



International Covenant on Civil and Political Rights

Distr.: General
26 April 2016
English
Original: Spanish
English, French and Spanish only

Human Rights Committee

List of issues in relation to the seventh periodic report of Colombia*

Constitutional and legal framework (arts. 1 and 2)

1. Please provide updated information on measures taken to implement the Views in which the Committee has identified a violation of the Covenant by the State party. In addition, while it notes the State party's responses to the previous list of issues (see CCPR/C/COL/Q/6/Add.1, paras. 1-6), the Committee requests updated information on the application of Act No. 288 of 1996 in relation to its Views.
2. Please provide information on the adoption and implementation of the draft integrated human rights policy for 2014-2034 and the supporting plans and programmes.
3. Please provide information on measures adopted to ensure that the Ombudsman's Office has the resources necessary to perform its functions effectively, including the functions assigned to it under Act No. 1441 of 2011, and also information on steps taken to strengthen the Ombudsman's presence in areas at high risk of human rights violations, as recommended by the Committee in its previous concluding observations (CCPR/C/COL/CO/6, para. 13).¹
4. With reference to paragraph 68 of the State party report (CCPR/C/COL/7) on the Early Warning System, please provide updated information on the number of risk reports and follow-up notes issued by the Ombudsman's Office. In view of the content of paragraph 69 of the report, please indicate whether all risk reports and follow-up notes issued by the Ombudsman's Office in the reporting period were in fact converted into early warnings. If this was not the case, please provide information on the follow-up given to those risk reports and follow-up notes that were not converted into early warnings. Please also provide information on measures taken to respond to early warnings issued by the Inter-Agency Early Warning Committee in the reporting period and on the effectiveness of these warnings in preventing serious human rights violations.

* Adopted by the Committee at its 116th session (7-31 March 2016).

¹ Except where otherwise indicated, paragraph numbers refer to the Committee's previous concluding observations.



Internally displaced persons (arts. 2 and 12)

5. Please provide updated information on the total number of internally displaced persons in the State party. In doing so, please specify the percentage of women, minors, persons with disabilities, Afro-Colombians and indigenous people included among the total number of internally displaced persons. Please also provide information on measures taken to prevent further internal displacement, particularly mass displacement, and on progress towards compliance with the order issued by the Constitutional Court in Decision No. 005 of 2009 in relation to the integrated prevention plan for the protection and support of the Afro-Colombian population.

Non-discrimination, equal rights for men and women (arts. 2, 3 and 26)

6. Please provide disaggregated statistical information for the reporting period on: (a) the number of criminal complaints of acts of racism or discrimination received, indicating the grounds for discrimination; (b) the investigations conducted, including in relation to the 12 complaints referred to in paragraph 296 of the State party report, and their results, including the sentences handed down to the perpetrators; and (c) the reparation provided to victims. Please also provide further information on the activities of the Observatory on Discrimination and Racism and the impact of these activities. Please also provide information on the measures taken to combat discrimination against older persons.

7. Please provide further information on the nature and impact of measures taken, including awareness-raising campaigns carried out, to prevent and combat violence and discrimination based on sexual orientation or gender identity and to prosecute and punish those responsible, including when they are members of the police or the Armed Forces. Please inform the Committee of any progress made on the rights of same-sex couples and efforts to ensure that those rights are observed in practice.

8. Please provide updated statistical information on the representation of women, including Afro-Colombian and indigenous women, in political and public life, and particularly in decision-making positions. Please also provide information on the nature and results of measures taken to eliminate gender stereotypes concerning the role and responsibilities of men and women in the family and society, and to implement the national gender equity policy, including the resources allocated.

Right to life; prohibition of torture and cruel, inhuman or degrading treatment or punishment; violence against women; right to liberty and security of person (arts. 2, 3, 6, 7 and 9)

9. In the light of the Committee's previous concluding observations (para. 19), please provide information on the measures adopted to ensure that women have prompt and effective access to safe pregnancy-termination procedures and post-abortion care when one or more of the circumstances provided for in Constitutional Court Judgement No. C-355 of 2006 are met, and on the results of such measures. Please also provide information on the training in pregnancy-termination procedures given to health-care providers and medical professionals and on the steps taken to educate the general public about how to access legal termination of pregnancy. With reference to paragraphs 218 and 246 of the State party report, please provide information on the impact of the measures taken to prevent teenage pregnancies. Please also indicate what measures are being taken to ensure that the general public can access sex education and the means to prevent unwanted pregnancies.

10. Please provide information on the impact of measures adopted to prevent and prosecute violence against women and to protect and provide comprehensive care for victims, including the impact of the measures adopted by the Inter-Agency Committee for the Elimination of Violence against Women. Please include statistical data for the reporting period, disaggregated by age (adults/minors) and ethnicity, on the number of complaints of the different forms of violence against women, specifying the nature of the violence reported; the investigations conducted and their results, including any proceedings and the sentences handed down to the perpetrators; and the reparation provided to the victims, including rehabilitation measures. Please also provide information on the number of shelters available for women victims of violence across the country and on the accommodation capacity of these centres.

11. With regard to the Committee's previous recommendations (para. 18), please provide information on measures taken to investigate cases of sexual violence referred to the Attorney General's Office by the Constitutional Court and on the current status of such investigations. Please also provide information on the results of measures adopted to prevent, combat and punish sexual violence, including sexual violence attributed to State actors, and to provide comprehensive assistance to victims, including information on the impact of Act No. 1719 of 2014 on access to justice for victims of sexual violence, especially during the armed conflict.

12. Please provide updated information on the investigations into alleged extrajudicial executions, including those referred to as "false positives", and their results, including any proceedings and the sentences handed down to the perpetrators; indicate whether any investigations are ongoing and, if so, their current status; specify which court handled or is handling the investigations; and indicate how many of the alleged perpetrators who have been or are being investigated were commanding officers. Please provide information on the number of reports of extrajudicial killings by military or police officers received during the reporting period and on the investigations carried out and their outcomes, including any proceedings and the sentences handed down to the perpetrators. Lastly, please provide information on measures taken to prevent civilians from being affected by any unexploded landmines in the State party and on efforts to have them safely removed by trained personnel.

13. Please provide statistical data for the reporting period on the number of complaints received about enforced disappearances perpetrated by, or with the participation of, State actors; the investigations conducted and their results, including any proceedings and the sentences handed down to the perpetrators; and the reparation provided to the victims and/or members of their families. Please also provide updated information on the measures taken to prevent enforced disappearances, and on their effectiveness. In the light of the Committee's previous recommendations (para. 15) and pursuant to the information contained in paragraphs 54, 63 and 64 of the State party report, please provide additional information about the nature and results of measures taken to advance the implementation of the National Plan on the Search for Disappeared Persons; guarantee adequate coordination between the authorities responsible for the search for disappeared persons; and ensure that victims' families and civil society organizations are properly involved in search procedures. With regard to paragraphs 64 and 65 of the State party report, please provide updated information on the results of efforts to locate disappeared persons.

14. Please provide statistical data for the reporting period on the complaints received of cases of torture and ill-treatment allegedly committed by law enforcement or prison officers; the proceedings and disciplinary actions undertaken in relation to these cases, specifying the court which handled them; the disciplinary and criminal sanctions imposed, indicating the charges brought; and the protection and reparation provided to victims. With reference to paragraphs 77-79 of the State party report, please provide updated information on

measures taken to prevent torture and the impact of these measures. Please also indicate whether there is, or there are plans to establish, a dedicated, independent mechanism to receive complaints of torture and ill-treatment in places of deprivation of liberty.

15. With regard to the Committee's previous concluding observations (para. 20), please indicate whether any cases of unlawful arrest were reported in the reporting period. If any such cases were reported, please provide information on measures taken to ensure that those responsible are brought to justice and that the victims receive adequate reparation. With regard to the recommendation contained in paragraph 22 of the Committee's previous concluding observations, please provide information on measures taken to put an end to the practice known as "round-ups".

16. With regard to the internal armed conflict, and in the light of the Committee's previous recommendations (paras. 9-12), please provide:

(a) Updated statistical information on the impact of the implementation of Act No. 975 of 2005, as amended by Act No. 1592 of 2012, particularly on progress in investigations and convictions, and also information on the Act's efficacy as a means to ensure that offences committed by demobilized members of illegal armed groups, including offences that might have been committed by paramilitary leaders extradited to the United States to stand trial for drug trafficking, do not go unpunished;

(b) Information on measures adopted to ensure that the Legal Framework for Peace is consistent with the obligations contained in the Covenant, including those established under article 2;

(c) Information on the involvement of victims, including women, indigenous persons and Afro-Colombians, in the peace negotiations with the Revolutionary Armed Forces of Colombia — People's Army (FARC-EP); and on measures taken to ensure that the agreements reached are consistent with the human rights obligations contained in the Covenant and to ensure accountability for violations of the rights established in the Covenant by all parties to the conflict, including State actors. Please also provide information on progress made towards initiating peace talks with the National Liberation Army (ELN);

(d) Updated statistical information, disaggregated by sex, age (adult/minor) and ethnicity, on the implementation of Act No. 1448 of 2011 and decree-laws No. 4633, No. 4634 and No. 4635 of 2011, including the number of recognized victims, the number of these victims who have benefited from any of the reparation measures provided for by law, and the type of reparation received, including land restitution. Please also provide information on collective reparation measures that have been introduced.

17. Please provide information on measures taken to prevent, investigate and punish serious abuses such as disappearances, assassinations and sexual violence allegedly committed by illegal armed groups following the demobilization of paramilitary organizations, and on steps taken to provide protection and reparation for the victims. In doing so, please provide information on the specific efforts made in respect of the violations allegedly committed by these groups in Buenaventura, Valle del Cauca. Please also comment on information suggesting that in some cases these groups were acting with the support or acquiescence of State actors.

Human trafficking and labour exploitation (art. 8)

18. Please provide statistical data on the extent of human trafficking in the State party. Please also provide statistics for the period under review, disaggregated by sex, age, ethnicity and country of origin of the victim, on the number of complaints of human

trafficking received; the investigations conducted and their results, including any proceedings and the sentences handed down to the perpetrators; and the number of trafficking victims identified, indicating how many of them received some form of assistance and/or reparation and the type of assistance and/or reparation they received. Please also provide information on the activities of the Inter-Agency Committee to Combat Trafficking in Human Beings and the Anti-Human Trafficking Operations Centre, and on the impact of such activities.

19. Please comment on claims that agents of the State are supporting the sending of peasants to remote areas of the country to help in the manual eradication of coca plantations.

Treatment of persons deprived of their liberty (art. 10)

20. With reference to the information provided by the State party in paragraphs 96 to 105 of its report and taking into consideration the Committee's previous recommendations (para. 21), please provide updated information on:

(a) The accommodation capacity of places of deprivation of liberty, including temporary detention centres and juvenile detention centres, and the number of inmates actually housed;

(b) The number of persons in pretrial detention and the percentage of the total number of persons deprived of their liberty that they constitute;

(c) Progress made in reducing levels of overcrowding in places of deprivation of liberty and meeting the basic needs of persons deprived of their liberty, particularly in terms of access to adequate health services and adequate, uninterrupted access to water for drinking and other uses related to the hygiene of prisoners;

(d) Measures adopted to ensure the effective separation of accused persons and convicted prisoners;

(e) Steps taken to review the prolonged use of solitary confinement as a form of punishment and restrict its application. Please also indicate whether solitary confinement is permitted for minors or persons with intellectual or psychosocial disabilities;

(f) Measures taken, including the resources allocated, to guarantee the rights and meet the specific needs of minors, women, persons with diverse sexual orientations or gender identities and persons with psychosocial or intellectual disabilities who are deprived of their liberty, and the results of these measures.

Right to a fair trial and independence of the judiciary (art. 14)

21. Please provide information on the content and current status of the draft legislation relating to military courts that is currently under discussion. Please also comment on information suggesting that the draft legislation is not fully consistent with the State party's human rights obligations under the Covenant in that, if approved, it would allow military courts to exercise jurisdiction over certain ordinary offences, such as homicide, that could also constitute human rights violations. Please also indicate whether any complaints of acts of intimidation, threats or attacks against judges, prosecutors or lawyers were received during the reporting period and, if so, give details of the measures taken to ensure the safety of the victims and punish those responsible.

Prohibition of arbitrary or unlawful interference with privacy, family, home or correspondence (art. 17)

22. In the light of its previous recommendations (para. 16) and taking into account the information provided by the State party as follow-up to the Committee's concluding observations (see CCPR/C/104/2 and CCPR/C/107/2), the Committee requests updated information on the results of investigations into illegal intelligence activities allegedly conducted by officers of the former Administrative Security Department against human rights defenders, journalists, justice officials, politicians and international and regional organizations. In this regard, please also indicate whether any investigations are still ongoing and, if so, provide information about their current status. Please also indicate whether there have been any complaints or reports of illegal surveillance activities by military, police or civilian bodies in the reporting period and, if so, describe the measures adopted in response and the outcome of these measures. With regard to paragraphs 185 and 186 of the State party report, please provide information on the efficacy of the systems used to monitor and oversee current intelligence activities. Please also provide information on the legislation governing the storage and transfer of data by telecommunications network and service providers. With regard to Act No. 1621 of 2013, please provide information on measures taken to ensure that human rights standards, particularly those set out in the Covenant, are covered in intelligence and counter-intelligence manuals (art. 16 of the Act). Please also provide a definition of "electromagnetic spectrum monitoring", indicate the scope of this monitoring and explain how it differs from "interception of communications" (art. 17 of the Act).

Freedom of conscience and religion (art. 18)

23. While it takes account of the information contained in paragraph 163 of the State party report, the Committee would appreciate receiving information about measures taken to implement its previous recommendation (para. 22) that the State party should adopt legislation recognizing and regulating conscientious objection so as to provide the option of alternative service, without the choice of that option entailing punitive effects.

Freedom of opinion and expression, freedom of assembly and association (arts. 6, 7, 19, 21 and 22)

24. Please provide statistical information covering the period under review on the number of complaints received about acts of intimidation, threats or attacks against, including killings of, human rights defenders, including officials of the Ombudsman's Office, journalists, trade unionists, Afro-Colombian and indigenous leaders, community leaders, and land restitution and other human rights activists; the investigations conducted and their results, including any proceedings and the sentences handed down to the perpetrators; and the reparation provided to victims. Please also provide information on the impact of the National Protection Unit's efforts to protect individuals, groups and communities that require protection pursuant to the law. In addition, please indicate whether any steps have been taken to decriminalize defamation and indicate whether any criminal proceedings have been instituted against journalists or human rights defenders in relation to this offence or other forms of expression during the reporting period.

25. Please comment on information suggesting that the security forces have on occasion resorted to excessive use of force and firearms against demonstrators during public protests, apparently resulting in loss of life, injury and/or ill-treatment. In this regard, please provide information on measures taken to investigate alleged violations and to prosecute and punish

those responsible, to provide reparations to victims and/or their family members, and to prevent and effectively eliminate all forms of excessive use of force by the security forces.

Measures for the protection of minors (art. 24)

26. Taking into account the information given in paragraphs 145, 146 and 152 of the State party report, the Committee requests more detailed information about the measures taken to ensure that all children, and, in particular, indigenous and Afro-Colombian children, are registered immediately after their birth, and on the results of such measures.

27. With regard to paragraphs 243 and 245 of the State party report, please provide updated information on the impact of measures adopted to prevent and combat the use and recruitment of children by armed groups. In doing so, please provide statistical information on the number of children who were separated from non-State armed groups during the period under review. With regard to paragraph 261 of the State party report, please provide statistics for the reporting period on the number of separated children who received protection and/or care, specifying the type of protection and/or care received. Please also clarify whether the aforementioned prevention, protection and care measures are also applicable to children used and/or recruited by illegal armed groups that emerged in the wake of the demobilization of paramilitary organizations and provide information on measures taken to ensure that these children receive adequate protection and reintegration assistance and are not treated as criminals. Please provide updated information on measures taken to prosecute and punish those responsible for the use and recruitment of children, and on the results of such measures. With regard to the Committee's previous recommendations (para. 24), please also provide information on measures taken to prevent the involvement of children in intelligence activities or in military civic acts.

Rights of persons belonging to minorities (arts. 26 and 27)

28. With regard to the Committee's previous concluding observations (para. 25), please provide information on steps taken to adopt legislation that guarantees that indigenous and Afro-Colombian communities are consulted with a view to obtaining their free and informed consent prior to adopting and implementing any measure that might have a significant impact on their way of life and their culture and to ensure that their rights are observed in practice. With regard to paragraphs 308 to 311 of the State party report, please provide information about the measures taken to ensure that prior consultations actually take place and give examples of consultations held during the reporting period, particularly in relation to the development of plans for the exploitation of natural resources in the territories of indigenous and Afro-Colombian peoples and in the context of the implementation of decree-laws No. 4633 and No. 4635 of 2011 concerning the restitution of land rights.

29. With regard to paragraph 311 of the State party report, please clarify whether the Programme of Safeguards for the Fundamental Rights of Indigenous Peoples has been adopted and, if it has, provide information about efforts made to implement it and the impact of these efforts. With regard to paragraph 312 of the State party report, please provide information on the content, level of implementation and impact of the plans to preserve 34 indigenous peoples at risk of cultural or physical extinction and disintegration.