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## Human Rights Council

Working Group on the Universal Periodic Review

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### **Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21**

## **Colombia**

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

## I. Background and framework

1. In 2011, the United Nations High Commissioner for Human Rights recognized the Government's efforts to strengthen the rule of law. Significant legislative and public policy initiatives had been undertaken, human rights violations had been condemned and action against corruption and illegal land appropriation had been taken, including the Victims' and Land Restitution Law (Law No. 1448).<sup>1</sup> Violence caused by the internal armed conflict continued to affect the full enjoyment of rights. President Santos publicly recognized the internal armed conflict. That facilitated dialogue with the international community and contributed to the effective implementation of international protection.<sup>2</sup>

2. The United Nations system (UNS) in Colombia reported that the President had announced the commencement of a peace process between the Government and the Revolutionary Armed Forces of Colombia (FARC) in August 2012. As the Secretary-General observed, it is hoped that this will mark the beginning of a constructive dialogue to resolve this conflict that has plagued the Colombian people for the past five decades.<sup>3</sup> UNS stressed the importance of taking account of international human rights and humanitarian law standards, and ensuring the participation of civil society in the process.<sup>4</sup>

3. The Secretary-General urged the Government to include, in the context of any negotiation with non-State armed groups, provisions aimed at the protection of children, including the unconditional release of all children and their safe participation in all decisions that affect them.<sup>5</sup>

### A. Scope of international obligations<sup>6</sup>

#### International human rights treaties<sup>7</sup>

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
Ratification, accession or succession	ICERD (1981) ICESCR (1969) ICCPR (1969) ICCPR-OP 2 (1997) CEDAW (1982) CAT (1987) CRC (1991) OP-CRC-AC (2005) OP-CRC-SC (2003) ICRMW (1995)	CRPD (2011) CPED (2012)	OP-CAT
Reservations, declarations and/or understandings	OP-CEDAW (Declarations, arts. 8, 9 and 5, 2007) CRC (Reservation, art. 38, paras. 2 and 3, 1991) OP-CRC-SC (Declaration, art. 7, 2003) ICRMW (Reservation, arts. 15, 46 and 47, 1995)	-	-

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
Complaint procedures, inquiry and urgent action <sup>8</sup>	ICCPR-OP 1 (1969) OP-CEDAW (2007) CAT, art. 20 (1987)	-	ICERD, art. 14 OP-ICESCR ICCPR, art. 41 OP-CEDAW, art. 8 CAT, arts. 21 and 22 OP-CRC-IC ICRMW, arts. 76 and 77 OP-CRPD CPED, arts. 31 and 32

#### Other main relevant international instruments

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
Ratification, accession or succession	Convention on the Prevention and Punishment of the Crime of Genocide Geneva Conventions of 12 August 1949 and Additional Protocols I and II thereto <sup>9</sup> Convention and protocol on refugees <sup>10</sup> ILO fundamental conventions <sup>11</sup> ILO Convention No. 169 <sup>12</sup> Rome Statute of the International Criminal Court Palermo Protocol <sup>13</sup>	-	Conventions on stateless persons <sup>14</sup> UNESCO Convention against Discrimination in Education <sup>15</sup> Additional Protocol III to the Geneva Conventions <sup>16</sup> ILO Convention No. 189 <sup>17</sup>

4. The High Commissioner exhorted the Government to ratify pending international instruments, in particular OP-CAT, OP-CRPD and OP-ICESCR.<sup>18</sup>

5. UNS pointed out that the State had yet to recognize the competence of the Committee on Enforced Disappearances to receive and consider individual communications.<sup>19</sup>

6. In 2009, the Committee against Torture (CAT) recommended that Colombia make the declarations provided for under articles 21 and 22 of the Convention.<sup>20</sup>

7. In 2010, the Committee on the Rights of the Child (CRC) recommended that Colombia ratify the Convention on Cluster Munitions.<sup>21</sup>

8. In 2009, the Committee on the Elimination of Racial Discrimination (CERD) encouraged Colombia to make the optional declaration provided for in article 14 of the Convention.<sup>22</sup>

9. In 2009, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) recommended that Colombia withdraw the reservations regarding articles 15, 46 and 47 of the Convention; and make the declarations provided for in articles 76 and 77 of the Convention.<sup>23</sup>

## B. Constitutional and legislative framework

10. UNS noted that, seven years after its enactment, the Government had recognized the need to reform the Justice and Peace Act (975), under which respect for victims' rights, the guarantee of non-repetition, and the right to the truth were not ensured.<sup>24</sup>

11. UNS referred to the constitutional reform of July 2012, known as the "legal framework for peace", under which the President was granted transitional justice powers to undertake peace processes with a view to facilitating the end of the internal armed conflict and guaranteeing the rights of victims. In addition, the establishment of a Truth Commission is planned.<sup>25</sup> The Working Group on Enforced or Involuntary Disappearances expressed its concern about that reform of the Constitution, under which the authorities would be given the power to waive criminal prosecution or suspend the enforcement of a sentence in cases of grave human rights violations, crimes against humanity and war crimes.<sup>26</sup>

12. UNS pointed out that the Victims and Land Restitution Act of 2011 is one of the most important elements in guaranteeing victims' rights to truth, justice, reparation and non-repetition. The Ombudsman's Office will play an essential role in its implementation.<sup>27</sup> The High Commissioner considered important that land restitution efforts be part of a holistic strategy for development, including strengthening income-generating programmes to ensure a sustainable and dignified standard of living for victims.<sup>28</sup> She also noted that land restitution leaders faced high risk, given the criminal interest in the lands subject to restitution. Authorities must give priority to guaranteeing the life and integrity of those claiming their lands.<sup>29</sup>

13. The Office of the United Nations High Commissioner for Refugees (UNHCR) stated that internally displaced persons (IDPs) represented 80 per cent of the victims covered by Law No. 1448, and their lands represented the largest percentage of abandoned and usurped land in the country.<sup>30</sup> It recommended the use of the IDP definition included in Law No. 387/97 and in the Guiding Principles on Internal Displacement.<sup>31</sup>

14. UNS welcomed the enactment of Act No. 1408 of 2010, which paid tribute to the victims of enforced disappearance and established measures to locate and identify them.<sup>32</sup>

15. In May 2012, the Special Rapporteur on extrajudicial, summary or arbitrary executions expressed his concern about the continuous attempts by the military justice system to claim jurisdiction over cases of extrajudicial executions, and about information indicating reprisals and pressure against military judges who had sought to collaborate with the ordinary justice system.<sup>33</sup> CAT reiterated its concern that the military justice system assumed jurisdiction of gross human rights violations, and urged Colombia to impartially investigate such violations under the ordinary court system.<sup>34</sup> The Human Rights Committee (HR Committee) emphasized, in 2010, that such crimes remained outside the military jurisdiction.<sup>35</sup>

16. In October 2012, 11 United Nations human rights experts expressed their concern at the possible adoption by Congress of a constitutional reform project regarding military criminal law which would expand the power of military or police tribunals to investigate and decide cases of human rights violations which should fall under the authority of the ordinary justice system. While noting the exclusion of certain crimes, they highlighted that such courts would be competent to investigate numerous violations of international human rights and humanitarian law. The reform would represent a historic setback in the fight against impunity.<sup>36</sup> The Human Rights Committee expressed similar concerns in 2012.<sup>37</sup> OHCHR-Colombia took note of the enactment of the reform on 27 December 2012, reiterating its concern and pointing out that the reform runs counter to the State's international obligations.<sup>38</sup>

17. In 2010, while noting Constitutional Court ruling C-728 (2009), in which the Court exhorted Congress to regulate conscientious objection to military service, the HR Committee urged Colombia to adopt legislation recognizing and regulating conscientious objection and review the practice of “round-ups”.<sup>39</sup>

## C. Institutional and human rights infrastructure and policy measures

### Status of national human rights institutions<sup>40</sup>

<i>National human rights institution</i>	<i>Status during previous cycle</i>	<i>Status during present cycle</i> <sup>41</sup>
Defensoría del Pueblo	A (October 2007)	A (March 2012; will be reviewed in the first session of 2014)

18. UNS noted that the closure of the Department of National Security had begun in October 2011, and that it was to be replaced by the new National Directorate of Intelligence, which includes internal and external monitoring mechanisms. The former Department of National Security had carried out illegal wiretapping, threats, intimidation, attacks and other illegal activities against human rights defenders, political opponents, journalists and members of the judicial branch.<sup>42</sup> In 2012, the Human Rights Committee expressed concern at the continued cases of illegal intelligence gathering.<sup>43</sup> While welcoming the Intelligence Law (2011), OHCHR-Colombia noted that measures must be adopted to comprehensively reform intelligence services and transform the institutional culture that led to the commission of human rights violations.<sup>44</sup>

19. The High Commissioner reported on the unification of the protection programmes under the new National Protection Unit and noted as crucial that the new unit coordinate its efforts with other State protection programmes.<sup>45</sup>

20. The High Commissioner reported that in 2011, the National System for Human Rights and International Humanitarian Law, a policy coordination and follow-up mechanism, had been established.<sup>46</sup>

21. Several treaty bodies recognized as positive the Early Warning System (SAT) of the Ombudsman to prevent displacement and human rights violations, but recommended that it be strengthened.<sup>47</sup>

## II. Cooperation with human rights mechanisms

22. Colombia submitted mid-term reviews regarding the follow-up to the recommendations received during its 2008 universal periodic review.<sup>48</sup>

### A. Cooperation with treaty bodies<sup>49</sup>

#### 1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	August 1999	2008	August 2009	Fifteenth and sixteenth reports overdue since 2012

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CESCR	November 2001	2008	May 2010	Sixth report due in 2015
HR Committee	March 2004	2008	July 2010	Seventh report due in 2014
CEDAW	January 2007	2011	-	Seventh and eighth reports pending consideration in 2013
CAT	November 2003	2008	November 2009	Fifth report due in 2013
CRC	June 2006	2008 (OP-AC and OP-SC)/2011	June 2010 (OP-AC and OP-SC)	Fourth and fifth reports pending consideration
CMW	-	2007/2011	April 2009	Second report pending consideration in 2013
CRPD	-	-	-	Initial report due in 2013
CED	-	-	-	Initial report due in 2014

## 2. Responses to specific follow-up requests by treaty bodies

### Concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
CERD	2010	Afro-Colombians and indigenous peoples and victims' right to reparations. <sup>50</sup>	-
HR Committee	2011	Impunity; extrajudicial executions; and illegal surveillance activities. <sup>51</sup>	2011 <sup>52</sup> and 2012 <sup>53</sup> Dialogue ongoing <sup>54</sup>
CEDAW	-	-	-
CAT	2010	Complaints of torture and impunity; independence of the Office of the Public Prosecutor; demobilization and amnesty; acquiescence with illegal armed groups; military justice and extrajudicial executions; and forced disappearances. <sup>55</sup>	2011 <sup>56</sup>

### Views

<i>Treaty body</i>	<i>Number of views</i>	<i>Status</i>
HR Committee	3 <sup>57</sup>	Dialogue ongoing

## B. Cooperation with special procedures<sup>58</sup>

	<i>Status during previous cycle</i>	<i>Current status</i>
Standing invitation	Yes	Yes
Visits undertaken	Education (1–10 Oct. 2003)	Arbitrary Detention (1–10 October 2008)

	<i>Status during previous cycle</i>	<i>Current status</i>
	Freedom of expression (22–29 Feb. 2004)	Internally displaced persons (3–14 November 2008)
	Indigenous peoples (7–17 March 2004)	Summary executions (8–18 June 2009)
	Disappearances (5–13 July 2005)	Human rights defenders (7–18 September 2009)
	Internally displaced persons (15–27 June 2006)	Independence of judges and lawyers (7–16 December 2009)
	Health (20–23 Sept. 2007)	Independent Expert on minority issues (1–12 February 2010)
Visits agreed to in principle	None	Extreme poverty
Visits requested	Human rights defenders, requested in 2005	Food (requested in 2008)
	Minority issues, in 2006	Mercenaries (renewed in 2010)
	Mercenaries, in 2006	Internally displaced persons (requested 2011, renewed 2012)
	Adequate housing, in 2006	Violence against women (requested 2012)
Responses to letters of allegations and urgent appeals	During the period under review 85 communications were sent. The Government replied to 35 communications.	
Follow-up reports and missions	Summary executions; <sup>59</sup> Disappearances <sup>60</sup> Indigenous peoples (mission 22–27 July 2009)	

### **C. Cooperation with the Office of the High Commissioner for Human Rights**

23. Through its office in Colombia, OHCHR monitored and reported on the human rights situation, to provide national counterparts with legal advice and technical cooperation, and to promote human rights and international humanitarian law in the context of the internal armed conflict and its serious humanitarian consequences.<sup>61</sup> The agreement with the Government concerning the OHCHR office in Colombia was renewed in 2010 until October 2013.<sup>62</sup> The High Commissioner visited Colombia in 2008.<sup>63</sup> Colombia made voluntary contributions to support the work of OHCHR globally in 2008, 2009 and 2010.<sup>64</sup>

## **III. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **A. Equality and non-discrimination**

24. In 2011, the Independent Expert on minority issues noted the disproportionate poverty and poor social and economic conditions experienced by many Afro-Colombians.<sup>65</sup>

25. CERD was concerned that Afro-Colombians and indigenous peoples, who remained victims of de facto racial discrimination, were vulnerable to human rights violations, and that structural causes perpetuated their exclusion.<sup>66</sup>

26. The High Commissioner noted that lesbians, gays, bisexuals and transgender persons faced a great deal of intolerance and discrimination.<sup>67</sup>

## **B. Right to life, liberty and security of the person**

27. In 2012, the Special Rapporteur on extrajudicial, summary or arbitrary executions stated that cases of extrajudicial executions continued to be reported and that progress in investigations remained lacking.<sup>68</sup> He also noted the phenomenon of so-called *falsos positivos* — unlawful killings of civilians, staged by the security forces to look like lawful killings in combat — and indicated that the Government had made efforts to reduce the number of those killings.<sup>69</sup> The HR Committee, CAT and CRC had similar concerns.<sup>70</sup>

28. The High Commissioner noted that some army officers continued to deny the occurrence of extrajudicial executions and to discredit the judicial system when convictions were handed down, in blatant disregard of Ministry of Defence policies.<sup>71</sup>

29. The High Commissioner noted the continuous expansion of illegal armed groups that emerged after the demobilization of paramilitary organizations. Such groups, involved in drug trafficking and other criminal activities, had a devastating impact on the population.<sup>72</sup> She was concerned about indications that those groups benefited from the collusion of some local authorities and members of security forces.<sup>73</sup>

30. The Committee against Torture was concerned by the complicity of public servants and elected representatives with illegal armed groups.<sup>74</sup> According to the Working Group on Enforced or Involuntary Disappearances, Colombia still did not have a policy to rid the police and military and other State security and intelligence bodies of their links to paramilitarism.<sup>75</sup>

31. In 2012, the Working Group on Enforced or Involuntary Disappearances observed that Colombia had made progress since it had visited the country in 2005.<sup>76</sup> However, it expressed concern that enforced disappearances persisted; this concern was shared by the Committee against Torture and the Human Rights Committee.<sup>77</sup> The Working Group also noted that the relatives of disappeared persons, their representatives, and those who reported enforced disappearances continued to be subject to attacks and persecution.<sup>78</sup>

32. The Working Group on Enforced or Involuntary Disappearances expressed concern that enforced disappearances persisted, and that there had been new cases since its visit.<sup>79</sup> In 2012, the Working Group on Enforced or Arbitrary Disappearances transmitted 18 newly reported cases to the Government.<sup>80</sup>

33. CAT was concerned about high incidence of torture in Colombia, noting also complaints about the participation or acquiescence of State agents<sup>81</sup> and the absence of criminal investigations.<sup>82</sup>

34. CAT remained concerned about the detention conditions and military nature of prisons. It urged Colombia to improve material conditions in prisons; reduce overcrowding; restrict the use of solitary confinement; and bring to the attention of the criminal courts complaints of torture in prisons and places of temporary detention.<sup>83</sup>

35. CAT and the HR Committee were concerned about the high incidence of arbitrary arrests, and particularly the use of preventive administrative detention and mass arrests by the police and army, and that arrests were used to stigmatize community leaders, youth, indigenous people, Afro-Colombians and peasants.<sup>84</sup>



36. UNS pointed out that the Special Representative of the Secretary-General on Sexual Violence in Conflict had visited Colombia in May 2012 and expressed concern at the increase in sexual violence against women. In addition, she had discussed possible recommendations to strengthen the State's response with various stakeholders.<sup>85</sup>

37. The HR Committee expressed concern about alarming sexual violence against women and girls, attributed to the FARC-EP and illegal armed groups that had emerged from the demobilization of paramilitary organizations, and cases in which the alleged perpetrators were members of the security forces.<sup>86</sup> CAT highlighted the use of sexual violence as a weapon of war.<sup>87</sup> The Committee on Economic, Social and Cultural Rights (CESCR) was particularly concerned about violence against women in situations of forced displacement.<sup>88</sup>

38. UNS noted that violence and armed conflict made possible the violation of the sexual and reproductive rights of girls and young women, and that an increase in pregnancies in early adolescence, maternal mortality and sexual violence were the consequences of the violation of women's human rights.<sup>89</sup>

39. The High Commissioner reiterated her suggestion that the Government extend an invitation to the Special Rapporteur on violence against women, its causes and consequences.<sup>90</sup>

40. UNS reported that, according to official figures, 232,362 women had been the victims of physical violence by their partners and approximately 83,000 had been the victims of sexual offences between 2007 and 2011.<sup>91</sup>

41. In 2012, the Secretary-General reported that landmines and unexploded ordnance continued to have serious consequences for civilians. A total of 116 children were victims of landmines and unexploded ordnance between early 2009 and mid-2011. The indigenous population was greatly affected.<sup>92</sup>

42. The Secretary-General demanded that the armed groups stop using landmines and other explosive devices and urged them to provide information to facilitate demining.<sup>93</sup>

43. The Secretary-General acknowledged that the Government had made progress in preventing and responding to the recruitment of children.<sup>94</sup> Nevertheless, the recruitment and use of children by non-State armed groups was widespread and systematic. Children of indigenous and Afro-Colombian origins were particularly exposed to recruitment.<sup>95</sup> CRC and CAT recommended that Colombia provide demobilized children with assistance, irrespective of the armed group from which they were released.<sup>96</sup>

44. The Secretary-General stated that, as recognized by the Constitutional Court, recruitment of children and internal displacement were closely linked. On many occasions, displacement was the only option for families to avoid the recruitment of children by non-State armed groups.<sup>97</sup>

45. The Secretary-General also reported the use of children for intelligence purposes by Colombian military forces personnel, which compromises their rights, causes additional distress and jeopardizes their security.<sup>98</sup> Interrogations by the Colombian military forces of children captured, escaped or released from non-State armed groups was of concern.<sup>99</sup> CRC urged Colombia to sanction the responsible armed forces personnel.<sup>100</sup>

46. The Secretary-General called upon all parties to halt the commission of grave violations against children, and urged them to abide by international law and to comply with Security Council resolutions on children and armed conflict.<sup>101</sup>

47. CMW was concerned about women and girls trafficked for commercial, sexual and labour exploitation<sup>102</sup> and CESCR about the large number of child victims of sexual exploitation.<sup>103</sup> CMW recommended that Colombia combat trafficking in persons,

especially women and children;<sup>104</sup> and CESCR recommended that Colombia strengthen its trafficking prevention programmes under the National Strategy to Combat Human Trafficking 2007–2012, with particular attention to children from disadvantaged groups.<sup>105</sup>

### **C. Administration of justice, including impunity and the rule of law**

48. The Special Rapporteur on the independence of judges and lawyers recommended that Colombia guarantee the participation of the judicial branch in all debates on the justice system and any proposed reforms,<sup>106</sup> and that members of the other State authorities enforce legal rulings and refrain from calling for non-compliance with a ruling and from discrediting magistrates, judges and lawyers.<sup>107</sup> She also recommended ensuring security of tenure for magistrates, judges and prosecutors.<sup>108</sup>

49. CAT was concerned that Supreme Court judges had been threatened, and urged Colombia to guarantee the security of persons working with the administration of justice and punish those responsible for threatening the independence of the judiciary.<sup>109</sup>

50. CAT was concerned about threats against witnesses in cases involving torture and about the harassment and murders of witnesses and victims who had taken part in trials held under Act No. 975 (2005). It urged Colombia to guarantee the safety of witnesses and victims, strengthen protection programmes, and ensure compliance with the Inter-American Human Rights System's measures.<sup>110</sup>

51. The Working Group on Arbitrary Detention noted that the lack of regulation of administrative pretrial detention and the failure to implement the requirements of Constitutional Court judgement No. C-024 of 1994 had led to many arbitrary detentions.<sup>111</sup>

52. CERD was concerned that the criminal justice system did not protect the rights of Afro-Colombians and indigenous peoples and that legal advice was not provided in indigenous languages.<sup>112</sup>

53. The High Commissioner noted that impunity remained a structural problem.<sup>113</sup> The Working Group on Enforced or Involuntary Disappearances observed that there was impunity in almost all cases of enforced disappearance.<sup>114</sup> The Committee against Torture urged Colombia to allocate resources to the Human Rights and International Humanitarian Law Unit of the Public Prosecutor's Office.<sup>115</sup>

54. CAT and the HR Committee were concerned that the extradition of paramilitary leaders hampered investigations into their responsibility for gross human rights violations and hindered victims' access to justice. Both urged Colombia to ensure that extraditions take place within a legal framework recognizing international obligations.<sup>116</sup>

55. The HR Committee urged Colombia to guarantee the right to an effective remedy and to full reparation.<sup>117</sup>

56. The Special Rapporteur on extrajudicial, summary or arbitrary executions reiterated his calls for strengthened resources for investigations by the Attorney General's Office. He added that a national policy on exhumations should be implemented.<sup>118</sup>

### **D. Right to marriage and family life**

57. CESCR was concerned that children were allowed to marry at 14 with the consent of a parent or guardian, and encouraged Colombia to implement the legal minimum marriage age of 18 years for girls and boys.<sup>119</sup>

58. CRC was concerned over private adoption houses for pregnant women, and recommended that Colombia prohibit such practice, as children may be sold for adoption.<sup>120</sup>

## **E. Freedom of expression, association and peaceful assembly, and right to participate in public and political life**

59. UNESCO reported that Colombia continued to be an unsafe environment for journalists, but noted that the Government was taking proactive actions to improve the situation.<sup>121</sup> It encouraged the Government to strengthen the positive steps undertaken towards ensuring journalist and media worker safety.<sup>122</sup>

60. UNESCO indicated that defamation remained criminalized in Colombia.<sup>123</sup> It encouraged the Government to decriminalize the defamation law and subsequently incorporate it into the civil code.<sup>124</sup>

61. In 2012, the Special Rapporteur on the situation of human rights defenders expressed concern at reports that human rights defenders faced violence and insecurity, including murder, acts of intimidation and threats, in particular against judges and lawyers, journalists, trade unionists and other defenders working for the rights of rural and indigenous communities in situations of enforced displacement.<sup>125</sup> UNS expressed particular concern about threats against women's organizations, which have increased over the past two years.<sup>126</sup>

62. The Special Rapporteur on the situation of human rights defenders recommended that a new presidential decree giving recognition to the legitimate work of human rights defenders be promulgated and widely disseminated.<sup>127</sup> The Special Rapporteur also recommended that the Government guarantee that personnel assigned to the protection of human rights defenders do not gather information for intelligence purposes.<sup>128</sup> Several treaty bodies urged Colombia to strengthen the protection measures.<sup>129</sup>

63. The Special Rapporteur on extrajudicial, summary or arbitrary executions concluded that lack of accountability for violations against human rights defenders continued to place them at grave risk. He urged Colombia to reinforce measures to ensure their protection and the conduct of prompt and impartial investigations into such violations.<sup>130</sup> UNS indicated that those investigations would be the best way to protect human rights defenders.<sup>131</sup>

64. In 2011, the ILO Committee of Experts on the Application of Conventions and Recommendations deplored the murders and acts of violence against trade unionists which had been occurring for years. It recalled that the rights of workers' and employers' organizations could be exercised only in a climate free from violence, pressure or threats of any kind. The Committee expressed its hope that the Government would continue to take the necessary effective measures combating such violence against trade union leaders and convicting those responsible for these acts.<sup>132</sup>

## **F. Right to work and to just and favourable conditions of work**

65. UNS reported that the differential in the rate of participation of women in the labour market was 20.4 per cent, the differential in the unemployment rate was 6.6 per cent, and the differential in average monthly earnings was 20 per cent. Colombian women worked 10.8 hours per month more than men and earned 20 per cent less on average.<sup>133</sup>

## **G. Right to social security and to an adequate standard of living**

66. UNS pointed out that, according to sources from 2011, despite sustained economic growth, Colombia still had high levels of poverty and extreme poverty, and was the most unequal country in Latin America, with one of the highest levels of inequality in land ownership.<sup>134</sup> 40.2 per cent of Colombians lived in poverty, while 14.4 per cent lived in extreme poverty.<sup>135</sup> A total of 63 per cent of the population that was indigenous or of African descent lived below the poverty line and 47.6 per cent in extreme poverty.<sup>136</sup>

67. CESCR was concerned about the housing deficit, widespread overcrowding in housing among disadvantaged and marginalized individuals and families, and widespread forced evictions. It recommended that Colombia provide sustainable housing solutions, particularly for internally displaced persons, indigenous and Afro-Colombian peoples.<sup>137</sup>

## **H. Right to health**

68. UNS reported that the General Health Insurance Scheme had 91.1 per cent coverage. Total spending on health had stabilized at 6.4 per cent of gross domestic product in 2009.<sup>138</sup> However, effective access to services was limited for some vulnerable groups and in some departments.<sup>139</sup> One of the main challenges in the area of health was the situation of women, who faced problems related to inequality, teenage pregnancy and violence.<sup>140</sup>

69. CERD was concerned about lower life expectancy and higher maternal and infant mortality and chronic malnutrition rates among Afro-Colombians and indigenous peoples and the lack of accessible health services among those communities.<sup>141</sup>

70. The Special Rapporteur on the rights of indigenous peoples stated that, in collaboration with indigenous organizations, there should be an effort to reduce the high levels of mortality and morbidity in their communities.<sup>142</sup>

71. While welcoming Constitutional Court ruling C-355 (2006) decriminalizing abortion in certain circumstances, the HR Committee was concerned that health-service providers refused to perform legal abortions; and that the Procurator-General did not support the enforcement of the ruling. It urged Colombia to ensure that health providers and medical professionals act in conformity with the Court ruling and to help women to avoid unwanted pregnancies.<sup>143</sup>

## **I. Right to education**

72. CESCR and CERD were concerned about high illiteracy, particularly among Afro-Colombian and indigenous children.<sup>144</sup> UNESCO encouraged Colombia to adopt further measures aimed at combating discrimination in education, protecting minority groups, combating illiteracy in rural areas, and promoting gender equality.<sup>145</sup>

73. UNESCO highlighted that, under Colombian law, displaced children were eligible for free education, and schools must accept them without requiring previous proof of education. However, IDPs in Colombia continued to face difficulties.<sup>146</sup>

74. CESCR was concerned that families paid for educational services, and recommended that Colombia ensure access of all children to free and compulsory primary education.<sup>147</sup>

75. The Special Rapporteur on the rights of indigenous peoples stated that there was an urgent need for progress in applying the special education system for indigenous peoples.<sup>148</sup>

76. CRC reiterated its concern over illegal armed groups using schools for child recruitment and over the occupation of schools by the armed forces.<sup>149</sup>

## **J. Minorities and indigenous peoples**

77. The Special Rapporteur on the rights of indigenous peoples, in his follow-up report, noted the readiness of the Government of Colombia to recognize the rights of indigenous peoples.<sup>150</sup> He was, nevertheless, concerned that the grave situation of indigenous peoples had not been addressed with the level of urgency it deserved.<sup>151</sup> The Special Rapporteur urged the competent authorities to afford effective protection to indigenous leaders.<sup>152</sup>

78. UNS reported that the humanitarian situation of indigenous peoples continued to be critical, with constant confrontations and the presence of armed groups on their ancestral land.<sup>153</sup> The Independent Expert on minority issues stated that forced displacement had had a massive impact on the lives of Afro-Colombians.<sup>154</sup>

79. CERD was concerned over the obstacles that Afro-Colombian and indigenous communities faced in exercising their right to land, including violence against leaders and forced displacement, and fraudulent acquisition and occupation of their territories. It recommended that Colombia comply with the Inter-American Court of Human Rights decisions and ILO Committee of Experts recommendations.<sup>155</sup>

80. Several treaty bodies raised concerns over difficulties regarding the free, prior and informed consent of indigenous and Afro-Colombian communities.<sup>156</sup> The Special Rapporteur on the rights of indigenous peoples recommended that agreements be reached with the indigenous peoples on the draft law regarding consultation and that care be taken to ensure that it is consistent with the applicable international standards, the decisions of the Constitutional Court and relevant international mechanisms.<sup>157</sup>

81. The Special Rapporteur on the rights of indigenous peoples urged the Government to take the measures necessary for speeding up the establishment, expansion and improvement of reserves.<sup>158</sup> He also recalled a previous recommendation that investment, infrastructure, natural resource extraction and exploitation, industrial production and other major projects should not be promoted without full and genuine prior consultation with and the involvement of the indigenous peoples.<sup>159</sup>

82. CERD was concerned that certain indigenous peoples, especially in the Amazon region, were on the brink of extinction.<sup>160</sup>

## **K. Migrants, refugees and asylum seekers**

83. UNHCR considered that the Law on Victims and Land Restitution should not require victims who are refugees to register with a Consulate, in order to benefit from some of the compensations.<sup>161</sup> It recommended that the Government establish confidential mechanisms alternative to registration in consulates and to provide refugees the opportunity to submit their claims for reparation at the time of their repatriation.<sup>162</sup>

## **L. Internally displaced persons**

84. For UNHCR, forced internal displacement, on the decrease since 2002, continued to be a matter of concern. It noted the increase of forced displacement of entire groups (10 families or 50 persons, or more).<sup>163</sup>

85. UNS pointed out that the displaced population was still living in poverty and that Afro-Colombians and indigenous peoples remained vulnerable.<sup>164</sup>

86. The Special Rapporteur on the rights of indigenous peoples stated that Colombia should protect the land of indigenous peoples that had been forcibly displaced to prevent land seizures in their absence and to ensure that displaced indigenous communities can return safely.<sup>165</sup>

## M. Right to development and environmental issues

87. CESCR was concerned about unequal land distribution and the absence of an agrarian reform. It recommended that Colombia develop agricultural policies that prioritize food production.<sup>166</sup> CAT urged Colombia to respect the land ownership of peasants, among others.<sup>167</sup>

88. Concerned by the negative consequences of aerial fumigation, CESCR recommended that Colombia incorporate economic, social and cultural rights in its strategy to combat drug trafficking.<sup>168</sup>

### Notes

<sup>1</sup> A/HRC/19/21/Add.3, pp. 1–2.

<sup>2</sup> Ibid., para. 5. See also UNCT submission to the UPR on Colombia, para. 4; CCPR/C/COL/CO/6, para. 12; CAT/C/COL/CO/4, para. 11; and CERD/C/COL/CO/14, para. 14.

<sup>3</sup> UNCT submission to the UPR on Colombia, para. 8.

<sup>4</sup> Ibid., para. 9.

<sup>5</sup> S/2012/171, para. 87.

<sup>6</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Colombia from the previous cycle (A/HRC/WG.6/3/COL/2).

<sup>7</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance

- <sup>8</sup> Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.
- <sup>9</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).
- <sup>10</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol.
- <sup>11</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- <sup>12</sup> International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.
- <sup>13</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- <sup>14</sup> 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- <sup>15</sup> See also UNESCO submission to the UPR on Colombia, para. 65.
- <sup>16</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).
- <sup>17</sup> International Labour Organization Convention No. 189 concerning Decent Work for Domestic Workers.
- <sup>18</sup> A/HRC/19/21/Add.3, para. 118 (d). See also CAT/C/COL/CO/4, para. 22, CCPR/C/COL/CO/6, para. 21, A/HRC/10/21/Add.3, para. 103 (a) and E/C.12/COL/CO/5, para. 32.
- <sup>19</sup> UNCT submission to the UPR on Colombia, para. 11. See also A/HRC/19/21/Add.3, para. 60.
- <sup>20</sup> CAT/C/COL/CO/4, para. 32.
- <sup>21</sup> CRC/C/OPAC/COL/CO/1, para. 49.
- <sup>22</sup> CERD/C/COL/CO/14, para. 30.
- <sup>23</sup> CMW/C/COL/CO/1, paras. 9 and 11.
- <sup>24</sup> UNCT submission to the UPR on Colombia, paras. 68–69. See also A/HRC/19/21/Add.3, para. 44, CAT/C/COL/CO/4, para. 14; CCPR/C/COL/CO/6, para. 9; and letter dated 30 April 2012 from the HR Committee to the Permanent Mission of Colombia in Geneva, first page, available from <http://www2.ohchr.org/english/bodies/hrc/docs/followup/ColombiaFUApril2012.pdf>.
- <sup>25</sup> UNCT submission to the UPR on Colombia, para. 20. See also CAT/C/COL/CO/4, para. 27.
- <sup>26</sup> A/HRC/19/58/Add.4, para. 7.
- <sup>27</sup> UNCT submission to the UPR on Colombia, para. 16.
- <sup>28</sup> A/HRC/19/21/Add.3, para. 55.
- <sup>29</sup> Ibid., para. 57.
- <sup>30</sup> UNHCR submission to the UPR on Colombia, 2012, p. 8.
- <sup>31</sup> Ibid., p. 5.

- <sup>32</sup> UNCT submission to the UPR on Colombia, para. 18. See also A/HRC/19/21/Add.3, para. 61.
- <sup>33</sup> A/HRC/20/22/Add.2 and Corr.1, para. 72. See also A/HRC/14/26/Add.2, para. 88 (a)(iv).
- <sup>34</sup> CAT/C/COL/CO/4, para. 16. See also CRC/C/OPAC/COL/CO/1, paras. 8–9.
- <sup>35</sup> CCPR/C/COL/CO/6, para. 14. See also letter dated 30 April 2012 from HR Committee to the Permanent Mission of Colombia in Geneva, first page (note 24 above).
- <sup>36</sup> Open letter by special procedures mandate holders of the Human Rights Council to the Government and representatives of the Congress of the Republic of Colombia, available from [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12683&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12683&LangID=E). See also OHCHR, “Colombia: UN experts call on the authorities to reconsider the constitutional reform of military criminal justice”, press release, available from [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12684&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12684&LangID=E). See also UNCT submission to the UPR on Colombia, para. 80 and A/HRC/19/21/Add.3, para. 35 and OHCHR briefing note of 27 November 2012, available from [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12842&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12842&LangID=E).
- <sup>37</sup> Letter dated 30 April 2012 from HR Committee to the Permanent Mission of Colombia in Geneva, first page (note 24 above).
- <sup>38</sup> OHCHR, “Oficina de la ONU para los Derechos Humanos reitera preocupación por reforma al fuero militar”, press release, 29 December 2012, available from [www.hchr.org.co/publico/comunicados/2012/comunicados2012.php3?cod=27&cat=88](http://www.hchr.org.co/publico/comunicados/2012/comunicados2012.php3?cod=27&cat=88).
- <sup>39</sup> CCPR/C/COL/CO/6, para. 22. See also A/HRC/19/21/Add.3, para. 94.
- <sup>40</sup> According to article 5 of the rules of procedure for the International Coordination Committee (ICC) Sub-Committee on Accreditation, the different classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination), C: No Status (not in compliance with the Paris Principles).
- <sup>41</sup> For the list of national human rights institutions with accreditation status granted by the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/20/10, annex.
- <sup>42</sup> UNCT submission to the UPR on Colombia, para. 6. See also A/HRC/19/21/Add.3, paras. 23, 27–29, CCPR/C/COL/CO/6, para. 16; letter dated 30 April 2012 from HR Committee to the Permanent Mission of Colombia in Geneva, second page (note 24 above); and CAT/C/COL/CO/4, para. 15.
- <sup>43</sup> Letter dated 30 April 2012 from HR Committee to the Permanent Mission of Colombia in Geneva, second page (note 24 above).
- <sup>44</sup> A/HRC/19/21/Add.3, paras. 25 and 26.
- <sup>45</sup> Ibid., para. 20.
- <sup>46</sup> Ibid., para. 13.
- <sup>47</sup> CCPR/C/COL/CO/6, para. 13; CAT/C/COL/CO/4, para. 18; CERD/C/COL/CO/14, para. 15; and CRC/C/OPAC/COL/CO/1, paras. 18–19.
- <sup>48</sup> See [www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx).
- <sup>49</sup> The following abbreviations have been used for this document:
- |              |  |
|--------------|--|
| CERD         | Committee on the Elimination of Racial Discrimination  |
| CESCR        | Committee on Economic, Social and Cultural Rights  |
| HR Committee | Human Rights Committee   |
| CEDAW        | Committee on the Elimination of Discrimination against Women                                   |
| CAT          | Committee against Torture  |
| CRC          | Committee on the Rights of the Child   |
| CMW          | Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD         | Committee on the Rights of Persons with Disabilities   |
| CED          | Committee on Enforced Disappearances   |
- <sup>50</sup> CERD/C/COL/CO/14, para. 33.
- <sup>51</sup> CCPR/C/COL/CO/6, para. 27.
- <sup>52</sup> CCPR/C/COL/CO/6/Add.1.
- <sup>53</sup> CCPR/C/COL/CO/6/Add.2.
- <sup>54</sup> See also letter dated 30 April 2012 from HR Committee to the Permanent Mission of Colombia in Geneva (note 24 above).



- <sup>55</sup> CAT/C/COL/CO/4, para. 33.
- <sup>56</sup> CAT/C/COL/CO/4/Add.1.
- <sup>57</sup> CCPR/C/98/D/1623/2007; CCPR/C/102/D/1611/2007; and CCPR/C/104/D/1641/2007. See also A/65/40 (Vol. I), para. 156; A/66/40 (Vol. I), paras. 169 and 232; and A/66/40 (Vol. II, Part Two), p. 89.
- <sup>58</sup> For the titles of special procedures, see [www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx) and [www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx).
- <sup>59</sup> A/HRC/20/22/Add.2 and Corr.1.
- <sup>60</sup> A/HRC/19/58/Add.4.
- <sup>61</sup> A/HRC/19/21/Add.3, para. 2.
- <sup>62</sup> Ibid., para. 1.
- <sup>63</sup> OHCHR, *2008 Report: Activities and Results*, pp. 56 and 134.
- <sup>64</sup> Ibid., pp. 174 and 190; OHCHR, *2009 Report: Activities and Results*, pp. 190, 198 and 203; and OHCHR, *Report 2010*, pp. 79 and 98.
- <sup>65</sup> A/HRC/16/45/Add.1, para. 88.
- <sup>66</sup> CERD/C/COL/CO/14, para. 18. See also CCPR/C/COL/CO/6, para. 25.
- <sup>67</sup> A/HRC/19/21/Add.3, para. 107.
- <sup>68</sup> A/HRC/20/22/Add.2 and Corr.1, para. 71. See also A/HRC/19/21/Add.3, para. 30, A/HRC/21/18, paras. 25–27.
- <sup>69</sup> A/HRC/20/22/Add.2 and Corr.1, paras. 8 and 10. See also A/HRC/19/21/Add.3, para. 31.
- <sup>70</sup> CCPR/C/COL/CO/6, para. 14; CAT/C/COL/CO/4, para. 16; and CRC/C/OPAC/COL/CO/1, paras. 8–9.
- <sup>71</sup> A/HRC/19/21/Add.3, para. 32.
- <sup>72</sup> Ibid., para. 37.
- <sup>73</sup> Ibid., para. 42.
- <sup>74</sup> CAT/C/COL/CO/4, para. 15.
- <sup>75</sup> A/HRC/19/58/Add.4, para. 10.
- <sup>76</sup> Ibid., para. 5.
- <sup>77</sup> Ibid., para. 6; CAT/C/COL/CO/4, paras. 9 and 17 and CCPR/C/COL/CO/6, para. 15. See also CAT/C/COL/CO/4, para. 9.
- <sup>78</sup> A/HRC/19/58/Add.4, para. 6. See also A/HRC/19/21/Add.3, para. 64 and UNCT submission to the UPR on Colombia, para. 54.
- <sup>79</sup> A/HRC/19/58/Add.4, para. 6.
- <sup>80</sup> A/HRC/19/58/Rev.1, para.125.
- <sup>81</sup> CAT/C/COL/CO/4, para. 11.
- <sup>82</sup> Ibid., para. 12. See also UNCT submission to the UPR on Colombia, paras. 47–50.
- <sup>83</sup> CAT/C/COL/CO/4, para. 21. See also CCPR/C/COL/CO/6, para. 21 and CERD/C/COL/CO/14, para. 21.
- <sup>84</sup> CAT/C/COL/CO/4, para. 20 and CCPR/C/COL/CO/6, para. 20.
- <sup>85</sup> UNCT submission to the UPR on Colombia, para. 12. See also UN News Service, “Colombia must fight impunity for sexual violence crimes – UN official”, 21 May 2012, available from [www.un.org/apps/news/story.asp?NewsID=42051&Cr=sexual+violence#.UREuex1Sjko](http://www.un.org/apps/news/story.asp?NewsID=42051&Cr=sexual+violence#.UREuex1Sjko).
- <sup>86</sup> CCPR/C/COL/CO/6, para. 18. See also E/C.12/COL/CO/5, para. 15; CAT/C/COL/CO/4, para. 28; CRC/C/OPAC/COL/CO/1, para. 35; S/2012/171, paras. 76–77 and A/HRC/19/21/Add.3, paras. 67–68.
- <sup>87</sup> CAT/C/COL/CO/4, para. 28. See also UNCT submission to the UPR on Colombia, para. 64.
- <sup>88</sup> E/C.12/COL/CO/5, para. 15.
- <sup>89</sup> UNCT submission to the UPR on Colombia, para. 41. See also CRC/C/OPAC/COL/CO/1, paras. 34–35 and S/2012/171, paras. 34–38.
- <sup>90</sup> A/HRC/19/21/Add.3, para. 74.
- <sup>91</sup> UNCT submission to the UPR on Colombia, para. 40.
- <sup>92</sup> S/2012/171, para. 32. See also UNCT submission to the UPR on Colombia, para. 60, CRC/C/OPAC/COL/CO/1, paras. 22–23 and A/HRC/19/21/Add.3, para. 87.
- <sup>93</sup> S/2012/171, para. 80.
- <sup>94</sup> Ibid., para. 73.

- <sup>95</sup> Ibid., para. 14. See also A/HRC/19/21/Add.3, para. 77, UNCT submission to the UPR on Colombia, para. 58, E/C.12/COL/CO/5, para. 16, CCPR/C/COL/CO/6, para. 24, CRC/C/OPAC/COL/CO/1, paras. 26–27, 29, 39–40, and CAT/C/COL/CO/4, para. 29.
- <sup>96</sup> CRC/C/OPAC/COL/CO/1, paras. 43 and 44, CAT/C/COL/CO/4, para. 29. See also CRC/C/OPSC/COL/CO/1, paras. 29–30.
- <sup>97</sup> S/2012/171, para. 25.
- <sup>98</sup> Ibid., para. 22. See also CAT/C/COL/CO/4, para. 29.
- <sup>99</sup> S/2012/171, para. 23.
- <sup>100</sup> CRC/C/OPAC/COL/CO/1, para. 38.
- <sup>101</sup> S/2012/171, para. 71.
- <sup>102</sup> CMW/C/COL/CO/1, para. 35.
- <sup>103</sup> E/C.12/COL/CO/5, para. 17. See also UNCT submission to the UPR on Colombia, para. 45.
- <sup>104</sup> CMW/C/COL/CO/1, para. 36.
- <sup>105</sup> E/C.12/COL/CO/5, para. 17.
- <sup>106</sup> A/HRC/14/26/Add.2, para. 88 (a)(v).
- <sup>107</sup> Ibid., para. 88 (c)(ii).
- <sup>108</sup> Ibid., para. 88 (e)(iv). See also A/HRC/19/21/Add.3, para. 10.
- <sup>109</sup> CAT/C/COL/CO/4, para. 15. See also CCPR/C/COL/CO/6, paras. 12 and 16 and A/HRC/14/26/Add.2, para. 88 (b)(ii).
- <sup>110</sup> CAT/C/COL/CO/4, para. 24. See also CCPR/C/COL/CO/6, paras. 12, 14 and 17 and CRC/C/OPAC/COL/CO/1, para. 9. See also letter dated 30 April 2012 from HR Committee to the Permanent Mission of Colombia in Geneva, first page (note 24 above).
- <sup>111</sup> A/HRC/10/21/Add.3, para. 100.
- <sup>112</sup> CERD/C/COL/CO/14, para. 21.
- <sup>113</sup> A/HRC/19/21/Add.3, para. 9. See also A/HRC/20/22/Add.2 and Corr.1, para. 71.
- <sup>114</sup> A/HRC/19/58/Add.4, para. 7.
- <sup>115</sup> CAT/C/COL/CO/4, para. 12. See also CCPR/C/COL/CO/6, para. 12.
- <sup>116</sup> CAT/C/COL/CO/4, para. 19 and CCPR/C/COL/CO/6, para. 11.
- <sup>117</sup> CCPR/C/COL/CO/6, para. 10. See also CAT/C/COL/CO/4, para. 25 and CERD/C/COL/CO/14, para. 17.
- <sup>118</sup> A/HRC/20/22/Add.2 and Corr.1, p. 2 and para. 73.
- <sup>119</sup> E/C.12/COL/CO/5, para. 18.
- <sup>120</sup> CRC/C/OPSC/COL/CO/1, paras. 20–21.
- <sup>121</sup> UNESCO submission to the UPR on Colombia, paras. 62–63.
- <sup>122</sup> Ibid., para. 69.
- <sup>123</sup> Ibid., para. 60.
- <sup>124</sup> Ibid., para. 68.
- <sup>125</sup> A/HRC/19/55/Add.2, para. 87. See also CCPR/C/COL/CO/6, paras. 16–17, CAT/C/COL/CO/4, para. 23; CRC/C/OPAC/COL/CO/1, paras. 20–21; letter dated 30 October 2009 from CAT to the Permanent Mission of Colombia in Geneva, p. 2, available from <http://www2.ohchr.org/english/bodies/cat/docs/followup/Colombialetterfollowup30102009.pdf> and E/C.12/COL/CO/5, para. 12 and A/HRC/19/21/Add.3, para. 14.
- <sup>126</sup> UNCT submission to the UPR on Colombia, para. 37.
- <sup>127</sup> A/HRC/13/22/Add.3, para. 144.
- <sup>128</sup> Ibid., paras. 157 and 162.
- <sup>129</sup> CCPR/C/COL/CO/6, paras. 16–17; CAT/C/COL/CO/4, para. 23; CRC/C/OPAC/COL/CO/1, paras. 20–21; letter dated 30 October 2009 from CAT to the Permanent Mission of Colombia in Geneva, p. 2 (note 125 above) and E/C.12/COL/CO/5, para. 12.
- <sup>130</sup> A/HRC/20/22/Add.2 and Corr.1, para. 62.
- <sup>131</sup> UNCT submission to the UPR on Colombia, para. 37. See also A/HRC/19/21/Add.3, paras. 14–22; UNCT submission to the UPR on Colombia, paras. 34–36, 38.
- <sup>132</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), adopted 2011, published 101st ILC session (2012), available from [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:2698636](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2698636).

- <sup>133</sup> UNCT submission to the UPR on Colombia, para. 82. See also ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) – Colombia, adopted 2011, published 101st ILC session (2012), available from [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:2699358](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2699358).
- <sup>134</sup> UNCT submission to the UPR on Colombia, paras. 26–27.
- <sup>135</sup> Ibid., para. 29.
- <sup>136</sup> Ibid., para. 28. See also E/C.12/COL/CO/5, paras. 14 and 20 and A/HRC/16/45/Add.1, para. 88.
- <sup>137</sup> E/C.12/COL/CO/5, para. 24.
- <sup>138</sup> UNCT submission to the UPR on Colombia, para. 85.
- <sup>139</sup> Ibid., para. 86.
- <sup>140</sup> Ibid., para. 87. See also A/HRC/19/21/Add.3, para. 104 and E/C.12/COL/CO/5, paras. 25–26.
- <sup>141</sup> CERD/C/COL/CO/14, para. 22. See also E/C.12/COL/CO/5, para. 25.
- <sup>142</sup> A/HRC/15/37/Add.3, para. 81.
- <sup>143</sup> CCPR/C/COL/CO/6, para. 19.
- <sup>144</sup> E/C.12/COL/CO/5, para. 30 and CERD/C/COL/CO/14, para. 23.
- <sup>145</sup> UNESCO submission to the UPR on Colombia, para. 67.
- <sup>146</sup> Ibid., para. 47.
- <sup>147</sup> E/C.12/COL/CO/5, para. 29.
- <sup>148</sup> A/HRC/15/37/Add.3, para. 82.
- <sup>149</sup> CRC/C/OPAC/COL/CO/1, paras. 39–42. See also CAT/C/COL/CO/4, para. 29.
- <sup>150</sup> A/HRC/15/37/Add.3, para. 55.
- <sup>151</sup> Ibid., para. 56.
- <sup>152</sup> Ibid., para. 61. See also ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), adopted 2011, published 101st ILC session (2012), available from [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:2700477](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2700477).
- <sup>153</sup> UNCT submission to the UPR on Colombia, para. 88.
- <sup>154</sup> A/HRC/16/45/Add.1, para. 94.
- <sup>155</sup> CERD/C/COL/CO/14, para. 19. See also E/C.12/COL/CO/5, para. 22, CCPR/C/COL/CO/6, para. 25 and CAT/C/COL/CO/4, para. 26.
- <sup>156</sup> E/C.12/COL/CO/5, para. 9, CERD/C/COL/CO/14, para. 20 and CCPR/C/COL/CO/6, para. 25.
- <sup>157</sup> A/HRC/15/37/Add.3, para. 78. See also ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), adopted 2011, published 101st ILC session (2012), available from [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:2700477](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2700477).
- <sup>158</sup> A/HRC/15/37/Add.3, para. 73.
- <sup>159</sup> Ibid., para. 76. See also A/HRC/19/21/Add.3, para. 95, UNCT submission to the UPR on Colombia, para. 94, E/C.12/COL/CO/5, para. 9, CERD/C/COL/CO/14, para. 20 and CCPR/C/COL/CO/6, para. 25.
- <sup>160</sup> CERD/C/COL/CO/14, para. 25.
- <sup>161</sup> UNHCR submission to the UPR on Colombia, p. 9.
- <sup>162</sup> Ibid.
- <sup>163</sup> Ibid., p. 2. See also OHCHR, “Representative of UN Secretary-General concerned about ongoing forced displacement crisis in Colombia”, press release, available from [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=9026&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=9026&LangID=E); CERD/C/COL/CO/14, para. 16, and CCPR/C/COL/CO/6, para. 23.
- <sup>164</sup> UNCT submission to the UPR on Colombia, para. 101. See also CERD/C/COL/CO/14, para. 16, CCPR/C/COL/CO/6, para. 23 and A/HRC/16/45/Add.1, paras. 94–95.
- <sup>165</sup> A/HRC/15/37/Add.3, para. 69. See also E/C.12/COL/CO/5, para. 22, CAT/C/COL/CO/4, para. 26 and CERD/C/COL/CO/14, para. 19.
- <sup>166</sup> E/C.12/COL/CO/5, para. 22. See also CERD/C/COL/CO/14, para. 19.
- <sup>167</sup> CAT/C/COL/CO/4, para. 26. See also CERD/C/COL/CO/14, para. 19.
- <sup>168</sup> E/C.12/COL/CO/5, para. 28.

