



**International Convention on the  
Protection of the Rights of  
All Migrant Workers and  
Members of Their Families**

Distr.: General  
16 September 2019

Original: English

---

**Committee on the Protection of the Rights of All  
Migrant Workers and Members of Their Families**  
Thirty-first session

**Summary record (partial)\* of the 436th meeting**

Held at the Palais Wilson, Geneva, on Friday, 6 September 2019, at 10 a.m.

*Chair:* Mr. Tall

**Contents**

Consideration of reports submitted by States parties under article 73 of the Convention

*Third periodic report of Colombia*

---

\* No summary record was prepared for the rest of the meeting.

---

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.



*The discussion covered in the summary record began at 10.30 a.m.*

**Consideration of reports submitted by States parties under article 73 of the Convention** *(continued)*

*Third periodic report of Colombia (CMW/C/COL/3; CMW/C/COL/Q/3 and CMW/C/COL/Q/3/Add.1)*

1. *At the invitation of the Chair, the delegation of Colombia took places at the Committee table.*
2. **Ms. Adriana Mejía** (Colombia) said that the unprecedented migration flows currently seen around the world made appropriate knowledge management all the more necessary. Countries of destination must work together to harmonize their migration measures and increase the resources dedicated to addressing the phenomenon. Colombian legislation and policy addressed migration comprehensively, placing non-discrimination and the rights of migrant workers at the heart of State action. Indeed, the National Development Plan 2018–2022 prioritized the development of a comprehensive migration policy to facilitate the migration of Colombians abroad, as well as to attract returning Colombians and qualified foreign workers to the country.
3. Following extensive consultation, a bill on the new migration policy had recently been presented to Congress. It took into account the recommendations made by the Committee following its last constructive dialogue with the State party and was guided by Sustainable Development Goal 10, target 7. It would coordinate migration efforts, facilitate a flexible regulatory framework that ensured safe, orderly and regular migration and establish a national migration committee for civil society, along with other mechanisms for citizen participation.
4. The More and Better Services programme had improved service provision in the State party's 120 consulates around the world. Between 2014 and September 2018, Colombian migrants had received consular assistance on more than 40,000 occasions, including in cases of trafficking in persons and deportation. In response to the Committee's recommendation on the need for reliable statistics on migration, the Single Registry of Foreign Workers in Colombia had been established to provide information on labour migration and monitor working conditions, thereby assisting decision-making in the area of the rights of migrant workers.
5. The Government strongly condemned all forms of discrimination, violence or xenophobia against migrant workers and their families and encouraged all State agencies to work together to investigate and sanction those who violated their rights. In the previous four years, 170 persons had been arrested for crimes that profited from the vulnerability of migrants, who often fell prey to trafficking in persons, a crime punishable by between 13 and 23 years' imprisonment. Colombia had subscribed to the Global Compact for Safe, Orderly and Regular Migration and the Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants.
6. The mass exodus of persons from the Bolivarian Republic of Venezuela was unprecedented. Colombia had received 32 per cent of the four million Venezuelans who had been forced to flee their country. The approximately 45,000 persons crossing the border between the two countries each day fell into four categories: Colombians returning from Venezuela; around 40,000 so-called pendular migrants, who entered Colombia for just hours or days at a time in search of goods, health services or temporary work; around 3,000 migrants in transit to other countries, mainly to the south of Colombia; and 2,000 Venezuelans who wished to remain in Colombia. Since the start of the crisis, more than 1.4 million Venezuelans had arrived in Colombia, of whom 48 per cent were women and 14 per cent were children. Almost 750,000 had regularized their situation.
7. Her country was committed to keeping its borders open, despite the financial constraints. Colombian institutions and citizens had made strenuous efforts to integrate Venezuelan immigrants into all areas of society, while the mechanisms that guaranteed the effective enjoyment of their rights had been adjusted to provide sustainable, comprehensive solutions. The National Strategy to Address Migration from the Bolivarian Republic of

Venezuela addressed health care, education, children, work, housing and security and sought to strengthen the State's capacity to deal with the crisis over the coming three years, at both the national and regional levels, at a cost of around US\$ 150 million.

8. The Office for the Venezuelan Border was responsible for coordinating the agencies involved in implementing emergency measures to assist almost 56,000 pregnant Venezuelan women, allow more than 180,000 Venezuelan children to attend Colombian schools and incorporate more than 65,000 Venezuelan children into the Family Welfare System. While identification was vital to the enjoyment of rights, imposing documentation or visa requirements would not stem the flow of migrants. Therefore, between February 2017 and August 2019 more than four million border mobility cards and around 600,000 special residence permits had been issued to Venezuelans, allowing them to transit through or remain in Colombia, and Venezuelan passports were recognized for up to two years after their date of expiry.

9. Economic integration measures included the creation of a route into employment and entrepreneurship and the relaxation of migration procedures to increase the number of Venezuelans who had regularized their situation, for example by extending residence permits that had expired. At the same time, institutions' capacities to certify Venezuelans' skills and offer them additional training were being broadened via the National Training Service. Work also was being done to streamline the process of validating Venezuelan qualifications. A measure granting Colombian citizenship to children born in Colombia to Venezuelan parents in or after August 2015 would benefit more than 24,000 children who were at risk of statelessness owing to the difficulties facing Venezuelan citizens in obtaining nationality and identity documents.

10. As long as the causes of the exodus from the Bolivarian Republic of Venezuela persisted, Colombia and other countries in Latin America would continue to receive increasing numbers of migrants and to face the resulting challenges, such as pressure on education systems and housing shortages. She therefore called on the international community to assist in finding a solution to those causes. The international community's financial contribution to assist Colombia in dealing with the crisis was insufficient and fell far below the amounts donated to other migration crises around the world; more resources were needed.

11. **Ms. Landázuri de Mora** (Country Rapporteur), after commending the State party's admirable efforts in responding to the unprecedented migration of Venezuelans in recent years, said that the situation called for not just regional cooperation, but international attention. She asked when the bill on the new migration policy would be discussed, and when it would enter into force. She would welcome explanation of the legal provision for "retaining" foreigners for the purposes of migration control or with a view to their deportation; deprivation of liberty should be a measure of last resort, and the detention of migrant children was unacceptable.

12. The Committee was also aware of the arbitrary detention and confiscation of property of informal vendors at the border, at times exacerbated by ill-treatment and discrimination, despite the State party's recognition of the importance of pendular migration. She requested an explanation of those cases, and of the five days' notice given to foreigners prior to their expulsion, which was insufficient.

13. The Committee was concerned at the xenophobia shown towards migrants in poor host communities, where immigrants were often seen as rivals in accessing services and employment. It was also concerned at reports of extremely degrading comments aimed at migrants, particularly women, in the press. The State party must combat such xenophobia and discrimination, and she asked what measures had been adopted to sanction those who used the press to undermine migrants' dignity. She wished to know the State party's long-term plans to integrate Venezuelans into society, ensuring that they contributed to the country's development and received benefits on an equal footing with Colombian nationals, given that there would be no short-term solution to the Venezuelan crisis. In particular, she wished to know how special residence permits would lead to permanent residence once they had expired.

14. While the granting of nationality to children born in Colombia to Venezuelan migrants was important, she asked what steps had been taken to deal with the nationality problems faced by migrant children from other countries. What strategies had been developed to seek assistance with the current crisis from countries beyond South America? She wished to know how procedures to distinguish between migrant workers and potential refugees could be harmonized; that distinction was vital to the application of the relevant international instruments. Lastly, she asked how the resolution of cases involving international protection could be improved, given the likely increase in such cases if the migrant crisis worsened, and what steps would be taken to ensure that migrant children who completed primary school received the corresponding certificate.

15. **Mr. Frasheri** (Country Rapporteur) asked in which areas of migration, and more specifically in which areas of the Convention, the State party encountered most challenges, and what resources it required to address them. He requested further details on the residence permit system for migrants from Venezuela and elsewhere. He asked whether asylum seekers enjoyed the right to work, and, if so, how they exercised that right. If not, what measures were required in that regard? He asked what steps to integrate migrants into the labour market were being considered, particularly with regard to recognizing their qualifications and allowing them to make pension contributions and access other social benefits. He wished to know how the capacities of institutions that interacted with migrants were being built, whether the State party's cooperation with neighbouring countries in addressing migration was successful and how that cooperation would evolve in the future.

16. **Mr. Kariyawasam**, noting that the State party was a country of origin, destination and transit for migrants, said that while it appeared to have been successful in tackling trafficking in persons in the past, more information was needed about the institutional response to the current situation, particularly in the light of the numbers of Venezuelan migrants entering the country and in the aftermath of the conflict with the Revolutionary Armed Forces of Colombia (FARC); there were reports that some armed groups were still active and were using trafficked children to harvest illegal crops. Turning to the large number of Colombians working abroad, he asked what arrangements were in place to ensure their welfare, how the Colombian consular system worked and what services were available to them, particularly any special measures for Colombians who had been trafficked. He requested statistics on convictions of traffickers.

17. **The Chair** said that he would like to be given further details on the measures in place to address the massive influx of Venezuelan migrants. He asked what coordination policies had been established with other countries in the subregion and within the country to deal with the issue. Was there, for example, coordination among various ministries and a central body for migration issues relating especially to Venezuelans? He asked what measures had been taken to facilitate access to justice for migrants. Could the delegation provide examples of convictions of traffickers and cases where national judges had invoked the Convention to guarantee protection of migrants' rights?

18. He wondered whether policies and plans had been drawn up in advance of the expected increase in migratory flows over the coming months. He asked whether the national human rights institution actively participated and how civil society was involved in the management of the migratory crisis. Further details would be appreciated on measures taken to facilitate access to health care for Venezuelans who entered the country.

*The meeting was suspended at 11.35 a.m. and resumed at noon.*

19. **Ms. Manjarrez** (Colombia) said that migration issues were covered in various laws. A bill providing for the establishment of a general migration policy was before Congress and was expected to be adopted before the end of 2020.

20. **Mr. Martínez** (Colombia) said that arbitrary detention was not practised against migrants; indeed, migrants in an irregular situation were never subjected to arrest or detention by the competent authority, Migration Colombia. The migration verification process comprised escorting migrants to a transit centre, where they remained for up to 36 hours while their identification documents were checked prior to issuing a decision of admission or deportation.

21. **Mr. Cortés** (Colombia) said that migrant children were not detained in Colombia. Upon arrival, interdisciplinary teams determined their status, particularly whether they were unaccompanied, and whether their rights had been violated or they had been subjected to sexual violence. Accordingly, they were provided with appropriate protection, which included shelters for children and other more flexible measures; to date, more than 1,500 Venezuelan children and 24 children of other nationalities had benefited from such protection.

22. **Mr. Martínez** (Colombia) said that migrants could appeal against fines and deportation orders to the administrative unit of the migration authority and, at second instance, to the administrative courts. The five-day time limit for leaving the country applied only to migrants in an irregular situation who requested to leave the country voluntarily, without a deportation process. The confiscation of goods at the borders was carried out by the police, within the context of their duties to control public space and monitor illegal merchandise entering the country.

23. **Mr. Muñoz** (Colombia) said that xenophobia was not a widespread problem in Colombia. Isolated cases of xenophobia had immediately and publicly been condemned by the Government, which pursued a policy based on humanitarianism. A campaign had been launched by the Ministry of Education, in cooperation with the International Organization for Migration, to prevent xenophobia in schools, and standards had been established to guarantee adequate education for Venezuelan pupils. Directives relating to the campaigns for local elections in October 2019 prohibited demonstrations of xenophobia by political parties or electoral candidates, and any breaches would be punished. A government campaign against xenophobia would also be launched, with the support of the World Bank. The Government supported the “Somos Panas Colombia” campaign of the Office of the United Nations High Commissioner for Refugees. The press had also been engaged in disseminating anti-xenophobic messages.

24. The country had not been prepared for the large influx of migrants from Venezuela. Special stay permits had been granted to 600,000 Venezuelans over the previous two years and were being renewed. Venezuelans living on the Colombian border were also entitled to apply for a card authorizing cross-border movement and stay in Colombia for up to seven days. In addition, transit permits had been introduced for Venezuelan migrants transiting through Colombia, to protect them and regularize their situation. The Colombian authorities also accepted Venezuelan passports for two years past their expiry date. More long-term measures were being developed, such as work permits to enable all migrants to accept formal job offers, and education permits for the 200,000 migrant children.

25. An income generation strategy had been designed for host communities and Venezuelans, activities had been carried out to encourage cooperation between migrants and local communities, and a plan had been introduced in border municipalities, which provided for tax benefits for companies that generated employment and proposals for amendments to regulations to facilitate Venezuelan migrants’ access to the job market. Efforts were also being made to ensure revalidation of qualifications and technical capacities and an economic promotion strategy had been drawn up.

26. **Ms. Manjarrez** (Colombia) said that under Colombian law, nationality was only awarded on the basis of both the principle of *jus soli* and domicile. However, given the risk of statelessness posed to the very high number of children born in Colombia to Venezuelan parents who had no domicile and whose identification documents could not be retrieved from the Venezuelan registers, a regulation had been introduced to provide those children with Colombian nationality. That measure did not apply to other nationalities and the risk of statelessness was assessed on a case-by-case basis. In accordance with the 1961 Convention on the Reduction of Statelessness, discussions were being held on possible legal amendments to reduce the risk of statelessness and regularize the situation of migrant children.

27. **Mr. Muñoz** (Colombia) said that, in its efforts to deal with the migratory crisis, the Government had called for bilateral cooperation with other countries and support from multilateral credit institutions, such as the World Bank, the Inter-American Development Bank and the Andean Development Corporation. A total of \$300 million had been pledged

over the previous two years. Substantial support had been provided by the United States of America and European countries. Some other countries, such as the United Arab Emirates, had made a one-off contribution. However, studies carried out by the World Bank and other bodies showed that the migration crisis cost Colombia around \$1.5 million per year; thus, a severe funding gap remained and the Government continued to seek cooperation and draw attention to the challenge.

28. **Ms. Adriana Mejía** (Colombia) said that the State authorities did not distinguish between economic migrants and other asylum seekers but rather the migrants themselves defined the grounds of their application for asylum or refugee status. From 2017 to date, some 7,800 applications for refugee status had been filed, the overwhelming majority by Venezuelan nationals. The applications were currently being assessed and favourable decisions were issued where the conditions for asylum or refugee status set forth in international conventions were met. Pending the decision on their applications, the persons concerned were granted safe conduct passes to enable them to remain legally in the country and the restriction prohibiting their employment had been removed. The Government was working with the Office of the United Nations High Commissioner for Refugees to accelerate the application process.

29. **Mr. Muñoz** (Colombia) said that the Government had invested heavily in education. Some 190,000 children attended public schools and enrolment had risen by 30 per cent in some schools, creating a significant challenge. A decision of the Colombian Institute for the Promotion of Higher Education made it possible for Venezuelan students in the final years of secondary school to sit the higher education entrance exam to pursue technical or formal education. In addition, a permit had been issued for all primary and secondary school migrant children with a view to addressing problems related to access to and continuation of education, and reducing school dropout rates. Other measures included the opening of a humanitarian corridor to enable Venezuelan pupils studying in Colombia to safely cross the border and the expansion of the school lunch programme.

30. Around 0.5 per cent (\$1,500 million) of the country's annual GDP was spent on the migratory crisis. The Government had received international funds totalling around \$300 million over the previous two years and another \$100 million that was non-refundable, and it therefore had significant external debt owing to the crisis. Moreover, international support per capita for other migration crises, such as those in Syria, Myanmar and South Sudan, was up to ten times higher.

31. The greatest pressure on the Government stemmed from a lack of resources in health care, where three main challenges stood out. First, the Government had repaid only 50 per cent of the \$50 million it owed to the public hospital system, which provided free emergency assistance for all migrants regardless of their status. Second, it was necessary to strengthen the capacities of the epidemiological services within the health-care system. Diseases such as diphtheria, malaria and measles, which had been eliminated from the country, had re-emerged and more than 1.3 million vaccines had been administered. Thus, although epidemiological risks were being monitored, cases had arisen and further funds would be needed if the migration crisis continued. Lastly, high-cost illnesses were emerging, including cancer, HIV and diabetes, which required resources that exceeded the capacities of the health-care system. In addition to authorizing migrants to work, the special stay permit was linked to the State health insurance scheme and had enabled 125,000 of the 600,000 migrants who had the permit to join the scheme, thereby helping to reduce health-care costs.

32. **Ms. Manjarrez** (Colombia) said that Colombia's labour migration system was particularly flexible. In addition to the special stay permits granted to Venezuelan nationals, all citizens of countries with which Colombia had signed an agreement to extend visitor visas could remain in the country without a visa for up to 180 days, which gave them time to attend job interviews, for example for the provision of specialized technical services.

33. In addition, foreigners who had arrived in Colombia with an entry visa were allowed subsequently to apply for a migrant visa – a higher category of visa, granting them more rights – the general aim of which was to promote stability of workers and their families. The highest category of visa, the resident visa, came with an open-ended work permit.

Approximately 70,000 work visas had been issued in the past two years. Further detailed statistics could be provided to the Committee within 48 hours.

34. **Mr. Mora** (Colombia) said that measures to integrate migrants into the labour market included the granting of special temporary work permits, with the aim of fostering the formalization of employment through the regularization of migrants and implementing regional mobility programmes similar to international circular labour migration programmes. The Single Registry of Foreign Workers in Colombia was helpful to migrants for the purpose of guaranteeing their labour rights, filing complaints against employers and attesting to the duration of their stay in Colombia, for example when they applied for a visa.

35. **Ms. Manjarrez** (Colombia), noting the need for a regional response to harmonize and regularize migration flows from the Bolivarian Republic of Venezuela, said that various technical meetings had been held by relevant regional bodies, including those of the Andean Community, to address the issue of ensuring appropriate humanitarian treatment for Venezuelan migrants. Agreement had been reached on the need to focus efforts on such matters as the exchange of information on migration flows, the issue of regularization, humanitarian measures in favour of children and adolescents in particular, action to combat human trafficking and prevention of discrimination. Other relevant actions had included an emergency meeting of the Andean Committee of Migration Authorities in August 2018 to strengthen control and assistance mechanisms at border checkpoints between member countries of the Andean Community, and the Government's active involvement in the Quito Process – a multilateral initiative to foster a regional and coordinated response to the displacement of Venezuelans.

36. **Mr. Castillo** (Colombia) said that, in addition to ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the Government had criminalized acts of trafficking in persons in the Criminal Code. Measures had also been taken, under Act No. 985 of 2005, to combat trafficking in persons and provide for the protection and support of victims of trafficking. Those measures had been reinforced by Decree No. 1066 of 2015 and Decree No. 1036 of 2016, the second of which established a strategy to combat trafficking consisting of seven pillars, including prevention, investigation, protection and assistance. Other actions taken by the Government to combat trafficking included setting up a 24-hour telephone hotline for reporting suspected acts of trafficking and fake employment offers.

37. **Ms. Manjarrez** (Colombia) said that a large number of prevention campaigns had been conducted to combat trafficking in persons, including campaigns aimed at Colombians overseas that were conducted in conjunction with local authorities in Colombia and consular offices abroad. One example of a campaign specifically directed at Colombians abroad was “#OjoALaTrata” (Watch out for trafficking), a campaign launched in 2016 with the aim of raising awareness of the crime of trafficking and establishing a support network via consular offices abroad. Consular assistance had been provided to approximately 170 potential victims of trafficking in persons from January 2017 to August 2019. Since 2018, approximately 13 potential victims had been repatriated to Colombia with support from the special fund of the Ministry of Foreign Affairs. Legal and psychosocial support was provided to victims, and social workers provided specific guidance to many consular offices abroad in that regard.

38. **Mr. Muñoz** (Colombia) said that various measures were being taken to address the mass displacement of Venezuelans to Colombia, including humanitarian measures to ensure regularization, health-care and education measures and protection measures to combat trafficking of migrants. Importantly, there were also a number of internal coordination mechanisms, including at presidential level for the management of the Colombia–Venezuela border, to ensure horizontal coordination. Vertical coordination was provided by means of approximately 19 regional boards on which governors and mayors sat in regions where the migration flows were particularly intense.

39. **Ms. Adriana Mejía** (Colombia), referring to the projected rise in migration flows over the following two years, said that Colombia was likely to receive approximately 30 per cent of the 8 million Venezuelans fleeing their country. The delegation would provide

written replies within 48 hours to the questions concerning the role of the justice system in Colombia, the number of cases in which the Convention had been invoked and the number of convictions handed down for trafficking in persons.

40. **Mr. Muñoz** (Colombia) said that the Government was considering the projected rise in migration flows from a medium-term perspective. The complex humanitarian situation resulting from the Venezuelan migration flows was an unprecedented and daunting challenge for Colombia, and greater international cooperation and support would be welcomed, including from United Nations entities. A wide range of civil society organizations in Colombia had been active in addressing that challenge, through an inter-agency group on mixed migration flows, which included representatives of international and national non-governmental organizations active in Colombia. The inter-agency group worked directly with more than 60 associations of Venezuelan migrants, thereby enabling the concerns of Venezuelans to be addressed more effectively.

41. A particularly important mechanism for human rights protection in Colombia was the Office of the Ombudsman, which had played an integral role in the response to the unprecedented migration flows. The Office enjoyed budgetary and administrative autonomy, and its work was implemented at local level by a number of local offices, representatives of which were invited to all regional meetings of the inter-agency group.

*The meeting rose at 1 p.m.*