



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### 118th session

#### Summary record of the 3314th meeting

Held at the Palais Wilson, Geneva, on Thursday, 20 October 2016, at 10 a.m.

*Chair:* Mr. Iwasawa (Vice-Chair)

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*In the absence of Mr. Salvioli (Chair), Mr. Iwasawa, Vice-Chair, took the Chair.*

*The meeting was called to order at 10.05 a.m.*

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

*Seventh periodic report of Colombia (continued) (CCPR/C/COL/7;  
CCPR/C/COL/Q/7 and Add.1)*

1. *At the invitation of the Chair, the delegation of Colombia took places at the Committee table.*
2. **Mr. de Frouville** said that the vagueness and evasiveness of the replies provided by the delegation to the rather specific questions posed by the Committee were making it difficult to engage in a truly constructive dialogue. Moreover, the statistical data and information on the State party's legal framework provided up to that point had shed relatively little light on the state of implementation of the Covenant on the ground.
3. While it was helpful to provide statistical information on the number of cases of violence based on sexual orientation or gender identity recorded in the national territory, the delegation should also specify the form of violence perpetrated and the number of convictions obtained. He would also appreciate additional information on the obstacles encountered by transsexual persons wishing to change their civil status and the measures taken by the State party to remove those obstacles.
4. He would like to receive an explanation as to the differentiation between the penalties prescribed for rape and those prescribed for domestic violence in the Criminal Code and as to the inconsistency of the statistical data provided on sexual and gender-based violence. It would be useful to learn more about the sexual violence register, including its purpose, the criteria for inclusion therein and whether it included persons who had fallen victim to sexual violence during the armed conflict. The delegation should clarify whether the statistical data provided on the number of cases of sexual violence referred to acts of sexual violence that had occurred during or outside the armed conflict.
5. He also wished to know whether any steps had been taken towards operationalizing the unit tasked with searching for disappeared persons provided for in the recent peace agreement and why there was such a large discrepancy between the number of cases of enforced disappearance cited by the delegation and that cited in the State party's initial report to the Committee on Enforced Disappearances (CED/C/COL/1). While there was no doubt as to the State party's strong commitment to investigating and prosecuting cases of enforced disappearance, it needed to make more effort to ensure the effective implementation of the applicable legal framework and the full operationalization and accessibility of the institutions responsible for granting victims of enforced disappearance and members of their families access to truth, justice and comprehensive reparation.
6. Despite the Constitutional Court having declared the total prohibition of abortion to be unconstitutional and having legalized the procedure in four sets of circumstances, many women still resorted to clandestine abortion, using abortion methods that entailed a high risk of complications. Worryingly, recourse to clandestine abortion was especially widespread in rural areas, where women had little or no access to health-care services if they developed complications. Given that the country's maternal mortality rate stood at almost 40 per cent, he would be interested to know what steps the State party had taken to assist and protect the rights of women who, for one reason or another, resorted to clandestine abortion.

7. **Mr. Politi** said that it would be useful to receive additional information on the truth and justice commissions that had been set up under the transitional justice mechanism and on the scope and impact of their activities.

8. As to the fight against impunity for human rights violations, he recalled that the International Criminal Court had launched a preliminary examination focusing on alleged crimes against humanity and war crimes committed in the context of the armed conflict between and among government forces, paramilitary armed groups and rebel armed groups but had taken no further action, as it was satisfied that genuine national criminal proceedings were being conducted in relation to those crimes. He asked to what extent the assistance received from the International Criminal Court had facilitated the process of investigating and prosecuting those crimes.

9. **Ms. Gaviria Betancur** (Colombia) said that the collection of reliable data on human rights violations continued to pose a major challenge. The perceived discrepancies in some of the statistical data provided could be explained by the fact that the data had been taken from different databases and had not been consolidated. The Government hoped that, by remedying the shortcomings in the existing data-collection system, it would be able to address human rights violations more effectively. The Office of the Presidential Adviser for Human Rights was working with the Office of the United Nations High Commissioner for Human Rights (OHCHR) to develop a set of indicators to measure the implementation of the national human rights strategy for the period 2014-2034 and the enjoyment of fundamental human rights. The Government would endeavour to include more consolidated data in its next periodic report.

10. The decree prepared as part of the larger legal framework for the recognition and protection of the rights of lesbian, gay, bisexual, transgender and intersex persons had not yet been issued, as it was still being reviewed by civil society organizations. It was hoped that the final version of the decree would be issued in the coming months.

11. **Ms. Fonseca Jaramillo** (Colombia) said that Decree No. 507 of 30 March 2016 laid down the procedure for the payment of the compensation for harm suffered as a result of human rights violations provided for in Act No. 288 of 1996 and set out the criteria that should be used to determine the government institution responsible for processing and making the payment. More often than not, the Committee's Views called for the investigation of the acts in question in addition to the payment of compensation. Although Act No. 288 of 1996 did not provide for the investigation of human rights violations, the State had an obligation to ensure that the relevant investigations were conducted. The Ministry of Foreign Affairs served as the inter-institutional mechanism for coordinating investigative activities at the national and international levels. Pursuant to Act No. 288 of 1996, the Committee of Ministers had issued eight decisions in favour of victims of human rights violations who were the subject of the Committee's Views, ordering the payment of compensation in four of those decisions.

12. **Ms. Londoño Soto** (Colombia) said that the Government was committed to transforming illicit coca plantations into a genuine source of income and employment for farmers and sowers living in rural areas. It intended to phase out the manual eradication of coca crops gradually and had introduced safeguards which would remain in place until the process was complete. In Colombia, some 600 municipalities were contaminated with anti-personnel mines as a result of the armed conflict in the country. The Government had affirmed its commitment to clearing those mines at the international level and had launched a humanitarian demining programme and pilot demining projects in a number of municipalities in which members of the Fuerzas Armadas Revolucionarias de Colombia — Ejército del Pueblo (FARC-EP) had participated. The Colombian army, in cooperation with several international partners who had provided it with technical assistance, had trained some 5,000 soldiers in 2016 and planned to train a further 5,000 in 2017 in techniques for

clearing anti-personnel mines. It was hoped that Colombia would be free of anti-personnel mines by 2021. Regrettably, the manual eradication of coca crops had led to the injury and death of thousands of civilians and members of the armed forces. The Government, on the basis of recommendations made by the Counsel General's Office and civil society organizations, had improved the standard security protocols for such activities, dispensed training to civilians involved in the manual eradication of coca crops and had introduced the practice of sending members of the public security forces to check for anti-personnel mines prior to undertaking activities in a given area as a means of minimizing the risk of injury or death. To date, eight municipalities were completely free of mines.

13. **Ms. Díaz Gómez** (Colombia) said that the Public Policy Directorate of the Attorney General's Office had published a report containing statistical and analytical data on cases of aggravated homicide and homicide of protected persons that could well constitute extrajudicial executions, which included the number of victims and the sentences imposed on the perpetrators. The report showed that, in 60 per cent of cases, those convicted were ordinary soldiers and in the other 40 per cent, higher ranking officers. According to the jurisprudence of the Constitutional Court, it was not possible for serious human rights violations to be investigated or tried by military criminal courts.

14. The human rights policy for the national police laid down detailed procedures for preventing acts of torture and ill-treatment in police custody, which were based on the jurisprudence and recommendations of the Committee against Torture and other international bodies. Following its adoption in 2011, the policy had been distributed to all police stations in the country and training on its application had been conducted.

15. The Constitutional Court had declared the state of affairs with regard to the rights of persons detained in prisons to be unconstitutional and closely monitored the conditions of detention in such facilities. Furthermore, a special mechanism led by the Ombudsman's Office had been set up within the Office of the President of the Republic to monitor the situation with regard to torture and ill-treatment in the country's prisons. The Ombudsman's Office had also introduced a separate mechanism for receiving complaints of torture in one of the country's prisons. A manual on the appropriate use of solitary confinement had also been issued with the aim of preventing torture in isolation cells. A total of 127 cases of alleged ill-treatment of prisoners had been recorded in the disciplinary information system database of the National Prisons Institute during the period 2013-2016. Penalties had been imposed in 42 cases, resulting in the dismissal of the prison officers involved in two cases and their suspension in the remaining 40 cases.

16. Replying to a question posed on the rate of conviction at the previous meeting, she said that 94 persons had been convicted during the period 2005-2016. Improvements in the working methods of the Attorney General's Office and the judicial authorities had led to an increase in the average conviction rate, which had stood at 3 convictions per year during the period 2005-2010 before rising to 10 convictions per year during the period 2014-2016.

17. The President of Colombia met with military leaders and representatives of the country's defence institutions on a weekly basis to analyse the progress made in the fight against organized criminal groups. During the presidency of Juan Manuel Santos, some 22,000 members of organized criminal groups, which included some 70 leaders, had been captured or killed. A new unit had been set up within the Attorney General's Office for the purpose of investigating, prosecuting and punishing the members of those groups. In the municipality of Buenaventura, a special intervention by the national police had led to a marked improvement in the situation on the ground and a significant decrease in the number of injuries, homicides and cases of enforced disappearance being reported.

18. **Mr. Rodríguez Rescia** said that since the Committee's consideration of the State party's previous periodic report in 2010 the situation in Colombia had changed radically.

The fact that the State party had been able to hold negotiations with the different groups involved in the internal armed conflict was commendable. It was of course difficult to bring an end to the conflict and the Committee's wish was that it should be done with due respect for human rights and through policies and legislation that were in keeping with the Covenant. The crucial question that therefore remained was what would happen to Act No. 01 of 2012 on the Legal Framework for Peace, following the rejection of the Havana peace deal by the Colombian people in a recent referendum. Another important question was what lessons could be learned from the implementation of Act No. 975 of 2005 on justice and peace. He requested clarification concerning the number of convictions that had been obtained for offences punishable under the Act, since the figures provided by the State party did not tally with those given by civil society. Moreover, it seemed that the implementation of the Act had not always proved effective and that impunity sometimes prevailed. In that connection, he would appreciate more information on the cases involving members of certain armed groups who had been extradited to the United States, where they had been punished for drug trafficking offences and not for human rights violations.

19. Reparation issues were problematic too, since funding for reparation mechanisms should have been provided by the armed groups, but that had not been the case. The delegation should explain what problems had been encountered with the implementation of Act No. 1448 of 2011 on victims and land restitution, in particular its temporal restrictions, which excluded some victims from obtaining reparation, as well as the administrative procedures required under the Act. Land restitution remained a matter of serious concern in Colombia because it appeared that there were no guarantees that the people affected could return to their land in safety. Another security-related issue was how to protect the members of the Unión Patriótica (Patriotic Union, UP). To date around 6,000 members of the Patriotic Union had been killed by paramilitary groups. There were two Colombias: one governed by a functional judicial system and relevant laws; another where the same laws did not apply and people lived under threat of violence. Irrespective of the internal armed conflict, the State must guarantee the security of population. He wondered how the State party intended to deal with that situation.

20. The Committee had received reports concerning public protests held in Colombia that referred to mass detentions of participants. He enquired whether there had been any investigations into such arbitrary detentions or disciplinary proceedings against the officials responsible. Related statistics would be appreciated. He asked what steps the State party took to ensure that the use of force during public protests was not excessive and whether international protocols relating to the use of less-lethal weapons were observed. The continued deployment of military officers during public protests, including peaceful ones, remained a cause of concern and he asked what the State policy was on that matter. He would welcome data on investigations into alleged human rights violations and on the work of anti-riot units. According to information available, certain social groups, including members of indigenous communities, seemed to be the target for violence and excessive use of force during public protests.

21. **Mr. Shany** said that he endorsed the comments of Mr. Rodríguez Rescia regarding the importance of the State guaranteeing the security of the population. Although the overall level of violence in Colombia had diminished, it was still unacceptably high, particularly the violence by successor criminal groups directed at activists. He wished to know whether NGO reports of suspected collusion between such groups and the police in Buenaventura had been brought to the attention of the Government and whether the authorities had followed up on the matter. He would welcome information on the outcome of the 260 cases brought against groups operating in Buenaventura, as well as on the progress of the investigation into the killing of 14 persons in Tumaco.

22. It would be interesting to hear the delegation's views on whether the Attorney General's 2012 policy decision to prioritize certain criminal investigations had been successful and on the overall prosecutorial policy regarding criminal investigations in the country — a policy which had been criticized in a recent OHCHR report on Colombia to the Human Rights Council.

23. It was difficult to accept the legality of the State policy of sending peasants to eradicate coca crops, thereby exposing them to the risk of landmines. He sought assurances that the State party would not pursue the policy until the coca fields had been inspected and cleared of landmines in accordance with international landmine standards, particularly the one relating to land release. The peasants also required protection from armed groups which considered them as military targets. In the light of reports that the Government failed to provide adequate medical care and compensation for the peasants concerned, he would welcome information on compensation mechanisms available and the outcome of any relevant investigations undertaken.

24. He expressed concern about the scope of government powers to intercept private telephone communications, under article 4 of Act No. 1621 of 2013, and by the broad use of the term "monitoring" including in relation to the electromagnetic spectrum under article 17 of the same Act. He asked whether the Government considered that the random inspection of data or metadata constituted interference with the right to privacy and what forms of oversight existed over such monitoring of metadata. A related concern was the possible misuse of databases established to prevent thefts of mobile telephones that contained personal information relating to mobile telephone users. A further source of concern was the new Police Code, scheduled to enter into force in January 2017, whose definition of the right to privacy was linked to private physical spaces. Consequently any person or object located in a public space was defined as being in the public domain and thus subject to surveillance, as were images captured by video in public places. Lastly, he would appreciate information on the outcome of investigations into the unlawful surveillance of the communications of politicians, human rights activists and journalists. He was particularly interested in a recent case concerning Vicki Davila, a journalist who had been investigating the alleged involvement of police cadets in a prostitution ring.

25. **Ms. Cleveland** said that she welcomed the information provided by the State party concerning its efforts to combat human trafficking at international, national and territorial levels. However, data on the number of cases in which charges had been brought against alleged traffickers, the penalties under Colombian law for trafficking and related crimes, and the number and length of sentences for such crimes in recent years should have been provided. The number of cases of trafficking mentioned in the State party's report (95 in the previous 18 months) seemed low compared to the alleged extent of human trafficking in Colombia. Furthermore, could the delegation explain why there was a huge gap between the number of calls made to the trafficking hotline the previous year, and the number that had resulted in suspected trafficking cases?

26. She wished to know what efforts were being made to investigate human trafficking in cities such as Medellín, Cartagena and San Marta, regardless of whether complaints had been received. She also wished to know whether government personnel received training on how to identify victims of trafficking, particularly victims of forced labour. Civil society reports expressed concern about the increase in the recruitment of indigenous and Afro-Colombian children by post-demobilization groups, yet apparently no action was taken to prevent child recruitment in indigenous territories. She asked whether the State party considered such recruitment as "trafficking", whether it followed cases up accordingly and what efforts it made to raise awareness of human trafficking among the communities concerned.

27. The State party should furnish disaggregated data on the forms of assistance and reparation provided to individual trafficking victims and on the number of victims concerned. She asked what measures the State party adopted to improve the accessibility of victim services and the long-term protection of victims, and to protect persons against reprisals. Were foreign victims granted temporary permission to remain in the country during the investigative process? In the light of a recent Constitutional Court ruling, she enquired whether there was any initiative to revise Decree No. 1069 to make clear that it was not necessary for victims to file a criminal complaint against their traffickers in order to receive assistance. What funds had been allocated to implement the current anti-trafficking strategy?

28. Despite a 2013 Constitutional Court directive ordering the authorities to step up law enforcement efforts against domestic servitude, the State party had not reported any convictions for forced labour. Information on measures adopted to prevent forced labour in the domestic sector, efforts to monitor the conditions of indigenous women employed in the sector, and steps taken to ensure that problem situations were effectively followed up would therefore be appreciated. Information on measures to monitor forced labour in illegal mining operations would also be appreciated.

29. The long-standing problem of threats and violence against social and human rights activists, including officials of the Ombudsman's Office, journalists, trade unionists and community leaders appeared to have worsened in recent years following demobilization. The Committee was concerned by the State's failure to adequately prevent, investigate and convict persons for such acts. Despite the above-average levels of attacks, death threats and attempted killings reported by the Inter-American Commission on Human Rights (IACHR) and OHCHR in 2015, only one conviction had reportedly been made. Moreover, according to one Colombian NGO, 95 per cent of the 219 cases of such killings between 2009 and 2013 had not been investigated. What steps the State party was taking to implement the recent detailed recommendations made by IACHR in that regard and to protect the individuals concerned?

30. She requested information on the number of complaints concerning such acts filed during the reporting period, the number of complaints investigated and their outcome. Information would also be welcome on the achievements of what had been accomplished by the special task forces created to follow up on attacks against rights defenders. Acts of violence against journalists and human rights defenders often included sexual violence, as in the case of Ms. Jineth Bedoya Lima. Her story highlighted three issues that were still of grave concern to the Committee: the use of rape and sexual violence as a weapon in the armed conflict, the silencing of journalists and human rights defenders, and the high levels of impunity for both State and non-State actors in Colombia.

31. The delegation had stated that there were currently 6,500 people under the protection of the National Protection Unit. She would welcome information on the eligibility criteria for such protection, its scope and duration and on how many threats, acts of intimidation, or attacks had been made against persons protected by the National Protection Unit. She would also welcome information on funding allocated to the National Protection Unit and efforts made to reduce corruption and kickbacks within the Unit. Given the lengthy delay in securing prosecutions and convictions, she enquired whether the State party had any plans to lift the statute of limitations for cases of murder against journalists and activists.

32. The Committee was very concerned by the frequency with which human rights defenders were investigated and prosecuted for expressive activity, including by the counter-terrorism agency and military intelligence. It would be useful to know whether the State party planned any measures to prevent inappropriate responses to legitimate social protest activity. Information would be appreciated on the initiative to revise laws relating to criminal libel and slander.

33. She acknowledged the State party's efforts to improve birth registration, including through the creation of over 1,000 offices nationwide. Nonetheless, according to data available, 3.5 per cent of the population under the age of 5 had no access to birth registration, and rates were particularly high among indigenous and Afro-descendent communities in remote areas. Obstacles to registration identified included: the absence of parents' identity documents and requirement for the presence of the father; an outdated legal framework approved before the constitutional recognition of diversity and the collective rights of indigenous peoples; the absence of a registration system tailored to the different cultures in Colombia.

34. She asked how the Government intended to adapt the current birth registration system to address those concerns and how it would train personnel, build capacity, and monitor progress in that regard. She also asked whether there were any plans to ensure that birth registration was an integral part of the health-care system and to strengthen efforts to identify children in marginal areas who were not registered at the time of delivery. She wished to know how the Government deal with situations where a birth could not be registered due to the absence of the father and what measures it took to promote the use of biometric data on registrations at birth.

35. **Sir Nigel Rodley** said he welcomed the news that the number of cases brought against persons suspected of committing torture had increased in the last five years. He would appreciate more information on the types of sentences handed down, the officials concerned and how the number of cases brought to court compared with the total number of complaints received for that period.

36. He was struck by the detailed information provided in the State party's written submissions and in the head of delegation's statement concerning prison conditions in Colombia. He welcomed the steps taken to reduce prison overcrowding but wished to know more about the exact scale and extent of the problem and the targets that had been set in that area. He was pleased to note that the time spent by prisoners in solitary confinement had been limited to five days but said that inquiries should be carried out into the reasons why some prisoners asked to be placed there. Efforts should be made to protect the rights of lesbian, bisexual, gay, transgender and intersex detainees as reports had been received that they frequently suffered physical and verbal abuse. He was concerned to note that the State party did not carry out effective inspections of places of detention with a view to uncovering cases of abuse of individual prisoners.

37. In 2010, the Constitutional Court had ruled that serious violations of human rights must not be investigated by military courts. Noting that attempts had been made by previous Governments to roll back that decision, he wished to know what the current administration's attitude to it was.

38. He was pleased to note that effective protection had been offered to judges and lawyers and that no reports had been received of security incidents that threatened the lives of judicial officials or of attacks against the courts. However, he wished to know whether the State party could explain why, according to information presented by the organization Lawyers Without Borders, 35 judicial officials had been murdered between 2010 and 2015. He asked the State party to confirm whether the lawyers and judges who had required protection had been investigating cases involving public and military officials. Although it was important to offer protection, it was clear that further measures needed to be taken to tackle impunity in cases involving such officials.

39. In its previous concluding observations (CCPR/C/COL/CO/6, para. 22), the Committee had recommended that legislative amendments should be adopted with a view to recognizing declarations of conscientious objection to military service. Noting that only 43 of 152 such declarations had been recognized, all on the grounds of religious belief, he

asked whether declarations based on political, moral or philosophical grounds were ever recognized. Lastly, he asked the State party whether the practice of rounding up individuals to determine whether they had completed military service was still being carried out.

40. **Mr. de Frouville**, noting that measures had been taken to reintegrate former child soldiers into their families, asked whether children continued to be recruited by armed groups. He asked how many cases involving the recruitment of children had been sent to the State Prosecutor's Office; how many children had been mobilized by armed groups during the period under review; and how former child recruits had been reintegrated into their families or communities. He wished to know more about the aims and modus operandi of the comprehensive protection programme aimed at assisting former child recruits. In particular, he would be interested to hear how decisions on where to relocate children were made. In February 2016, the Constitutional Court had ruled that all children who had been recruited by armed groups since 2005 had the right to be considered victims, regardless of the nature of the group to which they had belonged. The Committee wished to know whether that ruling had been implemented and what sanctions had been handed down to individuals convicted of recruiting children into armed groups. The delegation should confirm whether 90 such persons had been convicted and whether, contrary to Act No. 1098 of 2006 and the recommendations of the Committee, the armed forces continued to use children to gather information.

41. He asked whether measures had been taken to adopt a law to guarantee that prior consultations would be held with indigenous communities. In 2015, the Committee on the Elimination of Racial Discrimination had expressed concern over the fact that the draft law on prior consultation had not been in line with international standards and that Colombians of African descent had not been consulted about the National Development Plan 2014-2018 (CERD/C/COL/CO/15-16, para. 21). The same Committee had expressed concern over statements made by senior officials to the effect that the right to prior consultation hindered efforts to develop infrastructure. The Committee would be grateful if the delegation would respond to the observations made by the Committee on the Elimination of Racial Discrimination and state what steps had been taken to implement legislation guaranteeing the right to prior consultation.

42. The delegation had not yet responded to the Committee's question on Decree No. 4633 on land rights. The question was important as the conflict over such rights had allegedly had serious consequences for Colombians of African descent, indigenous populations and the natural resources of areas where certain companies had been granted permits to operate. In one case, investigated by the Inter-American Human Rights System, the drying up of the Ranchería river had deprived the local community of food resources and allegedly caused 5,000 children to starve to death.

43. The State party had been asked whether it had adopted the Programme of Safeguards for the Fundamental Rights of Indigenous Peoples. Although it had stated that the Programme had been adopted, it was still not clear whether it had been implemented and, if so, what impact it had had. The delegation had given a brief response to the question concerning the 33 indigenous groups that were at risk of disappearance. It had mentioned a number of plans drawn up in that regard but more information was needed on whether the plans had actually been implemented.

44. **Sir Nigel Rodley** said that the delegation should provide more information on the criteria used to determine which criminal cases were allocated to military jurisdictions and which to civilian jurisdictions. For example, which jurisdiction would hear the case of a military official accused of carrying out an extrajudicial killing?

*The meeting was suspended at 11.50 a.m. and resumed at 12.15. p.m.*

45. **Ms. Díaz Gómez** (Colombia) said that the Government had given careful consideration to all the documents issued by the United Nations on the subjects of transitional justice, the rights of victims, and their entitlement to truth, justice, reparation and guarantees of non-repetition. The reports of the Special Rapporteur on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms had also been carefully considered, as had the principles of the International Red Cross on searching for victims of forced disappearance and missing persons in general. The Government understood the importance of bringing the perpetrators of serious violations of human rights to justice and had learned of the need to apply non-judicial as well as judicial measures when providing reparation to victims.

46. The Government had cooperated closely with the International Criminal Court and had provided the Chief Prosecutor of that Court with all the information and reports that she had requested. It was determined to bring justice to victims both through its own legal system and through cooperation with the International Criminal Court.

47. The Constitutional Court had ruled that the framework for transitional justice established by the Government had been lawful under the Constitution. Following a public discussion on the manner in which criminal cases should be investigated, a consensus had been established to the effect that the State Prosecutor's Office should continue to investigate criminal offences on the basis of *modus operandi*, the time of commission of the offence and the region in which it had occurred. The delegation believed that the approach currently being followed would lead to improvements in the way that serious violations of human rights were investigated.

48. The evaluation of the impact of Act No. 975 illustrated the complexities involved in cases concerning large numbers of victims, such as the justice and peace trial, in which 5,000 persons had voluntarily registered to participate. Despite the difficulties it had faced, the trial had resulted in the conviction of 202 persons and the official recognition of over 25,000 victims.

49. Efforts to address the question of prison overcrowding were hindered by various problems, including the widespread use of preventive detention as a means of ensuring that alleged perpetrators appeared before the courts. Other mechanisms, such as electronic tagging, were available and should be used more widely.

50. The Government had no intention of using military prosecutors or courts to investigate serious violations of human rights. Any cases of homicide involving persons subject to protection would be investigated by civilian rather than military courts. A zero-tolerance policy had been adopted in relation to accusations of collusion between members of criminal groups and State officials. The State Prosecutor's Office had carried out investigations into collusion between State officials and a notorious criminal gang. As a result, 51 State officials, including military staff, had been convicted of that crime and sentenced.

51. **Ms. Fonseca Jaramillo** (Colombia) said that her Government recognized the global consequences of trafficking in persons, and had committed to combating that scourge. Inter-institutional committees had been set up at the national, departmental and municipal levels, and practical strategies had been implemented on prevention, and for the protection and care of victims. A national strategy had been launched to combat human trafficking in the period 2016-2018, through a coordinated inter-institutional approach that enlisted the support of civil society and worked with clearly defined goals and indicators. The Attorney General's Office had opened investigations into 1,746 cases and had secured 127 convictions for trafficking in persons. That crime was punishable under the Criminal Code by 4 to 6 years' deprivation of liberty and fines amounting to 75 to 750 times the monthly minimum wage. Aggravating circumstances, including the victim being under 14 years of

age, the existence of a family relationship with the victim, and the removal of the victim to a third country, could increase the sentence by one third.

52. **Ms. Londoño Soto** (Colombia), referring to access to voluntary termination of pregnancy and maternal mortality, said that Colombia presented huge differences between urban and remote rural areas in terms of access to information, opportunities and services. The National Development Plan was designed to close those gaps, which particularly affected Afro-descendent and indigenous communities. The Ministry of Health, with the assistance of the United Nations Population Fund and the Pan American Health Organization, had been working to increase knowledge among women and women's organizations, and was implementing strategies throughout the country to prevent maternal mortality and health complications by providing comprehensive health-care services. The cited figure of 38 per cent maternal mortality was incorrect, since the maternal mortality rate stood at 49.7 deaths per 100,000 live births, having fallen by 47.4 per cent between 2003 and 2013.

53. **Ms. Fonseca Jaramillo** (Colombia) said that the registration of births was a universal right that allowed for the legal recognition of individuals and gave them access to health and education. Registration was undertaken by the National Civil Registry Office, which had 1,156 offices across the country, while notary's offices and medical facilities were also authorized to perform some registration functions. Two projects had been launched to improve coverage: namely, the deployment of mobile units to serve vulnerable populations in hard-to-reach locations, and the development of an innovative web tool to expedite the registration process. Those measures had led to significant increases in the rate of early registration.

54. **Ms. Gaviria Betancur** (Colombia) said that Colombia had established high-level bodies, including those coordinated by the President and various ministers, to ensure the work and to guarantee the safety of human rights advocates. In 2015, further to the recommendations of the National Committee on Safeguards, the Attorney General's Office had created a special working group, which had opened a significant number of investigations into threats made against human rights advocates between 2010 and 2016. Other investigations had been carried out into homicides related to the work of human rights advocates. The Government considered that the best policy was prevention and viewed effective sentences as a key part of its strategy to reduce the number of human rights violations suffered by human rights advocates, journalists and trade union members.

55. **Mr. Mora** (Colombia) said that the National Protection Unit had been created in 2011 to protect the rights to life, freedom, integrity and safety of people, groups and communities in situations of extraordinary or extreme risk as a direct consequence of their activities. The Unit currently had about 6,550 people under its protection, having performed 60,000 risk assessments to determine the threat levels facing certain individuals and to establish the need for suitable protection measures. Some 9,500 assessments had found extraordinary or extreme threat levels requiring the protection of individuals. The programme had been extremely effective; only two beneficiaries of protection due to high threat levels had suffered loss of life, while of the 51,000 cases assessed as having an ordinary threat level, only one individual had been killed. The protection scheme was valid for one year, after which the risk assessment was repeated and a decision taken as to the continuation of measures. Almost 95 per cent of the Unit's budget went to protecting the most vulnerable populations, since the cost of protecting public officials was assumed by their respective entities. The Unit currently had 133 judges and 10 lawyers and court officials under its protection. The judicial officials who had claimed that they had not been provided with protection had initially refused to submit to the necessary risk assessments, but had subsequently decided to participate in the scheme. Several measures had been adopted, with the support of various institutions, to respond to complaints of corruption.

56. **Ms. Fonseca Jaramillo** (Colombia) said that the Colombian intelligence services had undergone a significant transformation, with the replacement of the Administrative Department of Security by the National Intelligence Directorate, that aimed to ensure compliance with international standards, while transferring competencies such as migration to other governmental institutions. The Directorate's procedures and scope were regulated by law and it did not have police powers or the authority to conduct judicial investigations; nor did it intercept communications or conduct monitoring of the electromagnetic spectrum. Moreover, the Directorate had been placed under the internal control of working groups and human rights committees, was subjected to external oversight by governmental bodies and an inspector appointed by the President, and was obliged to periodically report to Congress.

57. **Ms. Gaviria Betancur** (Colombia), referring to the freedom of conscience and religion, said that her Government had reiterated that round-ups (*batidas*) were illegal, had been recognized as such by Congress, and were not practised by the Colombian State. However, military recruitment activities known as *compelaciones* were carried out to enlist males that had reached the age of majority, and those practices met the standards of the Constitutional Court. A number of instructions and directives had been issued by the Ministry of Defence to deal with the right to conscientious objection, while a 2016 ruling of the Constitutional Court had further clarified the mechanisms whereby that right might be invoked and accepted by the authorities. It was clear that there were no grounds for refusing requests for exemption from military service based on conscientious objection, and that such requests should be processed by the recruiting organization.

58. In relation to the right to social protest, the Government condemned the murder of a member of the Marcha Patriótica movement in Corinto, Cauca, and was conducting an investigation into the case. In respect of mass detentions at social protests, Colombian law established that detentions might only be carried out in accordance with a court order or in the event that a crime had been committed. Such measures were taken to identify the individuals concerned and safeguard their integrity, and applied for a maximum of 36 hours. The Ministry of the Interior, the National Committee on Safeguards and the police anti-riot unit were working on a protocol to guarantee maximum compliance with human rights standards. In 2015, the Ministry of Defence had issued a directive to ensure that the right to protest was respected by the police.

59. **Ms. Ferro** (Colombia) said that progress had been made in undertaking prior consultations with ethnic communities, notably through the drafting of a bill on prior consultation in conjunction with the Standing Committee for Consultation with Indigenous Peoples and Organizations, and the Ministry of the Interior. Prior consultations had been held on the chapters of the National Development Plan that referred to indigenous peoples and Afro-descendent communities, with the objective of ensuring the formulation of a public policy that strengthened the recognition of justice and measures in favour of those populations. Other positive actions included the development of the Programme of Safeguards for the Fundamental Rights of Indigenous Peoples, the implementation of a mechanism for the legal protection of ancestral lands, and the issuance of a decree to protect indigenous communities that had been the victims of armed conflicts.

60. **Ms. Gaviria Betancur** (Colombia) said that her country's institutions were being strengthened and that they were committed to international human rights standards and to building human rights policies with the support of civil society. Steps were being taken to bring an end to the conflict and to the recruitment of minors, to intensify investigations and to strengthen access to justice. Her Government believed in a united Colombia that was at peace and that respected human rights and diversity.

61. **The Chair**, recalling the historic peace agreement and the award of the Nobel Peace Prize to President Santos, said that Colombia nevertheless faced a difficult and complex

situation after its prolonged armed conflict. He expressed thanks to the delegation for its frank appraisal of the challenges and difficulties it faced in implementing the Covenant.

*The meeting rose at 1.10 p.m.*