



# International Covenant on Civil and Political Rights

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## Human Rights Committee

118th session

### Summary record of the 3313th meeting (Chamber A)

Held at the Palais Wilson, Geneva, on Wednesday, 19 October 2016, at 3 p.m.

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

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

*Seventh periodic report of Colombia*

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

*The meeting was called to order at 3.05 p.m.*

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

*Seventh periodic report of Colombia (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. **Ms. Gaviria Betancur** (Colombia) said that her country was convinced that the best way of guaranteeing the rights of the Colombian people was to bring about a stable and lasting peace. The Government had therefore taken vigorous steps to negotiate an end to the armed conflict that had raged in Colombia for more than 50 years. The dialogue in which it had engaged for five years with the Revolutionary Armed Forces of Colombia — People's Army (FARC-EP) had resulted in a rights-based agreement to end the conflict. The agreement was based primarily on an acknowledgement of the rights of victims, whose active involvement in the negotiations had proved crucial.
3. The bilateral ceasefire had remained in force and had greatly alleviated the impact of the conflict on the rights of the civilian population. The Government and the FARC-EP were implementing humanitarian agreements providing for the transfer of minors from the FARC-EP camps, clearance of anti-personnel mines and other explosive devices and decontamination of the environment, and action to locate disappeared persons. Notwithstanding the result of the referendum held on 2 October 2016, President Juan Manuel Santos had reiterated his intention to continue working towards peace until the very end of his mandate and had urged all the country's social and political groups to reach a consensus conducive to progress on the path towards peace.
4. The Government had also achieved progress in its negotiations with the National Liberation Army (ELN). The public phase of the process, in which civil society would continue to play a vital role, would be launched on 27 October 2016 in Quito.
5. The manifold expressions of support for peace in Colombia from different sectors of society and the international community were a source of hope and fortitude, and encouraged persistent action to achieve that aim.
6. The regulatory and institutional framework for guaranteeing citizens' rights had been rendered more robust since the country's last interactive dialogue with the Committee. The involvement of civil society, victims of the conflict and the international community in the process had shed light on the current situation in different sectors and facilitated the analysis of persistent challenges.
7. Wide-ranging and transparent consultations involving about 22,000 individuals and 9,000 organizations had been conducted throughout the country with a view to developing the country's human rights policy. The resulting document was entitled "Moving from violence to a society of rights: proposal for a comprehensive human rights policy". The National Human Rights System established in 2011 was designed to ensure inter-agency coordination in the formulation, monitoring and assessment of the human rights policy. The System had developed the National Strategy for Guaranteeing Human Rights 2014-2034, which established coordinated strategies aimed at consolidating a joint human rights agenda for civil society and the State. The public policy had promoted a rights-based approach by various stakeholders, particularly institutions at the national and local levels.

8. The Victims and Land Restitution Act adopted in 2011 during the armed conflict established a policy aimed at compensating victims of the conflict, in line with one of the Committee's recommendations. A National System for Victim Support and Reparation was being implemented at both national and local level.

9. A Central Register of Victims listed persons who had been deprived of their land or had been subjected to threats, offences against their sexual integrity, enforced disappearance, displacement, homicide, injuries from anti-personnel mines, kidnapping, torture or child recruitment. The Register had been used to develop a differentiated response to such cases. As at 1 September 2016, more than 8 million victims had been registered and roughly 3.6 million were benefiting from assistance and reparations. More than 85 per cent were victims of displacement. Administrative compensation under the Act had been provided to about 600,000 victims and reparations were being provided to 400 communities. Such action presented a major budgetary challenge to the Colombian State.

10. Since 2012 the State had acknowledged responsibility, issued public apologies, and paid tribute to victims of the conflict in more than 270 cases. It was developing a psychosocial care and comprehensive health programme for victims and implementing a strategy to repair the social fabric. The Government had provided psychosocial care to more than 300,000 people and to 150 communities affected by the conflict. It had also restored 192,000 hectares of land in 12,700 cases registered with the courts and supported the return and relocation of more than 174,000 households.

11. A cross-cutting approach was adopted in public human rights policies and special action was taken on behalf of women and vulnerable groups such as children, persons of African descent, indigenous and rural communities, persons with disabilities, older persons and members of the lesbian, gay, bisexual, transgender and intersex community. The support of pluralist, independent and courageous civil society organizations was greatly appreciated in that regard.

12. Major progress had been made in the fight against inequality and discrimination. Colombian women played a key role in building a more equitable, just and peaceful country, and vigorous action had been taken to promote gender equality and to protect women's rights to sexual and reproductive health. With a view to preventing and prosecuting sexual violence, Colombia had taken the following action: adoption of instruments such as the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict; definition of femicide as a separate prosecutable offence; guaranteed access to justice for victims of sexual violence; and declaration of 25 May as the National Day for the Dignity of Women Victims of Sexual Violence Caused by the Internal Armed Conflict.

13. The State had taken steps to facilitate and support the vital role played by human rights defenders, journalists and trade union members in consolidating democracy. It had set up the National Roundtable on Security Guarantees for Human Rights Defenders and consolidated the programme of protection for persons at risk coordinated by the National Protection Unit. The programme had invested US\$ 172 million in protective measures on behalf of 6,500 persons, including human rights defenders, journalists and trade union members. The State vehemently condemned ongoing attacks on human rights defenders and consistently promoted action to identify and prosecute the perpetrators.

14. With regard to the fight against impunity, more than 37 sentences recognizing some 30,000 victims and 25,000 cases of punishable conduct had been handed down under the Justice and Peace Act. The Attorney General's Office had launched a reform procedure to develop more effective investigation strategies in cases of homicide against protected persons, enforced disappearance, sexual violence and other grave human rights violations. A high-level unit had recently been established to disband criminal organizations that attacked human rights defenders and social or political movements.

15. Notwithstanding the action taken to guarantee respect for human rights, the Colombian State acknowledged that many complex challenges remained. The Committee's observations and recommendations would therefore provide valuable support for the State's efforts to comply with its obligations under the Covenant and to build a peaceful country for all its citizens.

16. **Mr. Rodríguez Rescia** said that he commended the action taken by the State party to protect human rights in a country whose citizens had been subjected to violence on an inconceivable scale for some 52 years. A wide range of non-State actors, such as irregular armed groups, guerrillas, paramilitary groups and organized criminal gangs, continued to violate human rights and undermine security in the State party. The Committee sincerely hoped that a final agreement to end the armed conflict would be reached.

17. The Office of the United Nations High Commissioner for Human Rights (OHCHR) had an office in Colombia that provided the State party with valuable technical support. As the cooperation agreement with OHCHR would remain in effect only until the end of October 2016, he asked whether the State party intended to renew it.

18. With regard to implementation of the Committee's Views, the State party, commenting in a note dated 14 March 2016 on the case of Julio Eduardo Molina Arias et al., had stated that it would not proceed with the compensation procedure because criminal responsibility had not been clearly established. He urged the State party to comply with the recommendation contained in the Committee's Views. The reply to question 1 of the list of issues failed to specify the cases in which reparations had been awarded and to provide details of the State party's compliance with the Committee's recommendations despite the existence of Act No. 288 of 1996, which established instruments for the compensation of losses suffered by victims of human rights violations.

19. He commended the information provided by the delegation concerning the State party's implementation of its public human rights policy. However, he wished to know how the Government intended to implement its policy in parts of the country where people had long been caught in the crossfire and subjected to threats from irregular armed groups and paramilitaries. The presence of relevant State institutions in those areas was still clearly inadequate.

20. Turning to question 12 of the list of issues, he welcomed the decline in the number of "false positive" cases or extrajudicial killings. He also noted that there had been a change in the actors involved and that police officers were now more frequently involved than the military. He noted with concern, however, that false positive cases in the armed forces had been attributed to military error. He asked how such errors were defined and whether it was the armed forces themselves who determined which criteria were applicable or whether the judiciary was involved. He would appreciate information concerning independent investigations, legal rulings and the prosecution of perpetrators.

21. He also asked whether the payment of compensation for the killing of combatants had been abolished. He referred in that connection to the case of two FARC members who had been killed in Baraya (Huila) on 5 March 2015. A person who had been demobilized from an illegal organization and had been involved in the killings had allegedly been awarded 120 million Colombian pesos (Col\$), of which Col\$ 30 million were to be returned to the commanders of the military unit involved. Moreover, the Military Chief of Gaula and the soldier who claimed to have killed the subversives had been awarded various benefits. It therefore appeared that extrajudicial executions and false positives persisted.

22. **Mr. Shany**, referring to question 3 of the list of issues, said that the Ombudsman's Office seemed to be adequately funded and independent and to be functioning in a satisfactory manner. However, concern had been expressed about the security of employees in some satellite offices. He asked whether the State party was aware of that problem and, if

so, what action it was taking to address it. Concern had also been expressed regarding the key role played by the Office of the President in determining the budget of the Ombudsman's Office. He asked whether the State party would seek mechanisms to enhance its financial independence.

23. Turning to question 4 of the list of issues concerning the Early Warning System, he said that the State party had failed to provide updated information on the number of risk reports and follow-up notes issued by the Ombudsman's Office or full statistics on the percentage of reports and notes that had given rise to follow-up action. According to the report, the Inter-Agency Early Warning Committee (CIAT) had decided since 2011 to convert all risk reports and follow-up notes into early warnings. He asked whether CIAT had acted on that decision because the Committee had received different estimates from civil society of the number of cases that had led to follow-up action. It had also been reported that the procedure was rather cumbersome, that it involved a large number of officials and that the Ombudsman's Office was marginalized when decisions on follow-up action were taken. In addition, he queried the effectiveness on the ground of follow-up measures in terms of their content and timeline. For instance, in 2013 the Ombudsman's Office had issued early warnings regarding specific issues in Buenaventura, such as forced recruitment of children and threats to families of disappeared persons to prevent them from reporting the disappearances. Early warnings on land restitution claimants had also been issued in May 2012 in a number of areas, including El Carmen de Bolívar, María La Baja and San Juan Nepomuceno. He enquired about the measures taken in response to those early warnings.

24. He welcomed the measures adopted by the State party to increase the representation of women in public and private life, for example the adoption of Act No. 1475 on political parties, which provided for quotas for women on electoral lists, and the establishment of the Office of the Senior Presidential Adviser on women's rights. The Committee nevertheless remained concerned that little real progress had been made to increase the representation of women, especially Afro-Colombian and indigenous women, at the regional and municipal levels in particular. Parties did not seem to have used quotas to increase the representation of women. He wondered what real influence the Senior Adviser had to monitor the implementation of gender equality policies and coordinate with institutions working to promote gender equality. He asked what measures had been adopted to change patriarchal attitudes, among the Afro-Colombian and indigenous communities in particular, and to increase the number of women judges, especially at the first instance and intermediate levels.

25. **Ms. Cleveland** requested more information on the 7 million internally displaced persons in Colombia, including preventive measures adopted, mechanisms for reparations and accountability, number of displaced persons who were minors or had a disability and measures to meet their special needs. The replies referred to return or relocation plans, prevention and protection plans and regional action plans but provided no details on the resources allocated to those plans, their implementation or results. No information had been provided on the implementation of the recommendations of the Inter-American Commission on Human Rights in its 2015 annual report on follow-up to its report entitled Truth, Justice and Reparation: Fourth Report on the Human Rights Situation in Colombia. While the number of persons displaced as a result of the conflict with the Revolutionary Armed Forces of Colombia — People's Army (FARC-EP) was dropping, displacements due to the activities of other armed groups, including the National Liberation Army (ELN) and post-demobilization groups was rising; had any specific measures been taken to deal with that situation and were those persons protected under the Victims and Land Restitution Act, No. 1448 of 2011? She wondered what measures had been adopted to prevent displacements caused by mega-projects and to ensure that such projects did not hinder land restitution efforts.

26. More information should be provided on protection measures for displaced persons, for example whether humanitarian relief was available to them, how priorities for relief efforts were identified and whether physical protection was provided to persons returning to their homes or relocating. She also enquired about any measures to protect displaced persons from being revictimized by intra-urban displacement, violence and insecurity. She expressed concern at poor implementation of legislation to protect indigenous and Afro-Colombian displaced persons, for example in the communities of Curbaradó, Riosucio and Carmen del Darién, who often were not registered, had restrictions on their movements, lived in remote areas controlled by non-FARC armed groups that were routes for drug, arms and human trafficking and were at the mercy of any new violent groups that might emerge. She also asked whether the Ethnic Protection Road Map for Black Communities would be fully implemented, including with regard to land title claims.

27. While Act No. 1448 provided a legal framework for restitution of land to the displaced, she asked what the State party was doing to improve its implementation and speed up the processing of claims. More information would be appreciated in particular on how victims could add their names to the official register of victims; whether the process was accessible in remote areas; what problems had been encountered; and whether all groups had equal access to registration and processing of claims, in particular Afro-Colombians and indigenous groups.

28. She noted that persons displaced before 1985 were eligible for only symbolic reparations while those displaced between 1985 and 1991 were entitled to monetary compensation but not restitution of land, while Act No. 1448 did not include restitution of housing and property. More information should be provided on all reparation measures available to all displaced persons, disaggregated by date of displacement, type of reparation, ethnicity and other special vulnerabilities. She would also welcome information on what had been done to identify and prosecute those responsible for forcibly displacing thousands of Afro-Colombians in 1997, including the number of prosecutions and convictions and the sentences imposed.

29. She asked how many of the 528 complaints of discrimination received between November 2014 and June 2016 had been investigated and how many had led to prosecutions and convictions and what sentences had been imposed. Currently, 46 cases were being monitored by the Observatory on Discrimination and Racism; she wondered if that figure included the 12 referenced by the Committee in its list of issues, what the status of those complaints was and whether they had led to any convictions and sentences. The Committee would also like more information on the legal framework for reparations to victims, the types of reparations and any reparations actually awarded. There was systemic discrimination against persons of African descent; the delegation should provide statistics on violence against that group and measures taken to prosecute and punish perpetrators, for example in the case of the killing of two Afro-Colombian men in Bogotá in April 2015. It should also provide information on the implementation of Act No. 1482 of 2011 with respect to the Afro-Colombian and indigenous populations and older persons. The Act established age as an aggravating factor; were there any other measures to prevent age discrimination? For example, had a National Committee for Older Persons been established as provided for in Act No. 1251 of 2008 and would the State party sign the Inter-American Convention on Protecting the Human Rights of Older Persons?

30. She expressed concern that there continued to be a high level of sexual violence against women, including by State actors, and a high level of impunity. According to the Attorney General's Office nearly 90 per cent of non-conflict-related rape cases and virtually 100 per cent of conflict-related cases went unpunished. More information would therefore be appreciated on the Ministry of Defence zero-tolerance policy and its Protocol on addressing sexual violence. Statistics should be provided on prosecutions of State actors

for sexual violence, including in the armed conflict, and on prosecutions of non-State actors. She wondered whether there were barriers to prosecution of sexual violence and how the Government was addressing prejudice towards women and sexual violence among law enforcement and government officials. Did the peace agreement include reparations for victims of sexual violence?

31. The adoption of Act No. 1761 of 2015 on femicide was a positive step but how many prosecutions had there been and did it apply to lesbian, bisexual and transgender persons? She was concerned that the special unit in the Attorney General's Office responsible for sexual violence apparently had only one lawyer; if so, more should be recruited. She wondered to what extent the State party protected witnesses and victims as a means of encouraging them to file complaints and testify and asked whether the protection programme for victims and witnesses would be improved to alleviate its negative consequences, for example loss of contact with family. Lastly, she asked what steps were being taken to ensure that health providers were providing mandatory health care, including access to abortion, to victims of sexual violence, especially in the context of the armed conflict and how provision of that care by health institutions was being monitored, including any penalties for non-compliance.

32. **Mr. de Frouville** expressed concern at the level of violence against the lesbian, gay, bisexual, transgender and intersex (LGBTI) community and requested more information on the number of prosecutions and convictions in cases of violence against lesbian, gay, bisexual and transgender persons. The Committee had information that there had been 405 murders of members of that community in 2012-2015, and the number of murders each year seemed to be increasing. Furthermore, some 21 LGBTI human rights defenders had been murdered and there had been 320 acts of violence committed by the police. Cases were rarely investigated or did not lead to any convictions. He wondered what was being done to eliminate violence against the LGBTI community and prosecute and punish perpetrators. He asked what follow-up the National Committee on Urgent Cases had given to the 56 cases involving LGBTI rights and whether the Committee could transfer cases to the Ombudsman or the criminal justice system. He wondered whether Decree No. 1227 of 2015 on the right to change legal gender in identity documents was implemented in practice by institutions and whether there was a process for filing complaints in cases of non-compliance. He also asked for more information on the situation of same-sex couples and their rights.

33. Sexual violence and rape, whether conflict-related or not, continued to be a problem, as did sexual harassment in the workplace. He wondered why under the Criminal Code the penalty for rape was up to 30 years' imprisonment while the punishment for sexual violence in the context of domestic violence was only six years. The delegation should provide comprehensive statistics on sexual violence against women, including the types of violence and on prosecutions and sentences imposed. The State party had an impressive legal framework to combat sexual violence but had provided little information on what concrete steps had been taken to implement that framework. The Attorney General's Office had for example declared admissible 176 of the 183 complaints of sexual violence it had reviewed, but the delegation had provided no information on any prosecutions. That figure seemed very low given the long-standing conflict; he asked what statistics the delegation could provide on the total number of incidents of sexual violence, the number of prosecutions and any sentences imposed. He also asked for information on the number of women's shelters, their organizational structure, how long women could reside in them and what their capacity was.

34. While the State party had extensive legislation on disappeared persons, little information had been provided on its practical implementation, and the perpetrators continued to enjoy almost total impunity. The creation of the National Missing Persons

Register was a positive step but it did not seem to have incorporated the other databases relating to disappeared persons and was therefore incomplete. Did the State party intend to combine all databases and information into the national register and would the data be disaggregated according to whether the perpetrators were State actors or armed groups? While the number of disappearances seemed to be dropping, especially those for which State actors were responsible, disappearances remained common; he wondered whether the delegation could clarify that situation, especially with regard to recent events in Buenaventura.

35. The recent peace agreement provided for the establishment of a Unit for the Search for Disappeared Persons, which would unify and coordinate current search measures. Given the rejection of the peace agreement, he wondered whether that Unit would still be created. In its recent report to the Committee on Enforced Disappearances the State party had indicated that there had been 21,004 presumed victims of enforced disappearance in 1900-2014, of whom 878 had been found dead and 436 alive. He was shocked that 19,609 cases of enforced disappearance had still not been resolved; the delegation should indicate what would be done to investigate those cases and bring closure for the victims' families.

36. **Sir Nigel Rodley** said that it was not clear from the replies to the list of issues (CCPR/C/COL/Q/7/Add.1) what specific measures had been taken to ensure that women had prompt and effective access to safe pregnancy-termination procedures. According to alternative sources, there were multiple barriers to such access, including ignorance of the law, a lack of training among health professionals and even institutional conscientious objection, which, as a concept, was unsustainable. The delegation should explain what was being done to rectify the situation and describe the impact of the measures taken to prevent teenage pregnancies.

37. The State party had provided a laconic response to the Committee's request for statistical data on complaints of torture and ill-treatment allegedly committed by law enforcement or prison officers. There appeared to be no information in the replies to the list of issues on the criminal proceedings brought against prison officers in relation to such complaints and no mention at all of law enforcement officers. It was hard to believe that the State party did not know what the Committee was asking about, particularly as the same information had been requested on several previous occasions. He would therefore appreciate a detailed reply to the issues raised under paragraph 14 of the list of issues, including an indication of whether there was a dedicated, independent mechanism to receive complaints of torture and ill-treatment in places of deprivation of liberty. If there was, the delegation should explain what information had been gathered and what actions had been taken in response.

38. The State party had provided very little information on arbitrary or illegal detentions. The delegation should elaborate on the nature and extent of the issue and describe how it was being addressed. He would also welcome details of any investigations into so-called *batidas* ("round-ups") and of the measures taken to put an end to the practice and to bring those responsible to account.

39. **Mr. Muhumuza**, noting that the delegation was diverse in terms of sex but not ethnicity, requested statistics on the number of high-ranking black persons in the Government and in the private sector, and asked why such persons continued to be underrepresented in political and public life.

*The meeting was suspended at 4.35 p.m. and resumed at 4.55 p.m.*

40. **Ms. Gaviria Betancur** (Colombia) said that she wished to thank the Committee members for their questions, which reflected the complexity of the challenges faced by the Government as a result of more than 50 years of conflict that had claimed many victims. The Government believed that bringing an end to the conflict would be the best way of

guaranteeing the protection of human rights in the future, but also that peace would endure only if human rights were respected.

41. **Ms. Díaz Gómez** (Colombia) said that the Government had a zero-tolerance policy towards extrajudicial executions and the false presentation of murders as combat deaths. It was firmly committed to investigating allegations in that regard and to punishing any persons found responsible. To that end, it was working closely with the Office of the High Commissioner for Human Rights on the ground, including by conducting joint visits to military facilities. In 2012 and 2013, the Office had received no reports of the use of “false positives” to inflate body counts, which had been removed from the criteria for evaluating the performance of members of the armed forces. The payment of rewards for killings had also been prohibited.

42. To date, 4,977 investigations had been launched into the suspected murders of 7,567 protected persons. A total of 1,199 members of the armed forces, including mid- and high-ranking officials, had been convicted of extrajudicial executions.

43. The Government also pursued a zero-tolerance policy vis-à-vis torture and ill-treatment by law enforcement or prison officers. To date, there had been 1,955 recorded cases of alleged torture involving 1,554 victims. A total of 94 persons had been convicted of torture, among them members of the armed forces and the police. More detailed replies to the issues raised under paragraph 14 of the list of issues would be submitted in writing.

44. **Ms. Fonseca Jaramillo** (Colombia) said that the advisory role performed by the Office of the High Commissioner for Human Rights in Colombia since 1996 was highly valued and that there was a political will to renew the Office’s mandate.

45. With regard to the implementation of the Committee’s Views, Act No. 288 of 1996 provided for the payment of compensation to the victims of human rights violations. Pursuant to Decree No. 507 of 30 March 2016, the Committee of Ministers was tasked with designating the body responsible for making such payments.

46. The Early Warning System had been introduced in 2001 with the aims of monitoring the conflict and identifying preventive measures. In 2015, the Ombudsman’s Office had issued eight risk reports and 31 follow-up notes, which had been evaluated by the Inter-Agency Early Warning Committee and subsequently converted into early warnings covering 60 municipalities in 15 departments of the country. Between January and May 2016, the Office had issued four risk reports and six follow-up notes, which had been converted into early warnings covering 26 municipalities in nine departments. In cases where reports and notes were not converted into warnings, recommendations were nevertheless submitted to the civilian and military authorities at the local and national levels, and on-site follow-up visits were conducted to check on the progress made in implementing the recommendations.

47. The Ombudsman’s Office was functionally independent and, between 2014 and 2015, its budget, which was allocated by Congress, had increased by 18.64 per cent. Most of the additional funds had been used by the National Public Defender System to extend the availability of legal aid and thereby improve access to justice for all Colombians.

48. **Ms. Gaviria Betancur** (Colombia) said that, between 2002 and 2015, the incidence of forced displacement had fallen by 81 per cent, and that the ceasefire that had come into effect in August 2016 was expected to lead to further improvements. Persons who had been forcibly displaced by armed groups were covered by the Victims and Land Restitution Act and offered support, as recommended by the Constitutional Court.

49. **Ms. Ferro Buitrago** (Colombia) said that the Central Register of Victims included victims of interurban displacement, some of whom had suffered from double displacement. Prevention plans were implemented on a regional basis and were being adjusted in the

wake of the 2015 regional and municipal elections to ensure that they were taken into account in the formulation of public policies.

50. The Victims and Land Restitution Act contained a section devoted to special measures for displaced minors and persons with disabilities. Responsibility for implementing the measures lay with the Victims Unit and the Colombian Family Welfare Institute, among others. In the case of displaced persons with disabilities, the focus of special measures was on not only rehabilitation but also promoting labour market inclusion and participation in decision-making processes.

51. Up to 1 September 2016, the local and national authorities had facilitated the return of 800,000 internally displaced persons. It should be noted, in that regard, that not all persons registered as displaced had expressed a desire to return, which was a prerequisite for triggering return procedures.

52. In 2011, in accordance with the Victims and Land Restitution Act, Decree Laws Nos. 4633, 4634 and 4635 had been issued to provide for mechanisms to assist, care for and provide full reparation to victims of forced displacement from the indigenous, Roma and Black, Afro-Colombian, Raizal and Palenquero communities. Collective reparation plans were being drawn up, and assistance and protection were being provided to victims, including members of the Curvaradó community.

53. **Ms. Gaviria Betancur** (Colombia) said that the Observatory on Discrimination and Racism had been established by Resolution No. 1154 of 2012. Since its inception, the Observatory had been sent 46 cases for assessment and referral to the relevant authorities. The Attorney General's Office had launched 181 investigations into allegations of racism or discrimination, which had so far led to two convictions.

54. While there were some high-ranking Afro-Colombian government officials, it was true that persons of African descent remained underrepresented in political and public life. The Ministry of the Interior, in particular, was conducting a number of campaigns to address the issue.

55. The National Committee on Urgent Cases included representatives from various State bodies, including the Attorney General's Office, the Ministry of the Interior, the National Police and the National Prisons Institute. In 2015, it had received 56 complaints from LGBTI persons regarding alleged violations of their rights. Furthermore, efforts were under way to eradicate discrimination and violence against LGBTI persons deprived of their liberty. In 2015, the Attorney General's Office had issued a resolution establishing a group tasked with investigating cases of violence against LGBTI persons, and a dedicated prosecutor had been appointed within the National Directorate for Districts and Public Safety.

56. At the national level, women's representation in public companies was 20 per cent. In the private sector, women were represented principally in the financial, tourism and commercial sectors. Nevertheless, women remained on the whole underrepresented in the workforce, and the gender wage gap remained significant, in particular for indigenous women.

57. The comprehensiveness of the legal framework for the protection of women against violence was due to the tireless work of the Government and women's organizations. Responses to the Committee's questions on femicide would be provided in writing. The Attorney General's Office had adopted a protocol for investigating sexual violence and had developed support programmes for victims of that crime. In cooperation with women's organizations, the Ministry of Justice had formulated a strategy to encourage victims to come forward with complaints. Some 90 per cent of those included on the victims' register were women.

58. Although Colombia continued to face major challenges in combating impunity in cases of sexual violence, appropriate methodologies were gradually being formulated. For example, an inter-institutional strategy for combating impunity in cases of sexual violence was being developed. Within the justice and peace framework, there had been 337 convictions for sexual violence and related crimes. Furthermore, 20,231 persons had been charged with sexual violence and related crimes between 2012 and 2015, and 7,903 had been convicted. Although the cases of sexual violence included in the confidential annexes to Ruling No. 092 (2008) and Ruling No. 009 (2015) of the Constitutional Court did not reflect the full extent of the problem in Colombia, progress was being made towards their resolution.

59. **Ms. Londoño Soto** (Colombia) said that the adolescent pregnancy rate was approximately 20 per cent. Efforts had been made to reduce the prevalence of adolescent pregnancy, since it not only represented a public health issue, but also had a wider social impact. According to data provided by the Colombian Family Welfare Institute, the adolescent pregnancy rate had fallen by 1.9 per cent annually over the period 2008-2014. The various awareness-raising strategies in place had been maintained and strengthened with a view to promoting responsible sexual activity among adolescents. There were more than 800 providers of adolescent-friendly health services. Adolescent pregnancy was more prevalent within rural, Afro-descendent and indigenous communities.

60. In 2006, the Constitutional Court had issued a ruling on the conditions in which a pregnancy could be terminated voluntarily. Training on how to access the appropriate health-care services had been provided for journalists, health-care providers, communicators and women's organizations. Special emphasis was placed on sexual and reproductive rights in the National Public Health Plan 2012-2021. Training protocols had been developed to ensure that lawful requests for pregnancy termination were fulfilled, and a series of technical documents on health care for women undergoing pregnancy termination had been made available. Adolescent girls and women now had greater access to contraception and information. More than 96 per cent of women in Colombia, and 99 per cent in some areas, gave birth in hospital.

61. **Ms. Fonseca Jaramillo** (Colombia) said that provision had been made for a mechanism by which, subject to certain conditions, individual health-care professionals could raise conscientious objections to pregnancy termination. That mechanism was not available to health-care institutions. Discrimination against such conscientious objectors was prohibited. It should nevertheless be remembered that health-care institutions were obliged to fulfil lawful requests for pregnancy termination.

62. **Ms. Gaviria Betancur** (Colombia) said that there was currently a backlog of some 74,000 unresolved cases of enforced disappearance. There were three principal systems of information on enforced disappearances: the Disappeared Persons and Recovered Bodies Information Network (SIRDEC), the databases maintained by the Attorney General's Office and the Comprehensive Victim Support and Reparation Unit. Efforts were being made to improve communication between those three systems, since they currently operated differently. The Comprehensive Victim Support and Reparation Unit had registered almost 47,000 direct victims of enforced disappearance and almost 120,000 indirect victims. Some 398 State officials had been convicted, and a further 418 had been formally charged. Even before the referendum held on 2 October 2016, efforts had been made to improve the functioning of the unit to search for persons considered to have been disappeared and such efforts would be maintained.

63. **Ms. Fonseca Jaramillo** (Colombia) said that, pursuant to the Quota Act (Act No. 581 of 2000), it was a requirement that women should hold at least 30 per cent of top decision-making positions. All State bodies were required to submit reports on their

compliance rate and, according to the latest figures provided by 124 bodies, an average of 38 per cent of such positions were occupied by women.

64. **Mr. Valencia Muñoz** (Colombia) said that considerable progress had been made in terms of recognition for LGBTI persons and combating violence and discrimination based on sexual orientation and gender identity. Evidence of the progress made on that front included the empowerment of LGBTI persons and the development of a number of relevant public policy initiatives. An LGBTI focus had been included in regional development plans. State officials, including police and prison officers, had been offered training on the rights of LGBTI persons, and dedicated public information campaigns had been organized to raise awareness of their rights. According to data provided by the Attorney General's Office, 528 cases of discrimination on the basis of sexual orientation or gender identity had been recorded between 1 November 2014 and 2 June 2016. There had been 391 victims and 2 convictions. Same-sex couples were able to marry and adopt children. They enjoyed many other rights on an equal footing with opposite-sex couples, including rights related to inheritance, property ownership and nationality.

65. **Ms. Gaviria Betancur** (Colombia) said that the geographical diversity and size of Colombia, which was 28 times larger than Switzerland by area, presented a number of challenges. The central Government had made efforts to improve connections with the most remote areas in the country and modernize the transport infrastructure. Some 18 departments in need of additional support in the implementation of national human rights policy had been identified and prioritized, and local organizations made an important contribution to that process.

66. **Ms. Cleveland** said that, with regard to the rights of LGBTI persons, she would be grateful for more information on the draft decree mentioned in paragraph 19 of the State party's replies to the list of issues.

67. **Mr. Rodríguez Rescia** said that, according to the Committee's data, reparation had been awarded in respect of only two communications over the reporting period. Although Act No. 288 of 1996 provided for compensatory reparation, it did not provide for integral reparation. Given that deficiency, would it be revised? He wished to know what had been done to protect civilians involved in mine clearance and coca eradication, both of which were dangerous activities. With regard to alleged extrajudicial executions, including those referred to as "false positives", he would be grateful for confirmation that high-ranking commanders had been investigated and that such investigations, if any, had been conducted under military jurisdiction.

68. **Sir Nigel Rodley** said that the statistics provided on the prevalence of torture would have been more useful if they had been accompanied by dates, since the Committee would then have been able to trace any developments over the reporting period. He would be grateful for a response to his question on the existence of an independent investigation mechanism for complaints of torture.

*The meeting rose at 6 p.m.*