph 37 of the document, requested the State to submit information on the action taken to implement the recommendations made by the Committee in paragraphs 17, 19 and 27. Colombia submitted the requested information, which was received by the Committee on 7 May 2022 (CED/C/COL/FOAI/1).

3. In paragraph 37 of the concluding observations of 2 June 2021 (CED/C/COL/OAI/1), the Committee also requested the State party to submit, by 7 May 2024, specific, up-to-date information on the implementation of each of the recommendations contained in the concluding observations, as well as any other relevant information on the fulfilment of its obligations under the Convention.

4. The present report was prepared based on information received from the following entities: the Presidential Advisory Office for Human Rights and International Humanitarian Law; the Ministry of the Interior; the Ministry of Justice and Law; the Ministry of Foreign Affairs; the Comprehensive Victim Support and Reparation Unit; the High Council of the Judiciary; the Attorney General's Office; the National Institute of Forensic Medicine and Science; the Counsel General's Office; the Ombudsman's Office; the Ministry of Defence; the Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict; and the National Civil Registry Office.

5. Moreover, in accordance with the Committee's observations regarding the participation of civil society, in particular organizations of victims of enforced disappearance, in the process of preparing this information, the State wishes to point out that the document was circulated to a number of civil society organizations; however, they did not submit any contributions.

6. The State emphasizes the importance that Colombia attaches to the recommendations made by the Committee on Enforced Disappearances and, challenges notwithstanding, the information that follows reflects the State's commitment to fulfilling its obligations under the Convention.

II. Harmonization of domestic law and the Convention

A. Definition of enforced disappearance

Information on action taken in follow-up to paragraph 5 of the concluding observations (CED/C/OAI/1)

7. The State has prioritized the adoption of a comprehensive strategy aimed at: (i) advancing the transitional justice model for acts of enforced disappearance perpetrated in the context of the armed conflict, and (ii) strengthening the road map for non-repetition. It has taken this approach because enforced disappearance constitutes a human rights violation, regardless of whether the acts are committed by the State acting through its agents or through private individuals.¹

¹ Ministry of Justice and Law, email dated 21 March 2024.

B. Criminal responsibility of superiors

Information on action taken in follow-up to paragraph 7 of the concluding observations

8. Colombia understands the importance of adopting measures to give effect to the stated recommendation. However, a consistent approach to dealing with chain-of-command responsibility has now emerged from national case law. This approach, which applies to cases in which punishable acts are committed by members of an organized structure, involves attributing responsibility for those acts not only to the direct perpetrators but also to those who exercise authority over the organizational hierarchy, even if they have not exerted direct influence over those in the group who carried out the unlawful acts.²

C. Communication by and registration of persons deprived of their liberty

Information on action taken in follow-up to paragraph 9 of the concluding observations

9. In 2023, the Ministry of Justice and Law presented the “Plan for Access to Justice with a Human Rights-based Approach”,³ which is aimed at strengthening access to the administration of justice, the right of defence, due process and, accordingly, the other rights of persons deprived of their liberty in the country’s prisons. The specific objectives of this plan include: (i) involving strategic actors able to support the formation and management of the necessary legal teams, such as the legal clinics of the country’s law schools and civil society organizations that work to promote and defend human rights; and (ii) coordinating and organizing spaces to enable actors such as the Ombudsman’s Office and the legal clinics of partner universities to set up teams for providing legal assistance to persons deprived of their liberty.⁴

10. Colombian law establishes safeguards for persons deprived of their liberty, such as the right to communicate with their families and to have legal representation through a lawyer. It also stipulates that the entity responsible for providing this service is the Ombudsman’s Office, through the Public Defender System. In addition, any person entering the country’s prisons, which are administered by the National Prisons Institute, is registered in the Integrated Information System of the Prisons System, in which a “curriculum vitae” of the person deprived of his or her liberty is created. The Counsel General’s Office has worked in coordination with the Ombudsman’s Office to extend the legal teams strategy so that it covers not only national prisons but also places where security measures are enforced during criminal proceedings, police stations and immediate response units, in order to guarantee these rights to all persons deprived of their liberty.⁵

D. Protection of children from enforced disappearance

Information on action taken in follow-up to paragraph 11 of the concluding observations

11. Colombia recognizes the importance of working to prevent the acts referred to in the aforementioned recommendation. To this end, Act No. 2326 adopting the “Pink Alert” mechanism and other measures of prevention, protection and reparation for children, young persons, adolescents and women who were victims of disappearance was passed on 13 September 2023. The main aim of this law is to set up and regulate the functioning of a standardized, multichannel, large-scale and public national urgent search mechanism for disappeared children, adolescents, young persons and women, known as the “Pink Alert” mechanism. The purpose here is to guarantee the life, liberty, safety, integrity and dignity of

² Ministry of Justice and Law, email dated 21 March 2024.

³ Available at <https://www.uexternado.edu.co/wp-content/uploads/2023/09/Plan-de-acceso-a-la-justicia-DDHH-3-1.pdf>.

⁴ Ministry of Justice and Law, email dated 21 March 2024.

⁵ Counsel General’s Office, email dated 22 March 2024.

disappeared persons belonging to those groups, and to create a mechanism that helps to promptly locate and protect them so that they are not subjected to other types of violence after their disappearance.⁶

12. To this end, the Act provides that the Government must draw up a cross-cutting plan for searching for and locating disappeared children, adolescents, young persons and women.⁷ The plan must contain strategies and actions such as: (i) educational and outreach campaigns with a differentiated, intersectional approach designed to provide comprehensive practical information on the law in question; (ii) radio and television programmes and the regular publication of articles in local and national press outlets describing the issues associated with and the patterns of disappearance, enforced disappearance, trafficking in persons, illegal adoption and other forms of unlawful arrest and the danger that they pose to children, adolescents, young persons and women; (iii) protocols and guidelines with a gender perspective and a differentiated approach for all of the institutions that have relevant functions and competencies; and (iv) the active and inclusive participation of families, villages, communities, organizations and local search teams in efforts to search for disappeared children, adolescents, young persons and women.⁸

E. Individual and inter-State communications

Information on action taken in follow-up to paragraph 13 of the concluding observations

13. In 2022, the Ministry of Foreign Affairs signed the instrument by which the State recognizes the competence of the Committee on Enforced Disappearances to receive and consider individual communications, thereby complying with the Committee's recommendation. This is not only an act of recognition of the work of the Committee, but also represents the opening of a channel through which victims may be recognized and receive reparation and whereby all entities commit to moving decisively towards total peace, in compliance with the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace of 2016 (the Peace Agreement) and, subsequently, in accordance with Act No. 2272 of 2022, which, *inter alia*, defines the State's peacebuilding policy.⁹

⁶ Ministry of Justice and Law, email dated 21 March 2024.

⁷ As for the draft decree adding chapter 8 to title 2 of part 2 of book 2 of Decree No. 1069 of 2015, which sets forth the consolidated regulations for the justice and law enforcement sector, to regulate the "Pink Alert" mechanism, and issuing other provisions, comments will be received from the public from 2–17 May 2024. The draft decree provides as follows: "Article 2.2.2.8.6.10. Coordination of the drafting of the cross-cutting search plan with other existing search plans and policies. For the purpose of drafting and implementing the cross-cutting search plan referred to in article 7 of Act No. 2326 of 2023, the responsible entities shall take into account and harmonize, as appropriate, the national and regional search plans of the Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict, the national search plan of the Disappeared Persons Investigative Commission, and any other relevant plan or strategy of the entities that are members of the "Pink Alert" coordination committee to ensure that they are consistent and to avoid duplication and fragmentation of efforts."

Information available at

<https://www.minjusticia.gov.co/normatividad/proyectos-de-decreto-y-agenda-regulatoria>
https://www.sucop.gov.co/formulacion/_Procesos/Norma%201713390868549/Documento%20de%20consulta%20-%206907beb0.pdf.

⁸ Ministry of Justice and Law, email dated 21 March 2024.

⁹ Ministry of Foreign Affairs, 30 August 2022.

III. Prevention of enforced disappearance and mechanisms for search and investigation

Information on action taken in follow-up to paragraph 15 of the concluding observations

14. Colombia recognizes the importance of adopting a comprehensive public policy to prevent enforced disappearances based on the obligations arising from the Convention. To this end, as part of a multisectoral strategy, it has entrusted various responsibilities and tasks to the different institutions competent in this area.¹⁰

15. In addition, article 198 of the National Development Plan 2022–2026 provides for the creation of the National System for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict as a mechanism to coordinate and develop a comprehensive public policy, which must include crime prevention as one of its main pillars. Although this system is aimed at persons deemed disappeared in the context of and due to the armed conflict, it is also intended for victims of enforced disappearance. It was decided that, although it must be led by the Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict, a transitional entity created by the Peace Agreement signed by the Government and the Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (Revolutionary Armed Forces of Colombia – People’s Army), responsibility for coordinating it lies with the Ministry of Justice and Law, a permanent entity of the executive branch.¹¹

16. However, in its fifth report to the Congress of the Republic on the progress made in implementing the Peace Agreement, issued in November 2023, the Counsel General’s Office identified as an opportunity the creation of the National System for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict under article 198 of Act No. 2294 of 2023. The Counsel General’s Office recommended that organizations of women and other persons devoted to searching for disappeared persons and civil society organizations with experience in this area be involved in drafting this public policy and that the policy be based on the two parts of the National Plan on the Search for Disappeared Persons.¹²

17. However, the Ombudsman’s Office points out that Colombia has an urgent search mechanism established by Act No. 589 of 2000 and regulated by Act No. 971 of 2005. The Ombudsman’s Office is of the view that prevention cannot be carried out through regulations alone; rather, this tool must be put into effect as a crime prevention mechanism. To this end, priority must be given to implementation-related actions, such as capacity-building and training for the officials in charge of its implementation, improved coordination between the public entities responsible for its implementation; greater awareness of the urgent search mechanism in society at large, and strengthening of the instruments used to follow up, monitor and evaluate search processes.¹³

18. The regulations governing the National System for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict, established under article 198 of Act No. 2294 of 2023, were the result of an inclusive drafting and feedback process.¹⁴

¹⁰ Ministry of Justice and Law, email dated 21 March 2024. Refers to the Victims Unit document: *Guidance for Relatives of Victims of Enforced Disappearance in the Context of and Due to the Armed Conflict in Colombia* (2019). Available at <https://www.unidadvictimas.gov.co/wp-content/uploads/2019/10/rutasparafamiliares-uariv30agosto2019.pdf>.

¹¹ National Institute of Forensic Medicine and Science, official letter 0398-SSF-2024 of 22 March 2024.

¹² Counsel General’s Office, email dated 22 March 2024.

¹³ Ombudsman’s Office, email dated 6 May 2024.

¹⁴ With human rights organizations, organizations of family members and women’s organizations, representatives of victims’ round tables, participatory forums with differentiated and gender-sensitive approaches, international bodies and State entities. Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict, file No. UBPD-1-2024-008772 of 16 May 2024.

A. Statistical information on enforced disappearances

Information on action taken in follow-up to paragraph 17 of the concluding observations

19. Mention should be made of the National Register of Disappeared Persons (the National Register), which is coordinated and overseen by the National Institute of Forensic Medicine and Science (the Institute) with support from the Disappeared Persons and Recovered Bodies Information Network (the Information Network). In addition, the Attorney General's Office has at its disposal the information system of the oral adversarial criminal justice system, which indicates the crime of "enforced disappearance", the date and place of the events and the name of the victim.¹⁵

20. The National Register is the country's national inter-institutional information system for searching for disappeared persons. It is established by law and is the only tool for centralizing data on persons deemed disappeared in the context of and due to the armed conflict. The National Register is subject to a constant cleansing process whereby, as the competent entities input, consult and cross-check data in the system, they cleanse it, updating the information available at the inter-institutional level. The statistics generated by the National Register are traceable and reliable thanks to the system's tracking function and are presented in a format that shows the relevant inter-institutional interaction and the last updates made so that they can be interpreted appropriately. Moreover, the National Register is not time-bound, since the disappearance of persons in Colombia is a problem that continues to exist today.¹⁶

21. Information on the process of classifying disappeared persons, acts committed and alleged perpetrators to discern any criminal patterns regarding the acts committed, the location of bodies, injuries sustained and other details, can be found in the National Register/Information Network,¹⁷ where it can be consulted by the entities responsible for searches and judicial and extrajudicial investigations.¹⁸

22. Since the Information Network was set up in 2007, the National Register has allowed the names and identification data of disappeared persons to be recorded and has included the category of "Suspected Case of Enforced Disappearance".¹⁹ If information is required on cases categorized as suspected cases of enforced disappearance committed by or with the acquiescence of State agents, the system allows filtering by presumed responsibility.²⁰

23. Since it was set up in 2007, the Information Network has included the following variables: sex, age and nationality of the disappeared person, and the place, date, context and circumstances of the disappearance. Concerning the variable of "Ethnic Origin of the Disappeared Person", when the Information Network was created, the information field "Group Membership" included an "Ethnic Group" option, but no drop-down list was provided. This was later corrected, and the list of Indigenous Peoples and reservations recognized by the Ministry of the Interior was added. The variables of "Gender Identity" and "Sexual Orientation", which relate to matters of self-identification, were not included in the Information Network until 2021. However, they can be selected on the basis of the information provided by the person reporting the disappearance to the authorities, in this case a family member or acquaintance.²¹

¹⁵ Attorney General's Office, file No. 20241700023261 of 19 March 2024.

¹⁶ National Institute of Forensic Medicine and Science, official letter 0398-SSF-2024 of 22 March 2024.

¹⁷ The Disappeared Persons and Recovered Bodies Information Network is the main platform of the National Register of Disappeared Persons. It contains information on bodies submitted for medico-legal autopsy since 2007 at the national level, unidentified bodies since 1960 and reports of disappeared persons since 1930.

¹⁸ National Institute of Forensic Medicine and Science, official letter 0398-SSF-2024 of 22 March 2024.

¹⁹ Defined by the Disappeared Persons Investigative Commission in 2006 and updated in 2010, taking into account the legislation in force in Colombia, in a document available at http://www.comisiondebusqueda.gov.co/images/Instrumentosjuridicos/CRITERIOS_20DESAPARICION_20FORZADA.pdf.

²⁰ National Institute of Forensic Medicine and Science, official letter 0398-SSF-2024 of 22 March 2024.

²¹ National Institute of Forensic Medicine and Science, official letter 0398-SSF-2024 of 22 March 2024.

24. The “Disappeared Persons” module of the Information Network has, from the outset, had a “Case Follow-up” information field in which details of the search efforts made by the competent entities are entered. Information on exhumation, identification and handover procedures is entered in the “Bodies” module of the Information Network.²²

25. Although the National Register created by Act No. 589 of 2000 is intended to be the official register of disappearances in Colombia, and needs to be strengthened, the existence of other registers cannot be disregarded if the State is to gain a clear understanding of the wide range of different circumstances in which disappearances occur, since they may be linked to other crimes such as trafficking in persons or the forced recruitment of children and adolescents, situations of national and international migration, or to the contexts in which the armed conflicts afflicting the country take place. The different information systems cannot, therefore, be ignored; however, a technical committee needs to be established to ensure their interoperability with the National Register.²³

26. The Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict has collected information from multiple sources.²⁴ To date, it has a universe of 111,640 persons deemed disappeared, which contains a single standardized historical register that is as comprehensive, consistent and accurate as possible.²⁵

27. The National Civil Registry Office and the Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict have signed Inter-Agency Cooperation Agreement No. 011 of 2020, which allows access to the databases of the National Identification Archive and the Civil Registry Information System. Procedures have also been established to verify the identity of persons found alive and to provide support in making entries in the civil death register.²⁶

B. Investigations of cases of enforced disappearance

Information on action taken in follow-up to paragraph 19 of the concluding observations

28. The Special Directorate on Human Rights Violations of the Attorney General’s Office is responsible for investigating cases of enforced disappearance and forced displacement. The Attorney General’s Office has identified the value that can be added to investigations by mapping out specific scenarios using any armed actors involved and the time and place of the events as variables and has outlined various strategies to ensure that investigations are conducted in a structured manner. In other words, investigations would no longer be carried out on a case-by-case basis, but by contextualizing events, thus making it possible to link perpetrators to various cases within a defined time frame, i.e. in a systematic and overarching manner. These strategies are being implemented with a view to advancing investigations against members of organized armed groups, as well as members of the security forces or State agents. Moreover, in 2023, the Special Directorate on Human Rights Violations and the

²² National Institute of Forensic Medicine and Science, official letter 0398-SSF-2024 of 22 March 2024.

²³ Ombudsman’s Office, email dated 6 May 2024.

²⁴ These include: (i) State entities, (ii) civil society organizations, (iii) international bodies and (iv) primary sources collected by the Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict (search requests submitted by family members or representatives; information contributed on a voluntary basis; humanitarian processes for gathering information from ex-combatants; and humanitarian and extrajudicial investigations). This is an illustrative (as opposed to exhaustive) list of the sources that are consulted, processed and included, thereby feeding into the universe of persons deemed disappeared in the context of and due to the armed conflict.

²⁵ Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict, file No. UBPD-1-2024-008772 of 16 May 2024.

This information may be consulted at <https://ubpdbusquedadesaparecidos.co/sites/portal-de-datos/universo-de-personas-dadas-por-desaparecidas-v2/>.

²⁶ National Civil Registry Office, file No. RDRCI-GAIPDP 00106-2024 of 14 May 2024, sent by email on 17 May 2024.

Directorate of Advanced Studies prepared a protocol on how to investigate cases of enforced disappearance with a gender perspective.²⁷

29. In cases where acts can be attributed to members of the security forces, there are two possible scenarios. According to the first of these, if the date on which the events occurred falls within the jurisdiction of the Special Jurisdiction for Peace, having occurred before 1 December 2016, the Special Directorate on Human Rights Violations applies the criteria set out in Circular No. 005 of 2023, proceeding as far as is permitted with those appearing and not appearing before the Special Jurisdiction for Peace.²⁸

30. The second scenario applies to events that occurred after 1 December 2016. The Attorney General's Office, acting in accordance with its legal and constitutional mandate through the Special Directorate on Human Rights Violations, examines all those acts that constitute violations of international humanitarian law, taking into account the guidelines for investigating members of the security forces set out in Circular No. 007 of 2023.²⁹

31. As part of its efforts to develop inter-institutional relations and in the spirit of collaboration, harmony and efficiency, the Attorney General's Office has also signed inter-agency cooperation agreements with the Special Jurisdiction for Peace (Agreement No. 0093 of 2019), the Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict (Agreement No. 0030 of 2019), and others, with the general aim of creating the conditions for access to and the exchange of information between the Attorney General's Office and each of these entities so that they can fully carry out their constitutional and legal mandates.³⁰

32. Moreover, within the framework of the Justice and Peace Act, the Directorate for Transitional Justice investigates criminal acts that can be attributed to demobilized armed paramilitary groups. The Attorney General's Office has made notable progress over the previous four years in terms of prosecuting the crime of enforced disappearance and of identifying those responsible, having succeeded in doubling the number of cases of enforced disappearance brought before the justice and peace courts compared to the number brought during the period from 2006 to 2019, with the number of criminal acts rising from 5,791 to more than 11,000.³¹

33. The Judicial Panel for Acknowledgement of Truth, Responsibility and Determination of Facts and Conduct is not currently pursuing a macrocase exclusively focused on enforced disappearance; the issue cuts across several of the macrocases that are being pursued at the national level. The Office of the Specialized Counsel for the Special Jurisdiction for Peace remains actively committed to undertaking actions to provide a swift and improved response to society and victims through the adoption of scenarios and mechanisms to advance cases and bring about timely and effective dialogue between the entities.³²

34. The national army and its members respect the constitutional order and therefore neither wish nor intend to generate impunity. Therefore, as a State institution, it has taken the measures necessary to ensure that judicial and extrajudicial authorities have access to information, especially those that make up the Comprehensive System of Truth, Justice, Reparation and Non-Repetition. This is done pursuant to Circular No. 2023252000225711 of 1 March 2023, which issued instructions to all military units on the processing of requests from the Comprehensive System with the aim of optimizing timelines and procedures to put into effect the constitutional principle of harmonious collaboration and to enable the judicial and extrajudicial bodies of the Comprehensive System to fulfil their mandates.³³

²⁷ Attorney General's Office, file No. 20241700023261 of 19 March 2024.

²⁸ Attorney General's Office, file No. 20241700023261 of 19 March 2024.

²⁹ Attorney General's Office, file No. 20241700023261 of 19 March 2024.

³⁰ Attorney General's Office, file No. 20241700023261 of 19 March 2024.

³¹ Attorney General's Office, file No. 20241700023261 of 19 March 2024.

³² Counsel General's Office, email dated 22 March 2024.

³³ Ministry of Defence, file No. RS20240508062145 of 8 May 2024.

In addition to the above, the Ministry of Defence has signed cooperation agreements on the exchange of information with the extrajudicial bodies of the Comprehensive System of Truth, Justice, Reparation and Non-Repetition. For example, Inter-Agency Cooperation Agreement No. 01 of 2024

Information on action taken in follow-up to paragraph 21 of the concluding observations

35. The restrictions on the ranking and promotion of any member of the national army who is facing formal charges or indictment provided for under the existing career system are set out in Decree-Law No. 1790 of 2000 and Decree No. 1799 of 2000, respectively.³⁴

C. Investigation of disappearances perpetrated without the authorization, support or acquiescence of State agents

Information on action taken in follow-up to paragraph 23 of the concluding observations

36. As a result of changes to the structure of the Attorney General's Office and the investigation strategy itself, the Directorate of Support for Investigation and Analysis of Organized Crime claims that the prosecution of around 1,500 recruits from the past two decades; the top leaders of the Ejército de Liberación Nacional (National Liberation Army) and its war fronts; members of the Clan del Golfo and Los Caparros organized armed groups; the current commanders of the residual groups of the demobilized Fuerzas Armadas Revolucionarias de Colombia (Revolutionary Armed Forces of Colombia); and the leaders who were excluded or withdrew from the peace process is currently in its late stages. There are outstanding arrest warrants against all of them.³⁵

37. The Directorate is implementing a methodology-based strategy to undertake and consolidate investigations against criminal organizations, known as investigative projects and microprojects, as described in Directive No. 001 of 2023 of the Attorney General's Office. It involves focusing on the time and place of acts that may constitute criminal activity to collect information and material and physical evidence to help analyse and dismantle the political, financial and military components of criminal organizations.³⁶

38. With regard to inter-institutional coordination, the Directorate is making progress in strengthening communication channels for the care of minors with authorities such as the Colombian Family Welfare Institute and the Directorate for Protection and Special Services of the National Police, and a number of regional authorities, including the Governor's Office of Antioquia.³⁷

39. As regards the prevention of enforced disappearance, the National Institute of Forensic Medicine and Science provides information on an ongoing basis that allows the authorities responsible for State, governmental and institutional policy to meet the information requirements for the development of prevention-based public policies.³⁸

40. The High Council of the Judiciary of Colombia has adopted various measures to strengthen the prosecution of offences of enforced disappearance, particularly those committed by armed actors, and the unlawful recruitment of minors. It has significantly increased the number of investigations and convictions for these crimes, improved care for victims and made progress in the search for truth and justice. The most important measures include:

(a) The creation of specialized units at the national and regional levels. These units are staffed with trained personnel and have access to specialized resources to conduct complex and sensitive investigations;

was signed by the Ministry of Defence, the National Police and the Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict to enable them to join forces to search for and locate persons deemed disappeared and to draw up and implement specific protocols for searching for disappeared military and police personnel.

³⁴ Ministry of Defence, file No. RS20240508062145 of 8 May 2024 and emails dated 8 May and 20 May 2024.

³⁵ Attorney General's Office, file No. 20241700023261 of 19 March 2024.

³⁶ Attorney General's Office, file No. 20241700023261 of 19 March 2024.

³⁷ Attorney General's Office, file No. 20241700023261 of 19 March 2024.

³⁸ National Institute of Forensic Medicine and Science, official letter 0398-SSF-2024 of 22 March 2024.

(b) The training of judicial officials. The Rodrigo Lara Bonilla Judicial Academy has launched various training programmes for judges, prosecutors and other judicial officials on the investigation and prosecution of offences of enforced disappearance and the unlawful recruitment of minors. These training programmes have been conducted in collaboration with international organizations such as the International Narcotics and Law Enforcement Section of the United States Embassy, the Office of the United Nations High Commissioner for Human Rights, the Pan American Development Foundation and the International Committee of the Red Cross;

(c) The adoption of specific protocols for the care of victims of enforced disappearance and the unlawful recruitment of minors, which ensure respect for their rights and access to justice;

(d) The implementation of protection measures for victims and witnesses of these crimes, in order to guarantee their safety and to facilitate their participation in judicial proceedings;

(e) Joint work with other agencies. The High Council of the Judiciary works with other State entities, such as the Attorney General's Office, the Ombudsman's Office and victims' organizations, to step up efforts to combat these crimes.³⁹

41. In addition, the High Council of the Judiciary has taken other practical measures to combat enforced disappearance and the unlawful recruitment of minors, including: (i) the establishment of specialized courts with a gender perspective; (ii) the creation of judicial observatories; (iii) the promotion of victim participation; (iv) the holding of public hearings; (v) the issuance of procedural orders; (vi) requests for tests; (vii) efforts to intensify the search for disappeared persons; (viii) support for the exhumation and identification of bodies; and (ix) the provision of reparations to victims.⁴⁰

42. The institutional framework for the period from 2024 to 2028 sets out the mission, vision and lines of action of the Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict. An institutional action plan for 2024 was developed as part of the implementation of the strategic framework. So far in 2024, the Unit has made progress in defining the road map and work plan for the achievement of the intended outcomes.⁴¹

D. Protection of complainants and/or of persons participating in the investigation of an enforced disappearance

Information on action taken in follow-up to paragraph 25 of the concluding observations

43. The Directorate of Human Rights of the Ministry of the Interior monitors the timeliness, appropriateness and effectiveness of the implementation of the collective protection measures approved by the Committee for Risk Assessment and Recommended Measures. The monitoring reports issued by the Directorate outline the risks and threats faced by each group evaluated, as reported by them, and provide a quantitative and qualitative analysis of the implementation status of the measures in question. These reports are made public and shared with the Committee for Risk Assessment and Recommended Measures so

³⁹ High Council of the Judiciary, official letter OAI024-183 of 30 April 2024.

⁴⁰ High Council of the Judiciary, official letter OAI024-183 of 30 April 2024.

⁴¹ These are chiefly aimed at: (i) strengthening investigative and forensic capacities and skills; (ii) constructing memory through searches; (iii) improving the conditions for joint, coordinated action with actors with shared responsibility for the search process at the local, national and international levels; (iv) ensuring recognition of the Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict; (v) raising public awareness of the disappearance of persons in the context of the armed conflict; (vi) promoting the active, differentiated and effective participation of individuals, families and organizations in the search process; and (vii) ensuring agile, efficient and coordinated institutional and local management in the provision of search services for persons deemed disappeared. Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict, file No. UBPD-1-2024-008772 of 16 May 2024.

that members can take this analysis into account when making decisions on collective protection measures for each case.⁴²

44. The Presidential Advisory Office for Human Rights and International Humanitarian Law has attended and participated in the individual and group sessions organized by the Committee for Risk Assessment and Recommended Measures, where it has recommended appropriate protection measures with a differential approach based on the risk-level studies conducted by the National Protection Unit. In addition, the Presidential Advisory Office maintains an ongoing dialogue with the National Protection Unit and with social organizations and human rights organizations on the review of facts and threats and risks, the implementation and effectiveness of protection measures and the follow-up of emblematic cases and cases of special interest. In keeping with the above, under the leadership of the Directorate of Human Rights of the Ministry of the Interior, the Presidential Advisory Office takes part in and contributes to the process of formulating the public policy on the work of human rights defenders, which is based on the guidelines developed by the country's human rights platforms. It also participates in and promotes the work of the regional committees responsible for safeguarding the rights of human rights defenders and social leaders for the purpose of coordinating actions in the areas of prevention, protection and investigation.⁴³

45. The Attorney General's Office, through the Directorate for Protection and Assistance, seeks to protect the lives of victims and witnesses who, owing to their participation in criminal proceedings, are at extraordinary risk of attacks on their lives and voluntarily agree to receive this protection. Consequently, from the moment the complaint is filed and throughout the criminal proceedings, the Attorney General's Office implements different strategies, programmes and mechanisms to guarantee the rights of victims, witnesses and participants involved in the proceedings in question.⁴⁴

46. One of the main objectives of the strategic action plan for the period from 2020 to 2024 was to shed greater light on crimes that endanger public safety, including in rural areas, focusing on homicides against human rights defenders and reintegrated persons, femicides and collective homicides. The measures taken to strengthen investigations include the issuance of Resolution No. 0-775 of 2021, which established the specific objectives of the national working group for the investigation of threats against human rights defenders. On 9 October 2023, Directive No. 0008 was issued to update the guidelines for the investigation and prosecution of crimes committed against human rights defenders.⁴⁵

47. The Counsel General's Office constantly receives petitions underscoring the need to ensure the safety of social leaders and human rights defenders.⁴⁶

48. The Comprehensive Victim Support and Reparation Unit, through the Directorate for Reparation, has a duty to guarantee full reparation for individuals, families and groups who report or participate in the investigation of an enforced disappearance. It does this through an administrative care and reparations programme that addresses the individual, collective, material, moral and symbolic reparation needs of the individuals and groups affected by acts that took place in the context of the internal armed conflict since 1985, and through the implementation of the following five measures: rehabilitation, compensation, restitution, satisfaction and guarantees of non-repetition.⁴⁷

49. On 6 December 2023, the High Council of the Judiciary signed a cooperation agreement with the International Narcotics and Law Enforcement Section of the United States Embassy to carry out, among other initiatives, a project aimed at strengthening the specialized criminal circuit courts established to hear cases in which human rights defenders or social leaders are victims of crime. The project's objective is to improve the conditions in which these courts operate and, in so doing, increase the efficiency with which such crimes

⁴² Ministry of the Interior, file No. 2024-2-002300-006345 of 23 February 2024.

⁴³ Presidential Advisory Office for Human Rights and International Humanitarian Law, email dated 20 March 2024.

⁴⁴ Attorney General's Office, file No. 20241700023261 of 19 March 2024.

⁴⁵ Attorney General's Office, file No. 20241700023261 of 19 March 2024.

⁴⁶ Counsel General's Office, email dated 22 March 2024.

⁴⁷ Comprehensive Victim Support and Reparation Unit, email dated 26 March 2024.

are prosecuted and the perpetrators convicted. The establishment of these courts is part of a broader set of measures to strengthen the judiciary and ensure that Colombia complies with its international human rights obligations. By ensuring that such cases received preferential and specialized treatment, the State is also seeking to convey how seriously it takes and its commitment to protecting human rights defenders, who often face significant risks in their line of work.⁴⁸

50. The Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict is carrying out humanitarian search actions in municipalities, villages, districts and ethnic minority territories where, by raising awareness of its humanitarian and extrajudicial mandate, building relations with key actors in regional searches and implementing, through its teams, the applicable policy and guidelines on prevention and protection, it has managed to carry out its work while minimizing the risk to the lives, liberty and integrity of its teams and the third parties, relatives and contributors involved in its humanitarian activities.⁴⁹

E. Search for disappeared persons

Information on action taken in follow-up to paragraph 27 of the concluding observations

51. In 2023, the Intersectoral Commission for the Prevention of Forced Recruitment, Sexual Abuse and Violence against Children and Adolescents by Illegal Armed Groups and Criminal Organizations focused its efforts on the regional implementation of public policy for prevention. The Commission resumed its activities with a regional focus, holding its first session in Arauca on 26 April, the second in Yarumal, Antioquia, on 18 July, and on 17 and 18 October in the Archipelago of San Andrés, Providencia and Santa Catalina. Given the changing nature of the phenomenon of recruitment of children and adolescents, the Government decided to meet directly in the regions to tackle the problem at its root. These working sessions have produced specific action plans for each subregion, while providing methodologies that can be replicated nationwide. Consequently, from 2023 onward, and thanks to the technical and managerial work carried out at the Commission's sessions, all the entities have aligned their interventions to avoid duplication of efforts and to work towards a common goal.⁵⁰

52. The Attorney General's Office created the Group for the Search, Identification and Handover of Disappeared Persons, which is attached to the Directorate for Transitional Justice and is made up of prosecutors, investigators, technicians and experts responsible for carrying out exhumations throughout the country. The Group is responsible for carrying out all activities aimed at locating persons reported as victims of the crime of enforced disappearance in the context of the armed conflict in the country, which may be done at the request of the victims, the prosecutors of the permanent justice authorities as part of criminal investigations and the prosecutors of the Directorate for Transitional Justice, bearing in mind the processes designed under Act No. 975 of 2005.⁵¹

⁴⁸ High Council of the Judiciary, official letter OAIO24-183 of 30 April 2024.

⁴⁹ Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict, file No. UBPD-1-2024-008772 of 16 May 2024.

Emphasis has been placed on the implementation of the guidelines for action in relation to risks and threats to persons and organizations involved in search activities, informants and third parties involved in the humanitarian search process. In addition, the Unit has been strengthening risk-analysis mechanisms based on a differentiated approach. Risks are also being identified using an intersectional approach, meaning that the assessments conducted show the possibility of situations' occurring based on ethnicity, gender, age range and socioeconomic status, among other factors considered relevant for the analysis of underlying factors linked to humanitarian work and for the mitigation of each of the risks identified. Lastly, requests for protection from persons involved in search activities have already been received and addressed by the relevant authorities this year.

⁵⁰ Presidential Advisory Office for Human Rights and International Humanitarian Law, email dated 20 March 2024.

⁵¹ Attorney General's Office, file No. 20241700023261 of 19 March 2024.

53. Moreover, the Attorney General's Office has put at the disposal of the public a tool which may be activated to locate disappeared persons, known as the urgent search mechanism, which is provided for in Act No. 971 of 2005. Once the mechanism has been activated, the judicial authorities must immediately order all the measures necessary to locate the person. The activation of this mechanism may be requested by any individual; there are no restrictions and any prosecutor in the national territory is competent to activate it.⁵²

54. Furthermore, since 2007, Colombia has been implementing the National Plan on the Search for Disappeared Persons prepared by the Disappeared Persons Investigative Commission as a mandatory working document in accordance with the regulations in force. The Plan contains principles and initial considerations that are consistent with the Guiding Principles for the Search for Disappeared Persons and other documents that are part of the inter-institutional methodological approaches developed and consolidated in Colombia.⁵³

55. The search plans designed by the Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict are based on inter-institutional coordination, since the search for disappeared persons is a process that involves multisectoral expertise. Bearing in mind the role of the National Institute of Forensic Medicine and Science within the framework of the regulations establishing and regulating the activities of the Unit and the Comprehensive System of Truth, Justice, Reparation and Non-Repetition, the following developments have taken place to date:

(a) The formulation of a comprehensive plan for the search for disappeared persons: pursuant to the order of the Special Jurisdiction for Peace in 2022, the inter-institutional document entitled "comprehensive plan for the search for disappeared persons" was prepared, taking into account the explanations given, background provided and interventions made by the representatives of the entities, civil society and relatives of disappeared persons present at the hearing of 10 November 2022. This plan has eight pillars: (i) preliminary research work based on context analysis; (ii) active civil society participation; (iii) inter-institutional working model; (iv) rethinking the sample collection process; (v) optimizing the National Register of Disappeared Persons; (vi) optimizing the Disappeared Persons Genetic Profile Bank; (vii) policy for the preservation of burial sites; and (viii) search management;

(b) The development of public policy guidelines for the protection of areas of forensic interest in transportation infrastructure projects;

(c) The updating of forensic standards for the search for disappeared persons;

(d) Working group meetings with the National Institute of Forensic Medicine and Science and the Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict: these started in 2020 to coordinate the inter-institutional approach to dealing with specific cases and to drive progress in the identification of unidentified bodies and in the dignified handover of these bodies to the victims' families.⁵⁴

56. The Government has allocated budgetary resources to invest in and to ensure the proper functioning of the entities responsible for search and investigation activities. Although the targeted support provided through international cooperation initiatives goes some way towards tackling the issue, the sheer number of disappeared persons and unidentified bodies simply exceeds the Government's capacity to address the issue in a timely manner for the families of the victims and society at large.⁵⁵

57. A disappearance is notified by the filing of a report by the family members or acquaintances of the person. Therefore, on receiving such a report, the competent entities start taking the necessary actions, which, depending on the case, might include activating the urgent search mechanism, opening a judicial investigation or submitting a request for a search on humanitarian grounds.⁵⁶

⁵² Attorney General's Office, file No. 20241700023261 of 19 March 2024.

⁵³ National Institute of Forensic Medicine and Science, official letter 0398-SSF-2024 of 22 March 2024.

⁵⁴ National Institute of Forensic Medicine and Science, official letter 0398-SSF-2024 of 22 March 2024.

⁵⁵ National Institute of Forensic Medicine and Science, official letter 0398-SSF-2024 of 22 March 2024.

⁵⁶ National Institute of Forensic Medicine and Science, official letter 0398-SSF-2024 of 22 March 2024.

58. Moreover, as part of the recognition of the disappearance of persons as a public issue, which began in 2000 with the enactment of Act No. 589, Colombia has designed and implemented multiple permanent and temporary measures related to the comprehensive search for disappeared persons and the provision of assistance to their relatives, including the Disappeared Persons Investigative Commission, the National Register of Disappeared Persons, the urgent search mechanism, the administration of the assets of disappeared persons, the National Reparation and Reconciliation Commission, the National Plan on the Search for Disappeared Persons, the Comprehensive Victim Support and Reparation Unit, the Central Register of Victims, the National Centre for Historical Memory, the Disappeared Persons Genetic Profile Bank, the Inter-Agency Protocol on the Dignified Return of Disappeared Persons' Remains, the large-scale fingerprint cross-checking project with the National Civil Registry Office, the programme of psychosocial and comprehensive healthcare for victims by the Ministry of Health and Social Security, the cemetery identification programme of the Ministry of the Interior, the inter-agency strategy for the recovery of bodies in cemeteries, the minimum forensic standards for the search for disappeared persons, the Special Jurisdiction for Peace, the Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict, the Commission for the Clarification of Truth, Coexistence and Non-Repetition, the National System for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict, and the "Pink Alert" mechanism for the search for disappeared children, adolescents and women.⁵⁷

59. Act No. 2326 of 2023 is focused on the search for disappeared children, adolescents and women with a differential approach. The Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict has specific differential care protocols for the LGBTIQ+ population. When it comes to strategies and actions such as protocols and guidelines with a gender perspective and differential approach, the National Institute of Forensic Medicine and Science, in keeping with its mandate, also has working documents on the subject.⁵⁸

60. The mechanisms created by Act No. 589, in keeping with its purpose, are permanent in nature. Therefore, since its adoption on 15 February 2007, the aim of the National Plan on the Search for Disappeared Persons has been to find disappeared persons alive or to hand over the bodies of disappeared persons to their relatives, so that they can mourn according to their customs and beliefs, through a comprehensive, inter-institutional and multidisciplinary strategy implemented in a manner that takes account of the prevailing sociocultural context and that upholds the rights to memory, truth, life and to an effective and timely investigation to identify and punish those responsible.⁵⁹

61. The Counsel General's Office has made several recommendations to promote compliance with the National Plan and regional search plans. In its fourth report to the Congress of the Republic on the progress made in implementing the Peace Agreement, issued in 2022, the Counsel General's Office made calls to: (i) accelerate the effective implementation of the National Plan on the Search for Disappeared Persons; (ii) expedite the conduct of activities flowing from the strategic priorities set, and (iii) accord greater priority to persons deemed disappeared in the regional search plans being implemented and/or formulated. In addition, in the fifth report to the Congress of the Republic on the progress made in implementing the Peace Agreement, issued in 2023, it was suggested that the Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict might move forward with the creation of the mechanism for evaluating the National Plan and with the development of the methodology that the mechanism will use to that end.⁶⁰

62. Decree Law No. 589 of 2017 regulates the activities of the Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict and sets out the methodology that the Unit must use to coordinate, contribute to and direct humanitarian and extrajudicial searches for persons deemed disappeared. This is done through the design and implementation of a national search plan that establishes the priorities for the fulfilment

⁵⁷ National Institute of Forensic Medicine and Science, official letter 0398-SSF-2024 of 22 March 2024.

⁵⁸ National Institute of Forensic Medicine and Science, official letter 0398-SSF-2024 of 22 March 2024.

⁵⁹ National Institute of Forensic Medicine and Science, official letter 0398-SSF-2024 of 22 March 2024.

⁶⁰ Counsel General's Office, email dated 22 March 2024.

of its purpose and regional search plans to expedite the conduct of humanitarian searches, including the stages of information-gathering, site location, exploration, recovery, identification, reunion and dignified return in specific geographic areas. In 2023, the priority given to different regions within the framework of the national search plan was reviewed and adjusted, taking into account the differential impact of the armed conflict on the regions concerned. On 20 March 2024, the Unit invited representatives of the public bodies responsible for conducting activities under and achieving the goals of the national search plan to a strategic meeting to draw attention to key aspects of the plan and to underscore the need for all the entities to work together harmoniously and for the implementation of the plan to be monitored and evaluated on an ongoing basis.⁶¹

F. Identification and dignified return of remains

Information on action taken in follow-up to paragraph 29 of the concluding observations

63. The Group for the Search, Identification and Handover of Disappeared Persons performs judicial functions aimed at locating clandestine graves where victims of the armed conflict are buried. The exhumation of bodies includes the documentation of individual or mass graves located in open fields or cemeteries. Strategies are devised to ensure the reliable identification of each of the bodies found and their dignified return to the victims' relatives, with the support of the identification laboratories of the Technical Investigation Corps and the National Institute of Forensic Medicine and Science, all of which takes place within the framework of the National Plan on the Search for Disappeared Persons.⁶²

64. Comprehensive Assistance Days for Family Members have provided the permanent and temporary entities competent to undertake search and investigation measures in respect of disappeared persons with an opportunity to develop an inter-institutional strategy for the documentation of cases, aimed at collecting specific information about the disappeared person (ante-mortem) through forensic interviews for identification purposes and gathering biological samples from family members for inclusion in the National Register of Disappeared Persons and the Disappeared Persons Genetic Profile Bank.⁶³

65. In 2021, the Counsel General's Office issued Directive No. 024 urging the relevant authorities to comply with measures intended to protect, preserve and care for cemeteries and places in the national territory where the bodies of potential victims of enforced disappearance in the context of and due to the armed conflict might be located. This directive has been publicized mainly among regional entities to enable them to take the necessary action.⁶⁴

66. The Comprehensive Victim Support and Reparation Unit, through the Directorate for Reparation, contributes to the search for and dignified return of the bodies of victims of enforced disappearance and homicide by ensuring access to satisfaction and full reparation through: (i) providing psychosocial assistance to family members involved in these processes and (ii) guaranteeing the participation of the victims' families in the search and dignified return processes carried out by judicial authorities such as the Attorney General's Office and the Special Jurisdiction for Peace, and by extrajudicial transitional justice mechanisms such as the Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict, through the provision of funeral-related assistance. Against this backdrop, a protocol was drafted and signed by the Comprehensive Victim Support and Reparation Unit and the Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict on 17 March 2023. The protocol lays down guidelines for the coordination of psychosocial care and support, funeral-related assistance and the participation of family members in the search and dignified handover processes and

⁶¹ Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict, file No. UBPD-1-2024-008772 of 16 May 2024.

⁶² Attorney General's Office, file No. 20241700023261 of 19 March 2024.

⁶³ National Institute of Forensic Medicine and Science, official letter 0398-SSF-2024 of 22 March 2024.

⁶⁴ Counsel General's Office, email dated 22 March 2024.

establishes the operating procedures and forums for inter-institutional coordination in this area.⁶⁵

67. Emotional support tools are provided to help navigate emotionally challenging moments and spaces are provided so that rites and tributes can take place according to the customs and traditions of the victims' families, with differential and gender-based approaches, as well as acts to honour the memory of victims of enforced disappearance, thus creating an environment conducive to the restoration of the truth and the good name of the victims.⁶⁶

68. The Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict strengthened the Institute's technical capacities with an investment of nearly \$ 7 billion.⁶⁷

69. The following humanitarian actions have been carried out: 1,165 bodies have been handed over by the Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict to the National Institute of Forensic Medicine and Science; 39 bodies have been identified by the National Institute; 84 expert reports have been received by the National Institute; 24 dignified handovers of remains have taken place; 4,790 biological samples have been collected from family members; and 2,395 samplers have been recruited (as at 31 December 2023).⁶⁸

70. As at 31 December 2023, the Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict had recovered 505 unidentified bodies, most likely belonging to persons deemed disappeared in the context of the armed conflict, 419 of which have been handed over in their entirety to the National Institute of Forensic Medicine and Science so that the necessary analyses can be carried out and the identities of the individuals established. The 86 bodies not handed over to the National Institute are bodies handled according to the methodology known as the verification of post-mortem information matching.⁶⁹

G. Coordination of efforts to search for and identify disappeared persons and investigate disappearances

Information on action taken in follow-up to paragraph 31 of the concluding observations

71. The Attorney General's Office is part of the Disappeared Persons and Recovered Bodies Information Network and has also concluded agreements with different institutions to coordinate efforts to combat this crime.⁷⁰

72. In Colombia, the National Register of Disappeared Persons serves as the inter-institutional system for the search for disappeared persons. The regulations in force require all entities involved in the search for these persons to use and update it on a permanent basis. The National Institute of Forensic Medicine and Science, as the body administering the National Register, holds inter-institutional discussions with permanent and temporary entities, thus upholding the objectives and goals of the system.⁷¹

73. The public consultations section of the National Register of Disappeared Persons now includes a link⁷² that allows family members who have reported relatives disappeared to have

⁶⁵ Comprehensive Victim Support and Reparation Unit, email dated 26 March 2024.

⁶⁶ Comprehensive Victim Support and Reparation Unit, email dated 26 March 2024.

⁶⁷ Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict, file number UBPD-1-2024-008772 of 16 May 2024.

⁶⁸ Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict, file number UBPD-1-2024-008772 of 16 May 2024.

⁶⁹ Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict, file number UBPD-1-2024-008772 of 16 May 2024.

⁷⁰ Attorney General's Office, file No. 20241700023261 of 19 March 2024.

⁷¹ National Institute of Forensic Medicine and Science, official letter 0398-SSF-2024 of 22 March 2024.

⁷² Available at <https://siclico.medicinalegal.gov.co/consultasPublicas/SeguimientoDesap.xhtml>.

access to the updates entered by the entities making up the Disappeared Persons and Recovered Bodies Information Network.⁷³

74. One of the pillars of inter-institutional coordination protocols is participation, which, from a humanitarian, extrajudicial and restorative standpoint, is understood as the relational process by which the State establishes and strengthens its engagement with persons involved in the search for disappeared persons, including women, lesbian, gay, bisexual, transgender and intersex persons, the campesino population, Indigenous Peoples, black, Afro-Colombian, Raizal and Palenquero communities, members of the Roma community and members of relatives' and victims' groups and organizations devoted to searching for persons deemed disappeared in the context of and due to the armed conflict. This engagement is based on becoming acquainted with and acknowledging each search experience and involves providing advice and guidance and ensuring a constant presence during the proceedings to help to alleviate suffering in keeping with a differential, gender-based and psychosocial approach.⁷⁴

75. Regarding the substantive guarantees in place to ensure that disappeared persons are sought and that any remains located are returned to their families, the Victims' Unit ensures the participation of family members in humanitarian actions to search for, and to return in a dignified manner the bodies of, persons deemed disappeared in the context of and due to the armed conflict who are included in the Central Register of Victims by providing financial support to cover the costs of transportation (by air, land or river), lodging, food, funeral-related assistance and symbolic elements.⁷⁵

76. The Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict has strengthened the participation process through regional search and operational plans.⁷⁶

IV. Reparation

Information on action taken in follow-up to paragraph 33 of the concluding observations, concerning the right to reparation

77. When it comes to reparations, in Colombia, two criminal procedures apply simultaneously: that regulated by Act No. 600 of 2000 and that regulated by Act No. 906 of 2004. Under Act No. 600, victims may become a civil party and thus obtain, inter alia, reparation or compensation. In proceedings brought under Act No. 906, a motion may be filed for the payment of full restitution. For both procedures, reparation must be awarded through a person exercising power of attorney or a representative of the victims.⁷⁷

78. Since the second half of 2022 to the present day, the Victims' Unit has processed all the requests received from the offices, chambers and sections of the Special Jurisdiction for Peace for information on: whether or not individuals are included in the Central Register of Victims and whether victims of enforced disappearance or persons deemed disappeared have been granted reparation by the Unit; and the drafting and implementation of work plans to assist families involved in searching for disappeared persons with the aim of streamlining access to the Central Register of Victims and activating the full reparation mechanism. The Unit has requested the setting up of technical working groups to deal with cases involving multiple victims of enforced disappearance or persons deemed disappeared.⁷⁸

79. The Directorate for Reparation of the Victims' Unit has guaranteed the right to full reparation in accordance with the principles of voluntariness, concurrence and good faith as

⁷³ National Institute of Forensic Medicine and Science, official letter 0398-SSF-2024 of 22 March 2024.

⁷⁴ Comprehensive Victim Support and Reparation Unit, email dated 26 March 2024.

⁷⁵ Comprehensive Victim Support and Reparation Unit, email dated 26 March 2024.

⁷⁶ Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict, file No. UBDP-1-2024-008772 of 16 May 2024.

⁷⁷ Attorney General's Office, file No. 20241700023261 of 19 March 2024.

⁷⁸ Comprehensive Victim Support and Reparation Unit, email dated 26 March 2024.

illustrated below, and in the information contained in the tables in the annexes, which includes:

- (a) Administrative compensation (tables 1, 2, 3, 4, 5 and 6);
- (b) Administrative compensation by age range (tables 7 and 8): the tables provide information on the victims of enforced disappearance who fall within the 0 to 18 age range, or the children and adolescents, who have been awarded compensation, which is paid into a trust that will be turned over to them once they reach 18 years of age, and information on recipients of compensation who are over 60 years of age, which is the threshold for being considered a senior citizen;
- (c) Psychosocial rehabilitation (tables 9, 10, 11 and 12): the Victims' Unit has provided psychosocial support to and has ensured the participation of 14,279 family members in search processes and in actual or symbolic dignified handovers of remains. At the same time, emotional recovery strategies have been successfully implemented for 2,374 family members of direct victims of enforced disappearance. These strategies, which come under the rubric of rehabilitation, provide family members with an outlet to express their pain and demonstrate the emotional impact that the act of enforced disappearance has had on them. This strategy has allowed victims to find the strength and the personal and social resources they need to cope with the pain, served to strengthen existing support networks and allowed the holding of commemorative events, thus creating a restorative space where the truth of the family members and the good name of the victims are recognized. Of these 2,374 indirect victims, 693 were male and 1,681 were female (70.8 per cent of the total), showing that women are more likely to be involved in searching for disappeared persons and to be the first to seek the enforcement of rights before the competent authorities (table 9);
- (d) Satisfaction and guarantees of non-repetition: according to the application for the model for the care, assistance and full reparation for victims, as at 29 February 2024, 7,865 persons claiming to be victims of enforced disappearance had benefited from these measures, which have been implemented through programmes and strategies undertaken by the Directorate for Reparation of the Victims' Unit. One of the measures of satisfaction implemented relates to the conduct of commemorative events and the effective participation of victims of enforced disappearance in such events. Moreover, from 2013 to the present day, the Victims' Unit has been carrying out actions at the regional and national levels to ensure the participation of relatives of victims of enforced disappearance and the public at large in such events. These actions include creating places of remembrance, tribute, dignity, unity and resilience for victims. Through these processes, the Victims' Unit seeks to pay tribute to the direct victims of enforced disappearance and to uphold the rights of the family members of these persons.⁷⁹

80. Similarly, the recently adopted bill No. 242 of 2022 grants special recognition to women involved in searching for victims of enforced disappearance as peacebuilders and beneficiaries of special protection. The project is aimed at safeguarding the rights of these women who are searching for their relatives who disappeared in the context of the war. In addition to declaring 23 October the National Day of Recognition for Women and Other Persons Searching for Victims of Enforced Disappearance, the law focuses on creating safe conditions for psychosocial care, participation in peacebuilding policies and access to basic services, such as health and education, for these women while recognizing the contribution that they make and the stigma that they face as they carry out their search.⁸⁰

81. The Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict, which places victims at the centre of its activities, seeks the fulfilment of their rights to truth and reparation, the latter in a restorative sense.⁸¹

⁷⁹ Comprehensive Victim Support and Reparation Unit, email dated 26 March 2024.

⁸⁰ Available at <https://www.elspectador.com/justicia-inclusiva/ley-que-protegera-a-mujeres-que-buscan-desaparecidos-en-colombia-fue-aprobada/>.

⁸¹ Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict, file No. UBPD-1-2024-008772 of 16 May 2024.

V. Implementation of the rights and obligations under the Convention, dissemination and follow-up

Information on action taken in follow-up to paragraph 34 of the concluding observations

82. As part of its mandate, the Ombudsman's Office has a role to play in influencing public policies related to the rights of the population and the prevention of the crime of disappearance of persons. In 2022, the Ombudsman presented the institution's report on the urgent search mechanism, which contained recommendations for public bodies aimed at improving the implementation of this preventive tool in the country. A booklet was also produced to disseminate the Guiding Principles for the Search for Disappeared Persons issued by the United Nations Committee on Enforced Disappearances in April 2019.⁸²

Information on action taken in follow-up to paragraph 35 of the concluding observations

83. To complement the protocol on how to investigate cases of enforced disappearance with a gender perspective, the Attorney General's Office, through Resolution No. 0-0660 of 6 December 2023, created a special task force for the investigation and prosecution of sexual violence in the context of the armed conflict, pursuant to Orders No. 092 of 2008, No. 009 of 2015 and No. 515 of 2018 of the Constitutional Court. This was done to guarantee access to justice for women victims of sexual violence in the context of the armed conflict and to devise immediately implementable strategies to achieve significant progress in terms of criminal prosecution. The special task force will thus be responsible for the investigation and prosecution of sexual violence in the context of the armed conflict and, to that end, will apply a regional, differential and gender-based approach that will allow it to conduct context-based analyses (based on the presence and actions of armed actors), link cases, progress in the prosecution of perpetrators and bring charges against organized armed groups by chain of command.⁸³

84. For its part, the National Observatory for Human Rights and International Humanitarian Law published the results of the municipal authorities' initiative to prioritize the prevention of the forced recruitment of children and adolescents with a quantitative focus based on a conceptualization of the phenomenon of recruitment from a standpoint that takes into account the multiple complexities of the armed conflict and their interlinkage with socioeconomic, educational and demographic variables to create a scenario where violence and a lack of opportunities converge. In keeping with the above and the results yielded by the initiative, for 2024, the technical secretariat of the Intersectoral Commission for the Prevention of Forced Recruitment, Sexual Abuse and Violence against Children and Adolescents by Illegal Armed Groups and Criminal Organizations has set the goal of continuing to provide technical assistance and to coordinate the 21 bodies making up the Commission in order to reach municipalities with high and medium risk levels using a regional, ethnic and human rights-based approach.⁸⁴

Information on action taken in follow-up to paragraph 36 of the concluding observations

85. As far as enforced disappearance in the context of the non-international armed conflict in Colombia is concerned, the National Centre for Historical Memory, which is a national public establishment created by Act No. 1448 of 2011, has helped to clarify the circumstances in which that phenomenon took place and to make the voices of the victims heard by conducting, inter alia, research and cultural, academic and symbolic reparation activities for

⁸² Ombudsman's Office, email dated 6 May 2024.

⁸³ Attorney General's Office, file No. 20241700023261 of 19 March 2024.

⁸⁴ Presidential Advisory Office for Human Rights and International Humanitarian Law, email dated 20 March 2024.

the benefit of Colombian society in order to raise awareness of the problem among State authorities, civil society actors and the population at large.⁸⁵

86. In accordance with article 14 of Act No. 1408 of 2010, in the context of the commemoration of the Week of Disappeared Detainees (the last week of May) and the International Day of the Victims of Enforced Disappearances (30 August), State entities carry out different activities and hold days of reflection on the rights to memory, the truth and to life and on respect for human rights as a tribute to the victims of enforced disappearance during the Colombian conflict and their families.⁸⁶

87. Lastly, as mentioned in the introduction, the concluding observations on the additional information submitted by Colombia under article 29 (4) of the Convention (CED/C/COL/OAI/1) of 2 June 2021 were shared with the relevant entities and with some civil society organizations.⁸⁷

Conclusions

88. Colombia, in keeping with the International Convention for the Protection of All Persons from Enforced Disappearance, continues to work to defend human rights, strengthen its national legal framework, prevent crime, conduct investigations in a manner that avoids impunity, ensure effective access to justice that guarantees to the greatest extent possible the right to the truth and ensure full reparation through the application of measures of rehabilitation, compensation, restitution, satisfaction and guarantees of non-repetition.

89. Bearing in mind the recommendations made by the Committee on Enforced Disappearances, the recognition by Colombia of the Committee's competence in 2022 is an important step forward, as are the other legislative advances outlined previously, such as the adoption of the "Pink Alert" mechanism and other measures of prevention, protection and reparation for children, young people, adolescents and women victims of disappearance.

90. Also noteworthy is the creation of the National System for the Search for Persons Deemed Disappeared⁸⁸ under the National Development Plan 2022–2026, "Colombia: World Power of Life", which was launched following the signing by the President of Decree No. 0532 of 29 April 2024⁸⁹ and the inauguration event held on 2 May 2024.⁹⁰ In addition, substantial progress has been made in terms of the recognition and protection of women involved in searching for disappeared persons with the adoption of bill No. 242 of 2022, which provides for the adoption of awareness-raising, information, care and prevention measures, in line with international standards and constitutional case law, and which recognizes their work as peacebuilders and beneficiaries of special constitutional protection.⁹¹

91. The foregoing bears testament to the continuous strengthening of the entities and the coordination of public, private and social actors involved in the search for disappeared

⁸⁵ Ministry of Justice and Law, email dated 21 March 2024.

⁸⁶ National Institute of Forensic Medicine and Science, official letter 0398-SSF-2024 of 22 March 2024.

⁸⁷ Ministry of Foreign Affairs.

⁸⁸ ABC available at https://unidadbusqueda.gov.co/wp-content/uploads/2024/05/Sistema_Nacional_Busqueda_SNB_Abece_2024.pdf.

⁸⁹ "Adding chapter 9 to title 5 of part 2 of book 2 of Decree No. 1069 of 2015, which sets forth the consolidated regulations for the justice and law enforcement sector, to regulate the National System for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict, including victims of enforced disappearance."

Available at https://unidadbusqueda.gov.co/wp-content/uploads/2024/04/DECRETO_0532_APRIL_29_2024.pdf.

⁹⁰ Information available at

<https://unidadbusqueda.gov.co/sistema-nacional-busqueda/>

<https://www.minjusticia.gov.co/Sala-de-prensa/Paginas/Se-pone-en-marcha-Sistema-Nacional-de-Busqueda-de-Personas-dadas-por-desaparecidas-en-contexto-y-razon-del-conflicto.aspx>.

⁹¹ Available at <https://www.elspectador.com/justicia-inclusiva/ley-que-protegera-a-mujeres-que-buscan-desaparecidos-en-colombia-fue-aprobada/>.

persons; and to the importance of the National Register of Disappeared Persons and other information systems, the development and implementation of multiple permanent and temporary measures related to the comprehensive search for disappeared persons and the provision of care to their families, with differential approaches, in promoting the participation of victims, defenders and civil society organizations, and of protection measures.

92. The aim of the above is to bring about total peace, where the exalted value of life in all its forms is recognized in a participatory, broad, inclusive and comprehensive manner for the achievement of stable and lasting peace, accompanied by security guarantees.

Abbreviations

BPGD	Disappeared Persons Genetic Profile Bank
CERREM	Committee for Risk Assessment and Recommended Measures
CIPRUNNA	Intersectoral Commission for the Prevention of Forced Recruitment, Sexual Abuse and Violence against Children and Adolescents by Illegal Armed Groups and Criminal Organizations
CNMH	National Centre for Historical Memory
DAIACCO	Directorate of Support for Investigation and Analysis of Organized Crime
DECVDH	Special Directorate on Human Rights Violations
FGN	Attorney General's Office
GRUBE	Group for the Search, Identification and Handover of Disappeared Persons
ICBF	Colombian Family Welfare Institute
INMLCF	National Institute of Forensic Medicine and Science
JEP	Special Jurisdiction for Peace
MBU	Urgent search mechanism
NNA	Children and adolescents
PPL	Persons deprived of their liberty
RND	National Register of Disappeared Persons
RUV	Central Register of Victims
SIRDEC	Disappeared Persons and Recovered Bodies Information Network
UARIV	Comprehensive Victim Support and Reparation Unit
UBPD	Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict

Annexes¹

(a) Administrative compensation

Table 1
Requests filed by victims of enforced disappearance

<i>Date</i>	<i>Number</i>
2018	172
2019	4 832
2020	890
2021	2 967
2022	3 162
2023	2 340
2024	323
Total	14 686

Source: INDEMNIZA application, information as at 29 February 2024.

Table 2
Overview of compensation awarded and paid to victims of enforced disappearance

<i>Administrative compensation</i>			
<i>Date</i>	<i>Payments</i>	<i>Persons</i>	<i>Amount</i>
2007	17	16	\$ 88 013 066
2008	67	67	\$ 355 844 303
2009	3 387	3 074	\$ 26 716 398 742
2010	4 092	3 800	\$ 39 539 674 608
2011	11 198	10 310	\$ 69 729 828 062
2012	22 565	20 516	\$ 121 263 331 765
2013	13 409	11 940	\$ 67 691 674 845
2014	4 903	4 424	\$ 29 331 894 281
2015	3 169	3 033	\$ 27 483 702 254
2016	2 216	2 021	\$ 20 980 413 412
2017	428	394	\$ 5 806 328 536
2018	317	286	\$ 3 309 354 211
2019	755	542	\$ 15 365 281 582
2020	1 218	931	\$ 23 303 766 573
2021	1 918	1 630	\$ 33 633 432 644
2022	825	720	\$ 12 211 016 000
2023	1 021	711	\$ 23 913 163 360
Total	71 505	64 415	\$ 520 723 118 246

Source: INDEMNIZA application, information as at 29 February 2024.

¹ Comprehensive Victim Support and Reparation Unit, email dated 26 March 2024.

Table 3

Administrative compensation for victims of enforced disappearance with recipients identified by ethnicity

<i>Administrative compensation</i>			
<i>Ethnicity</i>	<i>Payments</i>	<i>Persons</i>	<i>Amount</i>
Non-Ethnic	66 513	59 966	\$ 478 195 401 936
Black or Afro-Colombian	3 538	3 177	\$ 29 709 103 367
Indigenous	1 133	984	\$ 10 276 214 825
Gypsy/Roma	234	208	\$ 1 710 036 680
Raizal from the Archipelago of San Andrés and Providencia	79	73	\$ 680 170 293
Palenquero	8	7	\$ 152 191 146
Total	71 505	64 415	\$ 520 723 118 246

Source: INDEMNIZA application, information as at 29 February 2024.

Table 4

Administrative compensation for victims of enforced disappearance according to priority criterion

<i>Administrative compensation</i>			
<i>Priority criterion</i>	<i>Payments</i>	<i>Persons</i>	<i>Amount</i>
No criterion	67 333	61 342	\$ 432 449 461 485
Age	3 732	2 800	\$ 79 680 303 632
Disability	251	154	\$ 4 617 448 720
Illness	76	54	\$ 1 549 710 572
Illness-disability	52	30	\$ 991 954 920
Age-disability	38	22	\$ 840 832 180
Illness-age	16	12	\$ 432 026 970
Illness-age-disability	7	1	\$ 161 379 768
Total	71 505	64 415	\$ 520 723 118 246

Source: INDEMNIZA application, information as at 29 February 2024.

Table 5

Administrative compensation for victims of enforced disappearance with recipients identified by gender

<i>Administrative compensation</i>			
<i>Gender</i>	<i>Payments</i>	<i>Persons</i>	<i>Amount</i>
Female	44 620	39 924	\$ 367 822 478 633
Male	26 877	24 483	\$ 152 794 513 064
Other	6	6	\$ 79 792 459
LGBTI	1	1	\$ 17 556 060
Transgender woman	1	1	\$ 8 778 030
Total	71 505	64 415	\$ 520 723 118 246

Source: INDEMNIZA application, information as at 29 February 2024.

Table 6

Recipients of compensation for enforced disappearance identified by disability reported in the Central Register of Victims, by year

<i>Administrative compensation</i>			
<i>Date</i>	<i>Payments</i>	<i>Persons</i>	<i>Amount</i>
2007	3	2	\$ 31 427 610
2008	2	2	\$ 11 565 333
2009	213	191	\$ 2 230 498 633
2010	291	256	\$ 3 426 301 180
2011	658	590	\$ 4 745 823 662
2012	1 085	966	\$ 7 249 987 375
2013	579	497	\$ 3 733 353 362
2014	210	176	\$ 1 916 117 280
2015	275	253	\$ 3 708 114 423
2016	163	146	\$ 2 324 982 296
2017	52	47	\$ 1 023 461 352
2018	21	17	\$ 341 575 993
2019	218	151	\$ 4 904 685 946
2020	232	154	\$ 5 252 748 574
2021	222	156	\$ 4 631 861 790
2022	72	58	\$ 1 502 980 000
2023	128	73	\$ 3 515 765 120
Total	4 424	3 735	\$ 50 551 249 928

Source: INDEMNIZA application, information as at 29 February 2024.

(b) Administrative compensation by age range

Table 7

Trust figures for the 0 to 18 age group

<i>Date</i>	<i>Payments</i>	<i>Persons</i>	<i>Amount</i>
2012	1 008	1 006	\$ 5 326 447 302
2013	958	934	\$ 4 818 119 092
2014	1 018	1 007	\$ 5 400 896 897
2015	14	14	\$ 104 384 700
2016	326	319	\$ 2 281 805 939
2017	32	30	\$ 305 420 740
2018	10	10	\$ 100 258 348
2020	7	7	\$ 73 145 568
2021	21	20	\$ 252 871 859
2022	5	5	\$ 80 000 000
2023	4	4	\$ 81 200 000
Total	3 403	3 356	\$ 18 824 550 445

Source: INDEMNIZA application, information as at 29 February 2024.

Table 8
Over 60 years of age²

<i>Date</i>	<i>Payments</i>	<i>Persons</i>	<i>Amount</i>
2007	14	14	\$ 66 185 456
2008	52	52	\$ 264 105 036
2009	3 197	2 903	\$ 25 394 942 882
2010	3 814	3 538	\$ 36 930 517 748
2011	10 612	9 764	\$ 66 241 742 179
2012	18 826	17 127	\$ 101 881 678 191
2013	3 192	2 770	\$ 21 250 000 530
2014	1 271	1 091	\$ 9 498 764 352
2015	786	719	\$ 10 525 483 086
2016	680	603	\$ 9 521 676 889
2017	174	162	\$ 3 281 365 216
2018	78	66	\$ 1 218 553 746
2019	663	468	\$ 14 637 963 861
2020	1 005	754	\$ 20 534 898 525
2021	1 480	1 251	\$ 27 646 904 077
2022	375	285	\$ 7 277 996 000
2023	788	496	\$ 21 104 668 800
Total	47 007	42 063	\$ 377 277 446 575

Source: INDEMNIZA application, information as at 29 February 2024.

(c) **Psychosocial rehabilitation**

Table 9

<i>Identification by sex</i>	<i>Persons</i>
Male	693
Female	1 681
Grand total	2 374

Source: MAARIV application, information as at 29 February 2024.

Table 10
Indirect victims who have benefited from rehabilitation, disaggregated by ethnicity

<i>Information by ethnic self-identification</i>	<i>Persons</i>
Indigenous	48
Black or Afro-Colombian	121
None	1 867
No information	338
Grand total	2 374

Source: MAARIV application, information as at 29 February 2024.

² Calculated from the date of birth registered in the application for compensation.

Table 11

Indirect victims who have benefited from rehabilitation, disaggregated by sexual orientation

<i>Information by orientation</i>	<i>Persons</i>
Bisexual	5
Gay	1
Heterosexual	1 545
Lesbian	2
No information	821
Grand total	2 374

Source: MAARIV application, information as at 29 February 2024.

Table 12

Indirect victims who have benefited from rehabilitation, disaggregated by disability

<i>Information by disability</i>	<i>Persons</i>
No	1,709
Yes	86
No information	579
Grand total	2,374

Source: MAARIV application, information as at 29 February 2024.