



## International Covenant on Civil and Political Rights

Distr.: General  
18 August 2016  
English  
Original: Spanish  
English, French and Spanish only

### Human Rights Committee

#### 118th session

17 October-4 November 2016

Item 5 of the provisional agenda

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

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

#### Addendum

### Replies of Colombia to the list of issues\*

[Date received: 27 July 2016]

## I. Constitutional and legal framework (arts. 1 and 2)

### 1. Implementation of the Views of the Committee

1. Within the framework of Act No. 288 of 1996, establishing instruments for the compensation of losses suffered by victims of human rights violations, the Committee of Ministers has issued eight decisions in favour of victims who were the subject of the same number of Views of the Human Rights Committee.<sup>1</sup>

### 2. Comprehensive human rights public policy for 2014-2034

2. The participatory preparation of the comprehensive human rights public policy began in 2010, drawing on contributions from the international community, civil society and the State. The drafting process involved the participation of more than 21,950 people and 9,000 civil society organizations at 32 departmental forums, 1 forum in Bogota and the

\* The present document is being issued without formal editing.

<sup>1</sup> Maria Fanny Suarez de Guerrero (communication No. 045/1979); José Joaquín Herrera and Emma Rubio de Herrera (communication No. 161/1983); William Eduardo Delgado Páez (communication No. 195/1985); Nydia Erika Bautista de Arellano (communication No. 563/1993); José Vicente and Amado Villafañe Chaparro (communication No. 612/1995); Rafael Armando Rojas García (communication No. 687/1996); Luis Asdrúbal Jiménez Vaca (communication No. 859/1999); and Gustavo Coronel et al. (Luís Ascanio et al.) (communication No. 778/1997).



National Conference on Human Rights. The outcome, a document entitled “Moving from violence to a society of rights: proposal for a comprehensive human rights public policy for 2014-2034”, is a road map for the preparation of institutional plans, programmes, projects and initiatives aimed at ensuring the effective enjoyment of human rights. This document was submitted to the President of Colombia at a public event held on 10 December 2013.

3. The National Human Rights and International Humanitarian Law System drew on the inputs of the aforementioned participatory process in drafting the National Strategy for Guaranteeing Human Rights 2014-2034 (National Strategy), which establishes joint strategies and specific policies to ensure the effective enjoyment of rights throughout Colombia.

4. The “United for a New Country” National Development Plan 2014-2018 stipulates that the Presidential Advisory Office for Human Rights will prepare, coordinate and monitor the implementation of the comprehensive human rights policy in accordance with the National Strategy and that the policy will be implemented nationally and regionally and will incorporate a human rights perspective as an integral part of designing, formulating, implementing, assessing, modifying and ensuring accountability for all public policies.

5. The Presidential Advisory Office provided technical assistance to the local authorities<sup>2</sup> in tailoring and implementing the National Strategy and in mainstreaming its policies and a human rights perspective in regional development plans. To date, 22 departments have undertaken to implement a regional development plan together with the National Strategy; 26 departments have adopted policies set out in the National Strategy; and 17 departments have drafted a development plan with a human rights perspective.

## **II. Internally displaced persons (arts. 2 and 12)**

### **3. Number of internally displaced persons**

6. According to the Central Register of Victims, as at 1 June 2016, there were 6,803,961 internally displaced persons in the context of the armed conflict; of these, 3,298,034 were men and 3,473,838 were women, 1,504 were members of the lesbian, gay, bisexual, transgender and intersex persons (LGBTI) community, 170,398 were indigenous and 690,473 were Afro-Colombian. Those victims were registered based on the criteria set out in the Victims Act and as a result of the events that occurred on or after 1 January 1985.

7. One of the measures adopted to prevent the mass and individual displacement of persons is the formulation of return or relocation plans, prevention and protection plans and regional action plans. These instruments facilitate administrative planning at the regional level, on the basis of a differentiated approach and with the participation of civil society, with a view to identifying risks and establishing specific initiatives aimed at reducing, mitigating and preventing human rights violations, including the forced displacement of people.

8. These plans, which have been prepared throughout the country, provide for measures of prevention, care, assistance and full redress for victims of the armed conflict. Thus, the local authorities are prepared to handle situations affecting the effective enjoyment of human rights and can refer to specific protocols in handling such situations.

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<sup>2</sup> The Advisory Office set the following as priority: Bogotá, Cundinamarca, Meta, Chocó, Caquetá, Huila, Arauca, Cauca, Nariño, Guaviare, Magdalena, Guajira, Tolima, Valle del Cauca, Córdoba, Santander, Norte de Santander and Bolívar.

*Decision No. 005 of 2009: Comprehensive prevention plan for the protection and support of the Afro-Colombian population*

9. Pursuant to Constitutional Court Decision No. 005 of 2009, the State has worked on drawing up specific plans for the protection and support of Black communities and on drafting the Ethnic Protection Road Map for Black Communities.

10. The Ministry of the Interior and the Comprehensive Victim Support and Reparation Unit have worked on developing, drafting and validating specific plans for the protection and support of Black communities pursuant to Decision No. 005 of 2009, No. 234 of 2013 and No. 073 of 2014. This involved providing information and raising awareness about the institutional services available and the legislation addressing ethnic issues; establishing the current status of legislation and its application in the regions; and developing initiatives aimed at strengthening the organization of communities to empower them to rely on their own processes. A table has been provided showing the status of the specific plans for Cauca, Chocó, Valle del Cauca, Cesar y Bolívar, which together represent 11 communities.

11. In addition, the Ethnic Protection Road Map for Black Communities seeks to safeguard the collective land rights of Black communities. The Constitutional Court, by Decision No. 005 of 2009, ruled that the Road Map should apply not only in cases of mass displacement but also when the Ombudsman's Office issues risk reports referring to collective territories and when such territories are affected by the development of financial megaprojects, single-crop production, mining, tourism or port services.

12. On the basis of Constitutional Court Decision No. 073 of 2014, in November 2014, the Ministry of the Interior issued 14 protection orders for community councils in Nariño.<sup>3</sup> It is important to note that the Office of the United Nations High Commissioner for Human Rights is monitoring the implementation of these protection measures and assisting the community and reserve councils in their related efforts.

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

13. The State submitted ample, detailed information on the initiatives undertaken to eliminate discrimination and to promote equal rights in its combined fifteenth and sixteenth periodic reports on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD/C/COL/15-16).

#### **4. Number of complaints of acts of racism and/or discrimination**

14. According to the information system of the oral adversarial criminal system of the Attorney General's Office, 528 criminal complaints of acts of racism or discrimination were filed between 1 November 2014 and 2 June 2016. These complaints were filed for acts of racial discrimination, racism, harassment based on race or other reasons and justification of genocide as defined under articles 147, 134A, 134B and 102 of the Criminal Code.

<sup>3</sup> The community councils concerned by the protection orders are: Gran Minga de los Ríos Inguambí y Albí, Renacer Campesino Río Yacula, La Nueva Esperanza, Manos Unidas del Socorro (Alto Guelmambi), Bajo Río Guelmambi, Gran Unión del Río Telpi, Alejandro Rincón del Río Nambi, Nueva Alianza del Alto Telembí, La Nueva Reserva de Acanure, Río Tablón Dulce, and Veredas Unidad un Bien Común y Recuerdo de Nuestros Ancestros Río Mejicano. Protection orders are pending for Renacer Telembí and El Bien del Futuro.

| <i>Grounds for discrimination</i>   | <i>Approximate percentage of cases</i> |
|---|--|
| Sexual orientation and/or gender identity of the victim                         | 35%                                    |
| Racial or ethnic grounds  | 40%                                    |
| Ideological grounds, whether political or religious                             | 7%                                     |
| Some form of disability or illness with visible physical symptoms, among others | 10%                                    |
| No details available  | 8%                                     |

15. The cases involve attacks of various kinds, such as verbal violence, including against children in educational establishments, and physical and psychological violence.

#### **Observatory on Discrimination and Racism and its impact**

16. The Observatory on Discrimination and Racism is a mechanism designed for the monitoring and following up of acts of discrimination and racism, thus generating inputs for the formulation of public policy against racist practices. Between 2012 and 2015, the Observatory directly received 46 cases for assessment and referral to the relevant administrative and/or judicial procedures.

17. Combating discrimination is a priority for Colombia. Accordingly, the National Development Plan 2014-2018 includes specific initiatives for the different regions and for their populations, including programmes aimed at ethnic groups. The National Development Plan provides for the establishment of an intersectoral committee to draft the national plan for the Afro-Colombian Decade. The composition and launch of the intersectoral committee are to be finalized in September 2016.

#### **5. National public policy comprising cross-cutting and comprehensive measures for the promotion, respect, defence and guarantee of the full rights of lesbian, gay, bisexual, transgender and intersex persons and of persons with non-conforming sexual and gender identities (LGBTI community) in Colombia**

18. Since 2010, the Ministry of the Interior, together with civil society, have been laying the groundwork for the formulation of a national public policy on the LGBTI community in Colombia. The outcome of the consultative process, during which 6 regional meetings<sup>4</sup> were held and 14 focus groups<sup>5</sup> were set up, was a national public policy comprising cross-cutting and comprehensive measures for the promotion, respect, defence and guarantee of the full rights of the LGBTI community in Colombia. The policy includes mechanisms for monitoring its implementation.

19. On this basis, and in a participatory manner, a draft decree was formulated, attributing specific functions to national entities and establishing an intersectoral committee to monitor the progress of the national public policy in ensuring the full exercise of the rights of the LGBTI community. The draft decree is currently under review.

<sup>4</sup> The Pacific region, the Atlantic region, the Coffee Corridor region, the Orinoco River region, the Amazon River region and the Andean region.

<sup>5</sup> Issues and topics that were identified as of specific interest to this community include: living on the street, prostitution, victims of the armed conflict, persons with disabilities, persons having undergone legal or illegal invasive procedures to change to their physical appearance, members of the Armed Forces of Colombia and mothers, fathers and other family members of LGBTI persons.

20. In parallel with the formulation of the public policy, the State has implemented a series of affirmative action measures to ensure the effective enjoyment of the rights of LGBTI persons and provide them, using a differentiated approach, with access to a range of institutional services, including:

- **National Committee on Urgent Cases:** composed of representatives from the Attorney General's Office, the Ministry of the Interior, the National Police, the National Prisons Institute, the Counsel-General's Office, the National Protection Unit and the Ombudsman's Office. The Attorney General's Office acts as the Committee's technical secretariat. The Committee is responsible for reporting and monitoring, as a matter of urgent priority, cases of human rights violations of LGBTI persons and for drafting papers on the overall human rights situation of LGBTI persons in Colombia. In 2015, the Committee received 56 complaints on situations that affect LGBTI persons' rights.
- **Awareness-raising campaigns:** The State has promoted and supported campaigns, events, meetings, training courses, marches and other activities to promote the recognition of the rights of the LGBTI community and to prevent violence against these groups, particularly violence related to discrimination based on sexual orientation or gender identity.
- **Inclusion of an LGBTI focus in the regional development plans:** The Ministry of the Interior has provided technical assistance to the regional authorities to ensure the inclusion of an LGBTI focus in their development plans, which serve as administrative planning tools. Mayors' and governors' offices throughout the country have been asked to encourage the participation of LGBTI persons, to develop programmes, targets and projects that help to overcome the obstacles to the exercise of their rights, and to set aside the resources necessary to meet the goals related to the exercise of their rights.
- **LGBTI persons deprived of liberty:** Since 2011, awareness-raising and training activities on the rights of LGBTI persons deprived of liberty have been carried out in prisons. From 2014 to the present, over 120 awareness-raising workshops have been held for administrative, custodial and surveillance staff working in facilities throughout the country. The workshops seek to establish guidelines on the implementation of internal regulations in detention facilities without affecting the rights of the LGBTI community, awareness-raising about mechanisms for participation in decision-making, the visibility of the LGBTI community through self-recognition, the implementation of a differentiated approach to ensure the effective exercise of LGBTI persons' rights, the prevention of violence and the strengthening of solidarity and sisterhood among prisoners. In addition, Act No. 1709 of 2014 refers to a differentiated approach as a principle of prison management, by stating "The principle of a differentiated approach recognizes that there are groups with specific characteristics based on age, gender, religion, gender identity, sexual orientation, race, ethnicity, disability or other situation. Therefore, the correctional measures set out in this Act shall have such an approach."
- **Technical support to regional organizations, agencies and entities** to promote, guarantee and protect the rights of the LGBTI community with regard to issues related to participation, political incorrectness, project development and public policy. The police and public security forces have been involved in providing such support.

**6. Women's political participation, measures taken to eliminate gender stereotypes and the national gender equity policy**

21. The Government of Colombia provided sufficiently detailed information on these subjects in its sixth periodic report to the Committee on Economic, Social and Cultural Rights (E/C.12/COL/6).

**IV. 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 and 9)**

**7. Prompt and effective access of women to safe pregnancy-termination procedures and postabortion care**

22. Circular No. 003 of 2013 issued by the Ministry of Health sets out the binding aspects of various Constitutional Court rulings, including Decision No. C-355 of 2006 and the prohibited practices that limit access to voluntary termination of pregnancy. The Ministry of Health has also developed policy guidelines for preventing unsafe abortions and effectively providing services relating to voluntary termination of pregnancy. These guidelines have been promoted through advocacy initiatives aimed at influencing the factors related to unsafe abortions, ultimately with a view to supporting health-care and health-risk management, and public health management. Some noteworthy initiatives are:

- Training for communicators, journalists and managers involved in social mobilization throughout the country on conceptual and ethical issues, and on the existing regulatory framework for the promotion of health, sexual and reproductive rights and gender equality, with an emphasis on Constitutional Court Decision No. C-355/06.
- Implementation of the protocol for the prevention of unsafe abortions in Colombia.
- Revision, validation and dissemination of technical documents on postabortion care, pre- and postabortion counselling and support for pregnancy termination, and comprehensive care for low-risk pregnancy termination.
- The nursing protocol on care for women of childbearing age, pregnant women, and women during labour, delivery and the post-partum period.
- Training and instruction in pregnancy termination techniques for health-care providers of 100 per cent of the departments that have the facilities for providing services relating to low-risk pregnancy termination. There are facilities that provide services for pregnancy termination in the second and third trimesters of pregnancy.

*Access to education and means for preventing unwanted pregnancies*

23. The Public Health Plan 2012-2021, under the categories of sexuality and sexual and reproductive rights, contains actions for promoting, generating and developing means and mechanisms to foster the social, economic, political and cultural conditions conducive to the full and independent exercise of sexual and reproductive rights of persons, groups and communities.

24. One of these actions, which relates specifically to the prevention of teenage pregnancy, promotes the expansion of the teen- and youth-friendly health services model through mandatory compliance by public and private health institutions. In 2014, the Ministry of Health and Social Security issued Decision No. 780, which contains guidelines on adopting the teen-friendly health services model.

25. At the same time, the Government has promoted initiatives such as a road map for health promotion and preservation and a road map for maternal and perinatal health; a comprehensive care strategy for children and adolescents with a focus on preventing teenage pregnancy, the launch of a national intersectoral committee for the promotion of sexual and reproductive rights, and the social participation of children, adolescents and young people in health-care services. According to the national civil registration of vital statistics system, every year, on average, there are 150,000 births to adolescent females aged 15 to 19 and 6,500 births to girls aged 14 years or less.

## **8. Prevention and punishment of violence against women, including sexual violence and access to justice**

26. The Government of Colombia provided sufficiently detailed information on these subjects in its sixth periodic report to the Committee on Economic, Social and Cultural Rights (E/C.12/COL/6, paras. 25-31).

### *Investigation of cases of sexual violence referred by the Constitutional Court*

27. Pursuant to Ruling No. 092 of the Constitutional Court, issued in follow-up to Decision No. T-025, in 2014, the Attorney General's Office established a group on gender-based violence within the National Unit for Analysis and Context. The Panel found that 7 of the 183 situations reported were duplicates, bringing down the total number of cases to 176. These are being dealt with in accordance with Act No. 600 of 2000 or Act No. 906 of 2004, depending on the date on which the events occurred, and under Act No. 975 of 2005.

28. In April 2015, the status of the 176 complaints was as follows: 30 decisions had been handed down; of those, 16 were convictions for crimes of sexual violence, 12 were convictions for crimes other than sexual violence, and 2 were acquittals. A total of 71 cases were shelved (Act No. 600 of 2000) or dismissed (Act No. 906 of 2004). These decisions were taken by prosecutors based on the absence of reasons for characterizing the facts as a crime, the failure to prove that the conduct had occurred, or the failure to find the perpetrator or the victim.

29. In 12 cases, the investigations were declared closed, on the basis of the statute of limitations for criminal proceedings or in application of the principle of *indubio pro reo* (when in doubt, for the accused). Three cases led to an indictment, three are under review and one is being processed by the indigenous courts.

## **9. Investigations of suspected homicide of a protected person**

30. The cases referred to as "false-positives" in the media do not correspond to any criminal category or offence. The illegal acts that took place in such situations are heard by the Attorney General's Office as homicides that were falsely presented as combat deaths by members of the public security forces and each one is criminally investigated and prosecuted as a homicide of a protected person.

31. There are 3,348 cases of homicides associated with acts by the public security forces for which proceedings are under way; 7,567 victims have been identified and 1,199 members of the public security forces have been convicted in these cases. According to information provided by the Attorney General's Office, at least 2,154 cases are related to homicides falsely presented as combat deaths by members of the security forces.

## Measures taken to prevent civilians from being affected by unexploded landmines

### *Humanitarian demining*

32. In August 2015 and in January 2016, respectively, San Francisco (Antioquia) and San Vicente Chucurí (Santander) were declared to be the fourth and fifth municipalities free of suspicion of landmines in Colombia. Humanitarian Demining Battalion No. 60 cleared 477,328 m<sup>2</sup> of land and destroyed 414 devices in these two municipalities. Throughout Colombia, 288,712 m<sup>2</sup> of land have been set aside for demining purposes; 158,121 m<sup>2</sup> have been cleared, and 283 unexploded ordnance destroyed by demining teams.

33. In addition, an agreement was concluded at the Havana Talks to clear and decontaminate the land of anti-personnel mines, improvised explosive devices and unexploded ordnance and explosive remnants of war more generally. Under the agreement, the parties undertook to maintain the cleared and decontaminated areas identified in order to provide guarantees of non-recurrence and to the communities concerned. The areas identified for the purposes of the Agreement were the village Orejón, in Briceño (Antioquia), and the village Saint Helena, in Mesetas (Meta).

34. National initiatives have also been developed to educate communities about the dangers posed by anti-personnel mines. In 2015 and 2016, training was given on how to deal with emergency situations and on unexploded ordnance risks. In terms of communities, training was provided for first responders, coffee-grower trainers, and manual illicit crop eradicators, as well as for staff of national parks and for indigenous communities. Workshops were also conducted as part of school and sports activities, as well as in coordination with the National Learning Service mobile classrooms. Educational materials were distributed to children and to local authorities. A total of 23,532 individuals, including 3,545 indigenous persons, participated in the various training initiatives.

## 10. Enforced disappearance of persons

35. The State submitted ample, detailed information on the number of cases of enforced disappearance registered in Colombia, and on the steps taken, inter alia, to prevent such acts and to protect and guarantee the rights of the victims of this crime, inter alia, in its initial report on the implementation of the International Convention for the Protection of All Persons from Enforced Disappearance (CED/C/COL/1).

## 11. Cases of torture and ill-treatment allegedly committed by law enforcement or prison officers

36. The disciplinary information system database of the National Prisons Institute contains 127 cases of alleged ill-treatment of inmates during the period 2013-2016. However, sanctions were imposed in 42 cases of ill-treatment of persons deprived of liberty, resulting in the dismissal (in 2 cases) and suspension (in 40 cases) of the officers involved.

37. On the prevention of torture, the National Prisons Institute issued a manual for the appropriate use of solitary confinement in the special treatment units, as well as Transitional Directive No. 005 of 14 March 2016, which provides instructions and assigns responsibilities for conducting workshops on human rights and the use of force in the Colombian prison system.

38. Pursuant to Constitutional Court Decision No. T-388 of 2013, since May 2015, the Ombudsman's Office has implemented a complaint mechanism against torture in the high- and medium-security prison of Valledupar. The Office of the Ombudsman for Criminal and Prison Policy has regularly convened meetings on the monitoring of and compliance with the mechanism, bringing together representatives of the Criminal and Prison Policy Group of the Office of the Counsel for Human Rights and Ethnic Affairs, the Cesar Regional



Ombudsman's Office, the Institute of Forensic Medicine, the Cesar District Prosecutor's Office and the Human Rights Group of the National Prisons Institute.

## **12. Arbitrary or illegal detentions**

39. Between 1 January 2013 and 27 June 2016, 11 internal disciplinary investigations have been initiated against members of the National Police for the crime of unlawful deprivation of liberty. Of these, 2 are still in process, 4 have been closed, and 1 has resulted in an acquittal, 3 in suspensions and 1 in a dismissal.

## **13. Internal armed conflict**

### **(a) Progress in implementing Act No. 975 of 2005**

40. As of December 2015, there were 15 Justice and Peace Chambers of the higher courts located in Bogotá, Barranquilla, Medellín and Bucaramanga. To date, these Chambers have handed down 36 mass convictions relating to 4,983 punishable acts, representing 30,955 victims and 160 perpetrators having availed themselves of the Justice and Peace Act.

41. In 2015 alone, these Chambers held 631 trials, which led to the identification of 99,023 direct victims of 115,718 crimes, 80 per cent of which were forced displacement or homicide.

### **(b) Alignment of the Legal Framework for Peace with the obligations contained in the Covenant**

42. As stated in the State party's seventh report, through Legislative Act No. 01 of 2012, the Legal Framework for Peace was incorporated into the Constitution of Colombia, thereby laying the foundation for transitional justice, which itself is aimed at facilitating the end of the internal armed conflict and the achievement of a stable and lasting peace, and at ensuring, at the highest possible level, the rights of victims to truth, justice, reparation and non-recurrence.

43. The Framework identifies aspects related to the development of special criminal justice measures, the political participation of former combatants and the fulfilment of the right to truth and reparation for victims, in accordance with the obligations contained in the International Covenant on Civil and Political Rights, in particular those arising from articles 2 and 25. It seeks to fulfil the State's duty to investigate and punish serious violations of human rights and international humanitarian law, and other State duties such as the prevention of serious human rights violations, the non-recurrence of violence and the fulfilment of the rights of victims to truth, justice and reparation.

44. This framework is consistent with the obligations of the State as contained in the Covenant, which provides that the special criminal treatment of former combatants requires the laying down of arms, the recognition of responsibility and the commitment to ensuring the rights of victims. The Constitutional Court reiterated these conditions and added the non-commission of further offences in cases of individual demobilization.

45. It is important to note the following:

- The Congress will establish, through a statutory law (previously reviewed by the Constitutional Court), the "maximum responsibility" criteria. Once approved, these criteria will be used by the Attorney General of the Nation, who is solely competent to institute criminal proceedings.
- The Legal Framework for Peace does not predetermine who may participate in politics. It merely allows for the possibility, to be discussed in the future, that

Congress (with prior review by the Constitutional Court) could identify crimes that may be considered as crimes related to a political offence for the purposes of political participation. It is important to note, however, that the Framework clearly states that crimes deemed to be crimes against humanity or genocide may not be considered as related crimes.

- The Framework is not applicable to criminal gangs or common criminals, whose acts will be normally investigated by law enforcement officials.

**(c) Participation of victims in the peace negotiations with the Fuerzas Armadas Revolucionarias de Colombia — Ejército del Pueblo (Revolutionary Armed Forces of Colombia — People's Army) (FARC-EP)**

46. Since the peace negotiations began in 2012, it was agreed that victims' compensation should be at the centre of the agreement between the Government and the FARC-EP, as a result of which the item devoted to victims-related issues was included in the agenda of the General Agreement. Mechanisms including forms, forums and direct consultations were set up to facilitate participation in the peace process. These were expanded to address the item on victims. As a result:

- More than 3,000 victims participated in 4 forums in Villavicencio, Barranquilla, Barrancabermeja and Cali.
- 60 victims travelled to Havana to give their testimonies and to submit their recommendations directly to the Talks being held there. These victims were chosen by the United Nations and the National University, with the support of the Episcopal Conference. A total of 60 per cent were women, 8 per cent indigenous persons and 13 per cent persons of African descent; 8 per cent represented municipal, departmental and national victims' groups.
- As of March 2016, some 27,000 inputs had been received on victims' issues. 6 per cent dealt with their participation in the mechanisms, 16 per cent on the right to the truth, 34 per cent on the right to reparations and 11 per cent on the right to justice.

*Measures taken to ensure that the agreements reached are consistent with the obligations contained in the Covenant*

47. Measures to ensure that the agreements reached are consistent with the obligations contained in the Covenant were adopted under the item "Agreement on victims of the conflict", which was signed in Havana between the Government delegation and the FARC-EP. They agreed on the establishment of a comprehensive system for truth, justice, reparation and non-recurrence ("Comprehensive System"), consisting of various judicial and extrajudicial mechanisms, with a view to ensuring, at the highest possible level, the rights of victims, enforcing accountability for the events that had occurred, guaranteeing legal security, and contributing to achieving harmonious coexistence, reconciliation, non-recurrence and the transition from armed conflict to peace.

48. Among the extrajudicial mechanisms established were the Unit for the Search for Disappeared Persons, the Commission for Establishing the Truth, Social Harmony and Non-recurrence, and comprehensive reparation measures for peacebuilding.

49. As for judicial mechanisms, a special peace court is being set up which seeks to fulfil the right of victims to justice, combat impunity, ensure compliance with the State's duty to investigate, prosecute and punish, and take decisions that give full legal security to those who participated directly or indirectly in the armed conflict. This special court will have jurisdiction in respect of acts committed in the context of and because of the armed conflict, prior to the signing of the Final Agreement.

*Accountability for violations of the rights under the Covenant committed by any actors in the conflict, including by State agents*

50. The Comprehensive System will involve the participation of victims, those who committed crimes in the context of and because of the armed conflict, and communities. It will be applied in a differentiated manner, dealing with everyone equally and simultaneously.

51. Members of paramilitary groups who were demobilized will be held accountable in justice and peace proceedings and in the ordinary courts, and to that extent their cases will not be considered by the special peace court. However, the Government undertook to adopt measures to clarify the handling of paramilitaries in justice and peace proceedings and Act No. 1424 of 2010.

52. The special peace court will have jurisdiction over acts involving the financing of or collaboration with paramilitary groups, which are not the result of coercion, with regard to persons who were significantly involved in the most serious and representative crimes.

53. Victims will participate in all mechanisms and agencies of the Comprehensive System in order to guarantee the fulfilment of their rights to truth, justice, reparation and non-recurrence.

54. As a contribution to memory-building and as a symbolic measure of reparation, all armed actors, including the public security forces and FARC, will recognize the gravity of the offences committed through public events apologizing for direct actions or omissions and for the actions of their members.

55. Lastly, the Comprehensive System will help to resolve the issue of paramilitaries and the comprehensive reparation of victims.

*Progress to launch peace talks with the Ejército de Liberación Nacional (National Liberation Army) (ELN)*

56. On 30 March 2016, it was agreed that public talks would be held in Ecuador between representatives of the Government and of the ELN. The talks will be held in Ecuador, Venezuela, Chile, Brazil and Cuba, countries which, together with Norway, will be guarantors of the process. This will help to further ongoing, direct talks between the delegations of both parties and to advance the following agenda expeditiously and rigorously:

- Participation of society in building peace
- Democracy for peace
- Transformation for peace
- Victims
- Children in armed conflict
- Implementation

**(d) Implementation of Act No. 1448 of 2011**

**To date 8,068,272 victims have been registered in the Central Register of Victims:**

| <i>Crime</i>                                 | <i>Number of victims</i> |
|--|--------------------------|
| Abandonment or forced dispossession of lands | 10 371                   |
| Terrorist act/attacks/fighting/harassment    | 90 364                   |

| <i>Crime</i>  | <i>Number of victims</i> |
|---|--------------------------|
| Threat  | 306,64                   |
| Crimes against sexual freedom and integrity               | 14 847                   |
| Enforced disappearance                                    | 162 631                  |
| Displacement  | 6 827 447                |
| Homicide  | 972 298                  |
| Anti-personnel mines/unexploded ordnance/explosive device | 10 964                   |
| Loss of movable or immovable property                     | 105 291                  |
| Abduction   | 31 954                   |
| Torture   | 9 873                    |
| Recruitment of children and adolescents                   | 7 964                    |

57. The following is a description of some of the results achieved during the first five years of implementation of the Victims Act, as at 10 June 2016.

#### *Care and assistance*

58. Between 2010 and 2014, forced displacement decreased by 47 per cent as compared to the preceding four-year period. The Comprehensive Victim Support and Reparation Unit has progressively improved the social and community infrastructure and extended technical support to the regional authorities in the formulation of contingency plans to deal with emergencies. Some 3 billion pesos have been invested in humanitarian support and assistance to ensure the minimum subsistence of more than 1.5 million households.

#### *Full redress*

59. **Compensatory measures:** Nearly 592,430 victims have been compensated through administrative channels, for an estimated total value of 3.6 billion pesos. Since 2012, approximately 363,828 victims have signed up for a programme that supports the proper investment of resources. For children and adolescents who are entitled to compensation, a trust has been set up that will be turned over to the beneficiary when he or she reaches the age of 18.

60. **Rehabilitation measures:** A total of 1,743 families of victims of enforced disappearance have received support connected with the delivery of the remains of loved ones who were disappeared or murdered. Between 2012 and May 2016, a psychosocial care and comprehensive health programme for victims has helped meet the needs of 184,913 persons. In addition, the Victims Unit developed the Group Emotional Recovery Strategy, which has benefited at least 93,651 people.

61. **Restitution measures:** At least 5,000 young victims have been afforded access to university studies and 100,000 have participated in financial education workshops thanks to scholarships provided by the Fund for Higher Education. Furthermore, almost 140,000 homes have received assistance in the process of return or relocation. Between 2009 and 2015, 94,318 families have received support in connection with the comprehensive reparation plan.

62. **Measures of satisfaction:** In 2016, some 6,000 military service records were issued free of charge for victims of forced displacement. Since 2012, 274 measures of satisfaction have been taken in respect of 113 beneficiaries of collective reparations. In 2015, 90 such measures were adopted, including commemorations, tributes, acts of recognition of

responsibility and public apologies, symbolic compensation acts and strengthening of traditional practices that were affected by the internal armed conflict.

**14. Measures taken to prevent, investigate and punish serious abuses allegedly committed by illegal armed groups that emerged after the demobilization of paramilitary organizations**

63. To dismantle the illegal armed groups, the National Police is carrying out a national strategy against organized crime that is aimed at improving information systems, impacting on sources of financing, support networks and leaders of these illegal groups, preventing situations of illicit capital accumulation that help to finance the criminal activities of such groups and ensuring the presence of and supervision by the public security forces in regions where they operate.

*Situation in Buenaventura (Valle del Cauca)*

64. Since 2014, the National Police has been conducting a special intervention in the municipality of Buenaventura with the aim of identifying the causes and perpetrators of alleged human rights violations that are being reported. As of June 2016, 516 persons allegedly belonging to criminal gangs have been captured. In addition, 367 firearms and 2,831 rounds of ammunition have been seized, thereby weakening the operational capacity of these groups. Since 2014, a total of 260 judicial proceedings have been initiated exclusively with a view to tackling the criminal groups whose actions impact on the effective enjoyment of the rights of the population of Buenaventura.

65. The Disappeared Persons Search Commission has established that its operational team should document enforced disappearances throughout Buenaventura, based on the information provided by the administrative authorities of the municipality and the Attorney General's Office. With regard to the crime of enforced disappearance, the police, together with the Attorney General's Office, is conducting three investigations involving multiple perpetrators. The investigations have enabled the identification and capture of at least 17 individuals allegedly responsible for the offences of enforced disappearance, homicide and torture.

66. The strategy of the National Police has been comprehensive in the sense that it has been aimed at improving the safety and security of the inhabitants of Buenaventura and that its purpose is to dismantle the criminal gangs. These actions have reduced violence in Buenaventura, for example, there are now 70 per cent fewer homicides, 71 per cent fewer cases of extortion, 20 per cent fewer personal injuries, and 60 per cent fewer cases of enforced disappearance.

## **V. Human trafficking and labour exploitation (art. 8)**

**15. Trafficking in persons**

67. From 2015 to 3 June 2016, 95 cases of human trafficking have been reported by the trafficking victims themselves. The victims have received assistance to ensure their return, security and accommodation. They have also received medical, psychological and material assistance, legal assistance, and support related to the restoration of their rights in general. The victims of the trafficking are characterized as follows:

| <i>Cases reported by direct victims</i> | <i>Age</i>      |                 |                 |            | <i>Ethnic group</i>                          |   | <i>Sex</i>  |               |
|---|-----------------|-----------------|-----------------|------------|--|---|-------------|---------------|
|   | <i>11 to 16</i> | <i>18 to 28</i> | <i>29 to 53</i> | <i>N/A</i> | <i>Persons of African descent Indigenous</i> |   | <i>Male</i> | <i>Female</i> |
| 95                                      | 11              | 52              | 28              | 4          | 4  | 3 | 13          | 82            |

68. Most of the victims were from Colombia (86), Venezuela (2), Ecuador (3), Nicaragua (1), Haiti (1), Canada (1), and Argentina (1).

### **The Inter-Agency Committee to Combat Trafficking in Human Beings and the Anti-Human Trafficking Operations Centre**

69. Each member of the Inter-Agency Committee has established, within its management systems, methods for assessing its respective role and responsibilities in the fight against human trafficking. In 2015, the technical secretariat developed National Strategy monitoring indicators reflecting those management systems.

70. In addition, the Counsel General's Office, with the support of the United Nations Office on Drugs and Crime and the International Organization for Migration, developed the first model designed to monitor the actions of the Colombian State in the fight against human trafficking. This model makes it possible to effectively and efficiently monitor and manage the State's actions aimed at combating this crime.

71. At the same time, since 2015, various preventive and awareness-raising activities have been carried out, including training workshops, forums, degree courses, awareness-raising initiatives and meetings.

72. Institutionally, Single Regulatory Decree No. 1066 of 2015 provides that the Ministry of the Interior serves as the technical secretariat for the Inter-Agency Committee and establishes technical committees for liaising and coordinating with various State entities. Regionally, departmental committees have been set up to combat trafficking in each department. These committees receive technical assistance from the Government in formulating their regional action plans for combating trafficking in persons.

73. A coordination group to combat trafficking in persons and related crimes was set up for the purpose of coordinating, within the Attorney General's Office, investigations into trafficking at the transnational level, and a National Directorate for Districts and Public Safety was created with 14 prosecutors responsible for conducting investigations. The Coordination Directorate of the Specialized Attorney General's Office and the Public Policy Directorate together devised a subject-specific strategy on combating trafficking in persons.

74. Between 2012 and 2015 Colombia signed eight bilateral cooperation agreements — with Ecuador, Chile, Argentina, Honduras, El Salvador, Paraguay, Costa Rica and Peru — to prevent and suppress trafficking in persons and to provide assistance and protection to the victims of that crime. In 2016, action plans were drawn up for implementation of the agreements with Paraguay, Honduras and Ecuador.

## **16. Manual eradication of coca crops**

75. In accordance with the Strategy to Combat Drug Trafficking of the Defence Sector in Colombia, the manual eradication of illicit crops was carried out using three different methods: crop spraying, mobile eradication groups and the so-called "soldier-soldier" method.

76. Methods I and III, involving manual eradication, are used exclusively by military personnel. The mobile eradication groups are composed of civilian personnel; in carrying

out their work, they benefit from the support and security services of the public security forces.

## **VI. Treatment of persons deprived of their liberty (art. 10)**

### **17. Rights of persons deprived of their liberty**

77. As of 2016, the accommodation capacity of the national prisons under the authority of the National Prisons Institute is 78,181 persons. In April 2016, there were 122,016 persons detained in these facilities. Of those, 43,944, or 36.01 per cent, were unionized.

78. In a powerful effort to resolve the problem of overcrowding in prisons, the National Economic and Social Policy Council (CONPES) issued paper No. 3828 in 2015, refocusing the country's prison policy to better tie in with a coherent and effective criminal policy. This new approach involves moving past the simple fulfilment of demand for new prison places and requires the examination of systemic problems and the seeking of comprehensive solutions.

79. The new public policy emphasizes the protection of the human rights of persons deprived of liberty, taking into account: (i) the adequacy of health and technological establishments; (ii) the improvement of support, social reintegration and assistance of persons deprived of liberty; and (iii) coordination with strategic actors in the private sector and at the local level.

80. As a result, Act No. 1760 of 2015 on the streamlining of detention was adopted. This Act establishes that judicial officials are responsible for determining whether a given preventive security measure is useful for the purposes of the administration of justice, and notes that the term of pretrial detention may not exceed one year, and may be extended only in cases involving processes within the jurisdiction of the specialized criminal justice system, in cases involving three or more accused persons, or in cases involving investigations or prosecutions for corruption.

81. The National Prisons Institute, by Decision No. 001424 of March 2016, endorsed and adopted the manual for the appropriate use of solitary confinement in special treatment units, in the context of prison security. The manual provides that the use of special treatment units as a measure of isolation, is preventive and corrective in nature in the cases mentioned specifically under article 80 of Act No. 1709 of 2014 and is to be used temporarily and as a last resort.

82. These isolation measures do not apply to persons with intellectual and/or psychosocial disabilities. They apply in just three specific situations: (i) for health reasons; (ii) for reasons of internal security at the establishment concerned, in which case solitary confinement shall not exceed 5 calendar days; and (iii) at the request of the prisoner as submitted to the director of the institution.

83. Lastly, the Directorate of Care and Treatment of the National Prisons Institute has taken steps to address the special needs of groups in exceptional circumstances, such as those identified in article 2 of Act No. 1709, Directive No. 015 of 2012 on the institutional policy on gender equality, Directive No. 010 of 2011 on respect for LGBTI persons, Directive No. 017 of 2015 on implementing the recommendations of the Inter-American Commission on Human Rights, contained in its Merits Report No. 3/14, on case 11.656 concerning Colombia, and Directive No. 022 of 2011 on indigenous people being held in State prisons.

84. For the period 2016, a budget of 300 million pesos was allocated to the development of initiatives to implement the policy concerning these groups.

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

### **18. Military penal justice**

85. Legislative Act No. 01 of 25 June 2015 amended article 221 of the Constitution of Colombia on military penal justice. The Act seeks to ensure that when a member of the public security forces is investigated or tried in the ordinary or special courts, for a criminal offence committed in connection with the armed conflict or confrontation that meets the aforementioned exceptional conditions, such investigation or trial is carried out within the normative framework of international humanitarian law. It also requires that whoever is responsible for investigating or trying the member will have undergone the relevant studies and training. Thus, the competence of the military penal justice system is subject to criteria that are subjective (member of the public security forces in active service), objective criteria (related to the service), and normative criteria (breaches of international humanitarian law), given that international humanitarian law is the particular rule applicable to the security forces in the context of the armed conflict.

86. It is important to clarify that Act No. 1407 of 2010, or the Military Penal Code, precludes military penal courts from hearing cases of serious human rights violations, cases with characteristics of crimes against humanity or genocide, and breaches of international humanitarian law.

#### *Threats against judges, prosecutors and lawyers*

87. The prevention and protection programme operated by the National Protection Unit seeks to guarantee the rights to life, liberty, integrity and security of persons, groups and communities exposed to exceptional or extreme risks as a direct result of their political, public, social or humanitarian activities or on account of their exercising their functions. Currently the National Protection Unit has adopted protective measures for 133 judges and 10 lawyers and legal representatives, who because of their professional occupation face some kind of risk. It has also afforded protection to 15 staff members of the Attorney General's Office.

88. To ensure the safety of judicial officials, a series of preventive measures have been taken, including the creation by the National Police of special security operations groups to assist with judicial proceedings, especially those related to land restitution, and the provision of information related to law and order, and disruptive factors that could endanger the safety of judicial officials.

89. In particular, land restitution processes are conducted only in those areas that have been certified by the Ministry of Defence as areas that meet the necessary security conditions for the holding of a restitution process and the effective restitution of land. This strategy has become known as micro and macro targeting.

90. As a result of these and other preventive actions over the past three years, no security incidents have been reported as threatening the life or integrity of judicial officials, nor have any attacks against the courts been reported.



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

### **19. Intelligence and counter-intelligence activities**

#### *Systems used to monitor and oversee current intelligence activities*

91. Act No. 1621 of 2013 establishes, in its article 18, that inspectors of the National Police or of the military force to which a given intelligence agency belongs are required to submit an annual report, of a classified nature, both to the Ministry of National Defence and to the Legal Intelligence and Counter-intelligence Monitoring Committee of the Congress of the Republic. The report should cover the application of the principles and purposes of the Act by intelligence agencies.

92. This monitoring and inspection system has resulted in more transparent intelligence and counter-intelligence activities; the monitoring of such activities is limited to that provided for under Act No. 1621 of 2013.

93. Furthermore, the role of intelligence and counter-intelligence is limited insofar as it must respect human rights and must comply strictly with the Constitution, Colombian legislation, international humanitarian law and international human rights law. Intelligence and counter-intelligence agencies are expected to conduct their activities while observing the principles of necessity, adequacy and proportionality. Decree No. 857 of 2014, implementing regulation No. 1621, clearly establishes that intelligence and counter-intelligence activities are to be conducted only by agencies and units authorized by law to do so.

94. As for intelligence and counter-intelligence manuals, Act No. 1624 stipulates that the directors and chiefs of intelligence and counter-intelligence agencies must align their intelligence and counter-intelligence materials with the law and repeal all provisions that are contrary to the Constitution or to the Act. Each intelligence agency is authorized to establish the necessary procedures for reviewing its intelligence and counter-intelligence manuals for incorporation of standards of human rights and international humanitarian law therein.

#### *Electromagnetic spectrum monitoring vs. interception of communications*

95. Electromagnetic spectrum monitoring, as referred to in article 17 of Act No. 1621, does not constitute interception of communications. Such monitoring may be carried out at any time provided that it has been duly established in operational orders or work assignments. Information gathered during such monitoring in the context of intelligence and counter-intelligence activities that does not serve to achieve the aims established in this Act shall be destroyed and may not be stored in intelligence or counter-intelligence databases.

96. In its Ruling No. C-540 of 2012, the Constitutional Court stated that electromagnetic spectrum monitoring, as an activity covered within the scope of intelligence and counter-intelligence activities, consists in tracking in a random and indiscriminate manner. It involves the incidental capture of communications that may reveal circumstances making it possible to avert attacks and to monitor threats to national defence and security. It further stated that electromagnetic spectrum monitoring cannot result in individual monitoring. It does not involve the selective tracking of specific subjects. Therefore, there should not be any confusion between electromagnetic spectrum monitoring, as an impersonal and abstract activity, with the specific actions involved in a criminal investigation, which is specific, focuses on individuals, is conducted based on a *notitia criminis* (within a preliminary investigation), seeks to collect evidence to identify the perpetrators of an offence, and is

carried out as part of criminal proceedings, which themselves have a legal framework established by the Criminal Code and Code of Criminal Procedure.

97. Intercepting private mobile or landline telephone conversations, and also private data communications, is subject to the requirements established in article 15 of the Constitution and the Code of Criminal Procedure and may be conducted only in the context of legal proceedings.

## **IX. Freedom of conscience and religion (art. 18)**

### **20. Legislation recognizing and regulating conscientious objection**

98. The Ministry of Defence, in coordination with the Ombudsman's Office, issued Directive No. 0280 of January 2015 on instructions and recommendations for the recruitment of regular, high-school-graduate and peasant soldiers and the handling of applications from conscientious objectors, and a protocol, issued in February 2015, on support and guidance for establishing the military status of citizens who visit the Ombudsman's Office. Thus, clear, precise instructions on recruitment procedures are available, in observance of and respect for the rights of citizens.

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

### **21. Threats against human rights defenders**

99. The National Protection Unit has information on the following protected persons, by group:

| <i>Groups of persons</i>  |                            | <i>Number of protected persons as of June 2016</i> |       |
|---|----------------------------|--|-------|
| Political leaders   |                            |  | 168   |
| Leaders, representatives and activists of organizations founded to protect human rights, victims' rights, social, civic and communal rights and campesinos' rights                            |                            |  | 614   |
| Trade union leaders or activists  |                            |  | 597   |
| Leaders, representatives and activists of professional associations   |                            |  | 18    |
| Leaders, representatives and members of ethnic groups   | Indigenous persons         | 327  |       |
|   | Persons of African descent | 139  | 467   |
| Medical staff   |                            |  | 4     |
| Witnesses to violations of human rights and international humanitarian law  |                            |  | 6     |
| Journalists and social communicators  |                            |  | 132   |
| Victims of violations of human rights or of international humanitarian law, including leaders, heads and representatives of organizations for displaced persons or land restitution claimants | Displaced persons          | 718  |       |
|   | Land restitution claimants | 437  |       |
|   | Victims                    | 322  | 1 481 |
| Former public servants who have been responsible for designing, coordinating and implementing the human rights and peace policies of the Government   |                            |  | 117   |
| Legal representatives or forensic experts taking part in judicial or disciplinary proceedings relating to human rights violations or breaches of international humanitarian law               |                            |  | 9     |

| <i>Groups of persons</i>                                |                     | <i>Number of protected persons as of June 2016</i> |              |
|---|---------------------|--|--------------|
| Public servants   | Councillors         | 1 435  |              |
|   | Legislators         | 235  |              |
|   | Public servants     | 584  |              |
|   | Municipal ombudsmen | 59   | 2 313        |
| Article 2.4.1.2.7 by virtue of the post held            | Mayors              | 282  |              |
|   | Governors           | 22   |              |
|   | Congressmen         | 268  | 572          |
| Unión Patriótica-Partido Comunista de Colombia (UP-PCC) |                     |  | 1 540        |
| Demobilized   |                     |  | 80           |
| Peace agreements  |                     |  | 20           |
| <b>Total number of protected persons</b>                |                     |  | <b>8 138</b> |

*Public policy to guarantee the right to freedom of expression of persons working in journalism*

100. The Ministry of the Interior has spearheaded the development of a public policy to guarantee the right to freedom of expression of persons working in journalism. During this process, it has been decided that it is necessary to review the criminal offences of insult and libel in order to determine how prosecutors should handle complaints of such crimes against journalists. When receiving such complaints, judicial officials must bear in mind the right to freedom of expression.

## **XI. Measures for the protection of minors (art. 24)**

### **22. Birth registration**

101. The National Civil Registry is one of the entities with the most widespread national coverage: it has 1,156 offices located throughout the country and 915 notaries with a registration function. To date, there are also 328 hospitals and clinics authorized to register births on site, in an early and timely manner. The Registry is also working on the project involving mobile unit campaigns calling for the support and assistance of people in vulnerable situations who live in hard-to-reach locations.

102. In locations that are difficult to access, from 2012 to the year 2016 so far, the births of 24,937 boys and 25,275 girls have been registered, thereby ensuring their access to services provided by the State.

103. A project aimed at strengthening the National Civil Registry in the coming years seeks to improve birth registration in authorized hospitals and clinics, with a view to ensuring that children are registered immediately after birth and leave the medical centre where they were born with their birth certificate. This is achieved using a web tool that expedites the current registration process. The project has also carried out campaigns with audiovisual media that promote early and timely birth registration throughout the country. As a result of these campaigns, there were 56.4 per cent early registrations in 2013, 64.3 per cent in 2014, and 58.1 per cent in 2015.

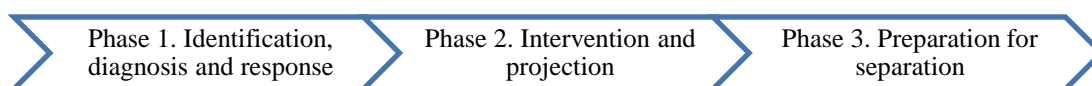
104. In order to achieve the broader collection of statistics and early registration in ethnic communities (e.g. indigenous, persons of African descent, Palenquero, Raizal and Black), a project is under way with the National Department of Statistics to introduce the use of a

single, standardized template for use by the local authorities to ensure the generation of background documents that are considered valid for the purpose of registering births within ethnic communities.

### 23. Prevention of the use and recruitment of children by armed groups

105. From 1999 to 31 May 2016, a special support programme operated by the Colombian Family Welfare Institute<sup>6</sup> on restoring the rights of children and adolescents who are victims of unlawful recruitment has benefited a total of 6,006 children and adolescents. The regions of Antioquia, Bogota, Meta and Valle have welcomed the highest number of children separated from non-State armed groups.

106. The focus of the various aspects of the programme is comprehensive protection, including actions aimed at restoring the effective implementation of the rights of victims, providing conditions for a decent life, promoting their integration into social, economic and political life, and providing information, and legal and psychosocial support and guidance with a view to facilitating access to the rights to truth, justice and reparation. This process has three phases:



107. The following arrangements have been put in place to support and strengthen the family and to provide assistance in a different environment from that of the family of origin or the foster family: shelter, safe house and foster home.

108. From 1 January 2014 to 31 May 2016, 554 children from various illegal armed groups have joined the programme. Of those children, 106 are indigenous. The following are displayed by group:

| <i>Illegal armed group</i>                      | <i>2014</i> | <i>2015</i> | <i>2016</i> | <i>Overall total</i> |
|---|-------------|-------------|-------------|----------------------|
| FARC  | 186         | 138         | 41          | <b>365</b>           |
| ELN   | 52          | 54          | 33          | <b>139</b>           |
| Criminal gang                                   | 21          | 22          | 4           | <b>47</b>            |
| Ejército Popular de Liberación (EPL)            |             | 1           | 2           | <b>3</b>             |
| <b>Total number of children and adolescents</b> | <b>259</b>  | <b>215</b>  | <b>80</b>   | <b>554</b>           |

*Source:* Mission Information System, special support programme on restoring the rights of children and adolescents who were victims of unlawful recruitment.

109. The Presidential Advisory Office for Human Rights, which serves as the technical secretariat of the intersectoral committee on preventing the recruitment and use of and sexual violence against children and adolescents by illegal armed groups and organized criminal groups, has promoted a number of initiatives:

- Priority measures for municipalities in which recruitment and use of and sexual violence against children and adolescents is likely to occur.

<sup>6</sup> Decision No. 1525 of 2016 establishes and describes the actions to be carried out in the development of a support system, within the framework of the joint responsibility borne by the family, society and the State. Such actions are aimed at restoring rights by fostering and strengthening conditions for children's reintegration into their family, society and community.

- The technical secretariat has identified 55 strategies, programmes, projects and strategic actions, operated by the entities that make up the intersectoral committee, that help to prevent the recruitment and use of and sexual violence against children and adolescents.
- From 2013 to 2015, technical assistance was provided to 23 of the 32 departments in Colombia. This assistance involved developing initiatives to prevent the recruitment and use of and sexual violence against children and adolescents; designing and developing public policies on guarantees and comprehensive protection in Government plans and local development plans; setting up teams for immediate response and support; and providing guidance on the national institutional services available to the regions.
- Referral of cases of recruitment and use of and sexual violence against children of which it is aware to the Attorney General's Office. The technical secretariat monitors the cases on an ongoing basis.

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

### **24. Guarantees of prior consultations with indigenous and Afro-Colombian communities**

110. The Government of Colombia provided sufficiently detailed information on the issue of prior consultations in its sixth periodic report to the Committee on Economic, Social and Cultural Rights (E/C.12/COL/6).

### **25. Programme of Safeguards for the Fundamental Rights of Indigenous Peoples**

111. The Programme of Safeguards for the Fundamental Rights of Indigenous Peoples, established by Constitutional Court Ruling No. 004 of 2009, issued in follow-up to Decision No. T-025 of 2004, was established on 25 and 26 November 2011 by the Standing Committee for Consultation with Indigenous Peoples and Organizations.

112. The Government, with a view to ensuring the effective enjoyment of the collective rights of indigenous peoples and the individual rights of its members by overcoming factors that jeopardize their physical and cultural survival, has issued a series of regulations:

- Decree No. 1953 of 2014 aims to make indigenous territories operational in terms of allowing indigenous peoples to administer their own systems.
- Decree No. 2719 of 2014 establishes the procedure by which indigenous reserves must validate their experience and/or good practices in order to benefit from the direct use of the resources available through the special allowance under the General Participation System.
- Decree No. 2333 of 2014 establishes mechanisms for the effective protection and legal security of land and territories traditionally and/or ancestrally occupied or owned by indigenous peoples in accordance with articles 13 and 14 of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization.
- Decree No. 4633 of 2011 provides for measures on assistance, support, comprehensive redress and restitution of land rights to victims belonging to indigenous peoples and communities.

113. This, coupled with the further development of spaces and forums for consultation, for example, those forums set out in Decree No. 1397 of 1996 and in Decree No. 3012 of 2005, has made it possible for indigenous authorities and their representative organizations to participate in decisions concerning them.

114. With regard to the plans to preserve at-risk indigenous peoples, the Ministry of the Interior, in consensus with the authorities of each indigenous people, has developed a methodological strategy that begins with a process of consultation and is brought into line with the organization and characteristics of each indigenous people. There are 31 plans in the drafting stage, 21 plans in the consultation phase and 12 plans in the implementation phase. The implementation of the plans is the joint responsibility of the national and local government institutions, in accordance with their competencies by sector.

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