



## 人权理事会

## 第五十九届会议

2025 年 6 月 16 日至 7 月 11 日

## 议程项目 3

促进和保护所有人权——公民权利、政治权利、  
经济、社会及文化权利，包括发展权

## 对哥伦比亚的访问

## 移民人权特别报告员杰哈德·马迪的报告\* \*\*

## 概要

移民人权特别报告员杰哈德·马迪的本报告载有他 2025 年 2 月 6 日至 12 日对哥伦比亚访问的结果。

特别报告员访问的主要目的是评估哥伦比亚和巴拿马边境的达连地区的移民人权状况。特别报告员借此机会审查了所收到的关于哥伦比亚对该国混合移民的总体反应的资料，以及在确保保护和促进在哥伦比亚居住或过境的移民和难民的人权方面的挑战和机遇，包括在武装冲突的背景下。

在访问期间，特别报告员会见了相关政府机构、民间社会和宗教团体的代表、联合国国家工作队成员以及在该国居住的移民和难民社区成员。

关于特别报告员 2025 年 2 月 13 日至 19 日对巴拿马的正式访问的结果，将载于他的另一份报告。

\* 本报告概要以所有正式语文分发。报告正文附于概要之后，仅以提交语文和西班牙文分发。

\*\* 因提交方无法控制的情况，经协议，本文件迟于标准发布日期发布。



## 附件

### 移民人权特别报告员杰哈德·马迪的哥伦比亚访问报告

#### **I. Introduction**

1. At the invitation of the Government of Colombia, the Special Rapporteur on the human rights of migrants, Gehad Madi, conducted an official visit to the country from 6 to 12 February 2025. The main objectives of the visit were to examine the human rights situation of migrants and refugees in Colombia, focusing on reported violations and abuses faced by those crossing through the jungle in the Darién region. The Special Rapporteur took the opportunity to examine information received on the overall response of Colombia to mixed migration movements in the country, as well as challenges and opportunities in the protection and promotion of the human rights of migrants and refugees residing in or transiting through Colombia, including within the context of armed conflict. He also assessed domestic migration and asylum policies and practices, legal frameworks, regional collaboration strategies and accountability mechanisms for addressing human rights violations and abuses against migrants and refugees.

2. During his visit, the Special Rapporteur met with representatives of relevant governmental authorities, the Ombudsperson's Office, United Nations agencies, religious groups and civil society organizations, as well as with migrants and refugees. In Bogotá, he had meetings with representatives of the Ministry of Foreign Affairs, including representatives of Migration Colombia, the Ministry of Equality and Equity, the Ministry of Interior, the Ministry of Defence, the Ministry of Health and Social Protection, the Ministry of Education, the Colombian Institute of Family Welfare, the Constitutional Court, the Bogotá Mayor's Office, the Colombian Association of Capital Cities, the Attorneys General's Office, the Office of the Inspector General, the Public Prosecutor's Office and the Search Unit for Persons Reported Missing.

3. Outside the capital, the Special Rapporteur visited the towns of Necocli and Acandí and exchanged views with local and regional authorities, including the Mayor of Necocli, representatives of the Office of the Governor of the Chocó and Antioquia departments and the Offices of the Mayors of Acandí, Apartadó and Turbo, as well as with local representatives of the Ministry of Foreign Affairs, the Colombian Institute of Family Welfare and the Ombudsperson's Office.

4. In addition to the above meetings, the Special Rapporteur conducted a visit to the Palmera migration camp in Acandí and the Sol y Playa maritime transport dock in Necocli. During those visits, he met with relevant stakeholders.

5. The Special Rapporteur would like to thank the Government of Colombia for its valuable cooperation throughout the preparation and the conduct of his visit. He is particularly grateful to the staff of the Ministry of Foreign Affairs for its lead role in coordinating his visit, as well as to the United Nations country team, the Defensoría del Pueblo (the national human rights institution), local authorities and civil society partners for their support and assistance. He also extends his gratitude to all migrants and refugees who shared their personal testimonies and insightful observations, which helped him to understand the migration context in Colombia.

#### **II. Background information**

6. The migration context in Colombia is complex. Its strategic geographic position has transformed the country into a key passage point through the dense jungle between Colombia and Panama, known as the Darién region, to the north, and the Andean Corridor to the south. Historically a country of origin, it has also become a transit and destination country owing to

the significant number of arrivals of migrants and refugees, mostly from the Bolivarian Republic of Venezuela.

7. Currently hosting over three million migrants and refugees, the mixed migration reality in Colombia is also heavily affected by migration and asylum policies of other countries in the region. In addition, domestically, multiple forces lead people to move and to emigrate, creating an intersecting migration situation. Colombia is the site of the longest-running armed conflict in the Western Hemisphere. Consequently, as at 28 February 2025, Colombia has approximately 8.8 million internally displaced persons,<sup>1</sup> the highest number in the Americas. At the beginning of 2025, a humanitarian protection crisis emerged in the Catatumbo region as the result of a territorial dispute between two non-State armed actors, resulting in the displacement of 52,000 individuals, including approximately 5,000 migrants.

8. In response to the significant number of refugees and migrants arriving from the Bolivarian Republic of Venezuela, since 2017, Colombia has taken important steps to regularize the legal status of Venezuelan refugees and migrants. In 2021, the Temporary Protection Statute for Venezuelan Migrants was introduced, granting temporary protection permits to refugees and migrants for 10 years of regular stay, including access to healthcare, education and employment. Based on the figures provided by the Government: out of the 3 million Venezuelans who currently reside in Colombia, 2.5 million have been regularized; 60 per cent of migrants with temporary permits are enrolled in the healthcare system; and more than 600,000 Venezuelan children and adolescents are enrolled in the Colombian educational system.

9. Despite the regularization and integration efforts of Colombia, persistent challenges, including the lack of an efficient asylum system, economic barriers, discrimination and generalized violence, remain of concern to many refugees and migrants who oftentimes take the decision to continue to move north.

10. Colombia and Panama share a 266 kilometre-long border, much of which is within the Darién region. The area, which is the sole land connection between South and Central America, is characterized by its extreme geography, consisting of a dense virtually impenetrable jungle, high mountains, fast-flowing rivers and vast swamps. Since 2021, the Darién region has become a key transit corridor for migrants and refugees, who use the route to travel northwards. The lack of infrastructure and hazardous conditions have made the jungle in Darién region one of the most dangerous migration routes in the world.

11. The extreme weather conditions in this shared border area, combined with the lack of access to drinking water, food and medical care, exacerbate the vulnerability of migrants and refugees and further endanger their lives and their physical and mental well-being. Of particular concern are reports of deaths and disappearances of migrants and refugees, sexual and gender-based violence, extortion, robbery and the risks of human trafficking and smuggling, which affect women, children and adolescents in particular. The presence of criminal and armed groups in the Darién region further aggravates some of these risks and exposes migrants and refugees to dangers associated with armed conflict, such as forced recruitment, including of children, drug trafficking, forced labour and sexual exploitation as a form of coercion and control.

12. Between 2022 and 2024, over one million migrants and refugees made irregular crossings through the Darién region – over 400,000 people in 2024 alone. The majority of that population originated from the Bolivarian Republic of Venezuela, Colombia and Ecuador, although a significant number of migrants and refugees from the Caribbean and from countries outside the continent were also recorded.

13. Since December 2024, and up until the time of drafting the present report, the number of people crossing from Colombia into Panama through the Darién region has substantially decreased, by 90 per cent compared to previous years. In January 2025, approximately 2,200 persons left Colombia heading towards Panama through the Darién region. Over 73 per cent

<sup>1</sup> See <https://reliefweb.int/report/colombia/protection-brief-colombia-20-anos-avanzando-en-la-proteccion-y-soluciones-para-las-personas-desplazadas-internamente-en-colombia>.

of those who headed north across the region are Venezuelans. However, the dangers associated with the passage through this route persist, and the challenges faced by migrants and refugees transiting or staying in Colombia remain a pressing concern.

14. In addition, at the time of his visit, the Special Rapporteur and his delegation learned about a reverse movement of migrants and refugees returning from the north through the Darién region.

### **III. Normative and institutional framework for the protection of the human rights of migrants**

#### **A. International legal framework**

15. Colombia is a signatory to several core international instruments relating to the human rights of migrants. It is a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol relating to the Status of Refugees, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and its Optional Protocols, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention relating to the Status of Stateless Persons, the Convention on the Rights of Persons with Disabilities and the United Nations Convention against Transnational Organized Crime, with reservations. Colombia is also signatory to Geneva Conventions of 12 August 1949 and Protocols I and II Additional to the Geneva Conventions of 1949.

16. Colombia has also ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, with reservations. Colombia has also acceded the Convention on the Reduction of Statelessness. However, Colombia has not ratified the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

17. In the 2030 Agenda for Sustainable Development, adopted in 2015, States recognized the contribution of migration to sustainable development. In 2018, the General Assembly adopted the Global Compact for Safe, Orderly and Regular Migration, which covered all dimensions of international migration in a holistic manner. The Global Compact is consistent with target 10.7 of the Sustainable Development Goals, to facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies. Colombia voted in favour both of the Global Compact for Migration<sup>2</sup> and for the Global Compact on Refugees.<sup>3</sup> Colombia serves as a “champion country” for the implementation of the Global Compact for Migration and also chairs the Global Forum on Migration and Development, 2024–2025 process.

18. At the global level, Colombia acted as co-convener of the Global Refugee Forum, held in Geneva in 2023, and is the host of the technical secretariat of the comprehensive regional protection and solutions framework in 2025.

#### **B. Regional legal framework and relevant proceedings**

19. Colombia is a founding member of the Organization of American States (OAS), created in 1948. With the members of OAS, Colombia adopted the American Declaration on the Rights and Duties of Man (the Bogotá Declaration) and is subject to the decisions of the

<sup>2</sup> See [A/73/PV.60](#).

<sup>3</sup> See [A/73/12 \(Part II\)](#).

Inter-American Commission on Human Rights and the jurisprudence of the Inter-American Court of Human Rights. In the context of migration, the Inter-American Court has developed guidelines on the rights of migrants, establishing, among other principles, the prohibition of criminalization of irregular migration and the right not to be arbitrarily expelled. Colombia has also ratified the American Convention on Human Rights, its Additional Protocol on Human Rights in the Area of Economic, Social and Cultural Rights and the Inter-American Convention on International Traffic in Minors.

20. As a State Party to the regional Cartagena Declaration on Refugees of 1984, Colombia has incorporated the expanded refugee definition from the Cartagena Declaration into its legislation, which broadens the definition in Latin America to include persons fleeing generalized violence, massive human rights violations and other circumstances that seriously disturb public order.

21. Colombia participates in various forums and initiatives that seek to coordinate responses to migration challenges and opportunities, including: pro tempore presidencies at the Andean Committee of Migration Authorities of the Andean Community, the Los Angeles Declaration on Migration and Protection and the Brasilia Consensus of 2023, within which it serves as focal point on migration issues. During 2024, Colombia held the pro tempore presidency of the South American Conference on Migration (Lima Process), and coordinated the Technical Group Movement of People and facilitator of migratory transit of the Pacific Alliance. Colombia also participates in the Specialized Migration Forum of the Southern Common Market (MERCOSUR), the Ibero-American Forum on Migration and Development and the Quito Process.

## **C. National legal, policies and institutional framework and recent progress**

### **National legislation on migration or relevant to the human rights of migrants**

22. The Constitution of Colombia of 20 June 1991 guarantees, in its article 13, that everyone shall receive “equal protection and treatment from the authorities, and shall enjoy the same rights, freedoms, and opportunities without any discrimination on account of gender, race, national or family origin, language, religion, political opinion or philosophy”.

23. Decree 2840, adopted by the Government on 6 December 2013, establishes the procedure for the determination of refugee status and the rules on the Advisory Commission for the Determination of Refugee Status, which are currently compiled in the Single Decree of the Foreign Affairs Administrative Sector 1067 of 26 May 2015.

### **Legislative measures in response to increased mixed migration movements in the country since 2017**

24. Following the unprecedented movements of refugees and migrants from the Bolivarian Republic of Venezuela to Colombia, Colombia adopted Decree 216 of 1 March 2021, by which the Temporary Statute of Protection for Venezuelan Migrants was enacted under the temporary protection regime. As discussed above, under the temporary statute, Venezuelans who met certain conditions were granted the right to stay in Colombia for 10 years. The statute applied to Venezuelans who were in Colombia with a regular permit (for example, an entry and permanence permit, a temporary permanence permit or a special permanence permit) or in an irregular situation before 31 January 2021. The statute also applied to Venezuelans who entered in a regular manner through a migration control post within the first two years of the statute’s validity. Currently, registration is open for: Venezuelan migrant children enrolled in preschool and primary and secondary education, until 2031; children who are protected by Colombia within the framework of the Administrative Process for the Restoration of Rights or the Adolescent Criminal Responsibility System covered under the Code on Children and Adolescents; and cases provided for in resolution 4713 of 30 December 2024.

25. Law 2136 of 4 August 2021 provides guidelines, definitions, principles and responsibilities for Colombian authorities under a comprehensive migration policy to promote safe and regular migration, in accordance with international commitments. To that

end, it regulates the national migration system, the accompaniment of the returned population and introduces amendments to previous legislation (Laws 1465 of 2011, 1565 of 2012, 1257 of 2008 and 985 of 2005 and Decree 19 of 2012). Although the law was adopted in the context of the Venezuelan diaspora, it does not have an exclusive focus on that population, but rather interprets, in a broader manner, the changing migratory dynamics.

### **Migration management system**

26. Colombia has established an institutional structure to lead the formulation and implementation of migration policies through the coordination efforts of the Special Administrative Unit of Migration Colombia, which is attached to the Ministry of Foreign Affairs, and with the support of United Nations entities in Colombia.

27. Law 2136 of 4 August 2021 assigns to the Ministry of Foreign Affairs the responsibility for formulating and executing the comprehensive migration policy, including the regulation of the entry and stay of foreigners in Colombia. The Special Administrative Unit of Migration Colombia is the entity in charge of migration control, with the power to temporarily delegate such functions to the security forces in certain areas. The law also establishes a degree of flexibility regarding migration, granting the Special Administrative Unit of Migration Colombia the power to deny the entry of foreigners without appeal.

28. In addition, by Law 2136 of 2021 a series of inter-institutional coordination bodies were established to direct and guide the implementation of the comprehensive migration policy in the areas of transit, origin, destination and return at the national and territorial levels.

29. At the national level, enhanced cooperation has been established between the National Intersectoral Commission for Migration, the Intersectoral Commission for Return, the Advisory Commission for the Determination of Refugee Status, the Committee for Assistance to Nationals Abroad, the Case Evaluation Committee – Special Fund for Migration, the Intersectoral Commission to Combat Smuggling of Migrants and the Interinstitutional Committee for the Fight against Trafficking in Persons. Decree 0032 of 17 January 2025, further enhanced the work of the National Intersectoral Commission for Migration by defining its regulations and membership. In addition, four subcommittees were established to strengthen the response to the different migratory movements in the country.

30. In terms of territorial articulation, since 2018, round tables on migration have been formed as spaces for coordination between national and local entities to respond to the effects of migration. Their formalization occurred alongside the formulation of territorial development plans 2020–2023. As of December 2024, there are 72 active migration round tables, with regular meetings in which the Ministry of Foreign Affairs, through its Directorate of Migration, Consular and Citizen Services, participates.

31. Although the Ministry of Foreign Affairs is the governing body for the implementation of the comprehensive migration policy and has the leading role in its formulation and implementation through the Directorate of Migration, Consular and Citizen Services, the Migrant Population Directorate of the Ministry of Equality and Equity has assumed coordination of humanitarian care and socioeconomic integration of migrants and refugees since its creation in January 2024. The Migrant Population Directorate leads the Subcomisión para la Integración Socioeconómica y Atención Humanitaria a la Población Migrante (subcommittee on socioeconomic integration and humanitarian assistance to the migrant population) of the National Intersectoral Commission on Migration, maintaining close coordination with other Ministries and State institutions.

32. The National Council for Economic and Social Planning of Colombia (known by its Spanish acronym CONPES) has also developed various public policy strategies to address migration, most notably documents CONPES 3603 of 2009, containing the first comprehensive migration policy, CONPES 3950 of 2018 on Venezuelan migration and CONPES 4100 of 2022 on the integration of Venezuelan migrants in the development of Colombia.

## IV. Response of Colombia to mixed movements of migrants and refugees in the country

33. As at 31 January 2025, a total of 1,348,225 irregular migrants from 162 nationalities have transited through Colombia, including 400,612 in 2024 alone. Migration in the region is predominantly driven by individuals from the Americas (87.5 per cent), mainly from the Bolivarian Republic of Venezuela, Ecuador and Haiti, followed by migrants from Asia (9.2 per cent), primarily from China, and 3.2 per cent from countries in Africa. Nearly half (42 per cent) of these migrants entered Colombia through its border with Ecuador, while the other 58 per cent entered through the Bolivarian Republic of Venezuela, Brazil and Peru. As the data show, South America is a key point of origin and transit migration towards the north.

34. In the early months of 2025, the number of irregular migrants in transit has declined significantly compared to the same period in 2024, with Venezuelan migration dropping by 48 per cent, Ecuadorian migration by 92 per cent and Chinese and Haitian migration by 99 per cent. Migration through the Darién region decreased in over 90 per cent compared to 2024 and 2023. It is noted that less than half of Venezuelan refugees and migrants transiting irregularly through Colombia ultimately reach the southern border of the United States of America.

### A. Regularization of the legal status of Venezuelans

35. As at 12 February 2025, over 2.8 million Venezuelan refugees and migrants had crossed the 2,219 kilometre-long border between the Bolivarian Republic of Venezuela and Colombia. Since 2017, in response to the arrival of a massive number of Venezuelan refugees and migrants, Colombian authorities implemented the Temporary Protection Statute for Venezuelan Migrants (2021) to regularize the legal status of this population. Of the almost 3 million Venezuelan refugees and migrants currently residing in Colombia, 2.5 million have regularized their situation through the temporary statute. Under the temporary statute, Venezuelans could apply for a temporary protection permit allowing them to stay in the country for up to 10 years and granting full access to public services, healthcare and education systems, including equal access to schools for migrant children, and the labour market.

36. However, on 24 November 2023, the registration process for the Temporary Protection Statute for Venezuelan Migrants was terminated. Concerns have been raised about the irregular status of Venezuelans who were not have access to a temporary permit, whose numbers are growing in view of the continued and foreseeable arrivals of Venezuelan refugees and migrants in Colombia. In addition, on 9 May 2024, the Constitutional Court, by its ruling T-166, ordered Colombia Migration to issue a resolution to enable any individual who failed, for reasons of force majeure, to comply with the temporary requirement to register under the Temporary Protection Statute for Venezuelan Migrants to do so outside the original deadline. Following the ruling, the Special Rapporteur notes with pleasure the adoption of resolution 4713 of 30 December 2024, which establishes special conditions for accessing the protections under the temporary statute extemporaneously, which include unlawful deprivation of liberty, domestic or gender-based violence and/or health issues.

37. To address this gap, Colombia has introduced two additional mechanisms aiming to regularize the approximately 500,000 Venezuelan nationals in irregular situations. First, on 27 September 2024, Colombia issued Decree 1209, established a special residence permit for legal representatives or guardians of children and adolescents. Effective three months after issuance, the permit will remain valid until 30 May 2031, like the temporary protection permit. This mechanism allows the legal representatives or guardians of over 270,000 Venezuelan children and adolescents holding temporary protection permits to regularize their migratory status. It also grants access to the healthcare and education systems and to financial services.

38. In addition to the special residence permit for legal representatives or guardians of children and adolescents, Colombia has also implemented another regularization measure, known as the V-special visitor visa. On 4 March 2025, resolution 12509 of 4 December 2024, came into force. Through the resolution, Colombia established this new temporary category of visa, which is valid for two years from the date of issue. This measure seeks to facilitate

the regularization of Venezuelans in an irregular situation in the country, provided that their entry and stay can be demonstrated as having occurred prior to the date of issue of the resolution. The visa is exclusively for Venezuelan nationals residing in the country who have not previously accessed other regularization mechanisms, such as the Temporary Protection Statute for Venezuelan Migrants or another type of visa. The V-visa allows its beneficiaries to access the State's institutional services and the labour market, while still being compatible with asylum request procedures.

## **B. Access to asylum**

39. As a result of the situation in the Bolivarian Republic of Venezuela, as of early 2025, Colombia has registered a total of 75,000 asylum applicants, with at least 29,305 pending applications according to the Office of the United Nations High Commissioner for Refugees (UNHCR).<sup>4</sup> Based on the information received, the average processing time for asylum claims is approximately 3 to 4 years. While their claims are pending, asylum-seekers are not able to access work or engage in formal and lawful economic activities. Many Venezuelan asylum-seekers choose to apply for the temporary protection permit, prioritizing immediate access to services and economic opportunities. Some, after a lengthy wait, have to give up their asylum application in order to be considered for a temporary protection permit.

40. On 5 December 2023, the Constitutional Court of Colombia enacted Decision SU-543, repealing certain provision of Decree 216 of 2021, which restricted asylum-seekers from requesting temporary protection permits without waiving their application for asylum. In addition, the Constitutional Court ordered the Government to design and implement, within six months, a public policy to solve the congestion in the processing of refugee applications, eliminating administrative and regulatory barriers. Regulatory adjustments were also ordered to establish a maximum period to resolve refugee applications and to define criteria for the prioritization of migrants at high risk, in circumstances of extreme economic and social vulnerability or belonging to groups of special constitutional protection.

41. In response, the Government took steps to improve access to protection and to expedite asylum claims. On 25 January 2025, the Ministry of Foreign Affairs enacted Decree 0089 to promote a more agile and efficient procedure for the determination of refugee status, to overcoming regulatory obstacles that have slowed down the processing of refugee applications and to guarantee fairer processes. The decree also allows asylum-seekers to exercise their right to work and to access rights and services from the time of the admission of their application.

## **C. Healthcare**

42. Under Law 1751 of 2015, all migrants, regardless of their status, have the right to receive basic and emergency healthcare. Following the arrival of significant numbers of migrants and refugees in the country, in March 2022, the Constitutional Court, through ruling T-120, established entitlements giving them access to basic and emergency healthcare, preventive health services, care for catastrophic illnesses and mental health services. Individuals who have regularized their status under the Temporary Protection Statute for Venezuelan Migrants enjoy the same rights to healthcare as Colombian citizens. Guidelines for enrolling migrants, especially those in situation of vulnerability, in the subsidized healthcare system, were established through the adoption of Decree 616 of 2022. Additionally, a 10-year Public Health Plan (2022–2031), which incorporates a differential approach to address the specific health needs of migrants, including mental health, preventive care, and health promotion, was adopted under resolution 1035 of 2022.

43. Between 2017 and 2024, over 3.8 million migrants and refugees received attention at Colombian healthcare centres. However, despite these efforts, significant challenges persist. These include resource constraints, growing demands, lack of information and the limited capacity of hospitals, especially those in rural and border areas, to provide comprehensive

<sup>4</sup> See UNHCR, Operational Data Portal, Columbia (<https://data.unhcr.org/en/country/col>).

care, particularly for groups in situation of vulnerability, such as pregnant women and people requiring treatment for mental health or catastrophic illnesses. In addition, the inconsistent interpretation of vital emergencies across the hospital system has led to unequal access to emergency care. Furthermore, insufficient resources for mental health services has resulted in inadequate care, despite its identification as a critical need. Owing to systemic gaps, many migrants and refugees resort to unapproved ways to address health issues, including self-medication, leading to serious consequences, including fatalities, disabilities and negative health consequences, affecting both patients and their families.

44. The disproportionately negative impact of internal armed conflicts on the right of migrant and refugee populations to access healthcare is underreported. There are numerous reports of sexual exploitation of Venezuelan refugees and migrants, in particular women, children, adolescents and LGBTIQ+ persons, who were recruited by criminal and armed groups and subsequently tested positive for sexually transmitted diseases, including HIV: these people are oftentimes unable to access healthcare services owing to their irregular situation.

## **D. Education**

45. Colombia recognizes the right to education as a fundamental right and a public service, extending its protection to all individuals within its territory, regardless of nationality, in line with articles 44, 67 and 100 of the Colombian Constitution. Ensuring access to education for children and adolescents has been a key pillar of the Colombian response to migration, which promotes integration, social cohesion and non-discrimination.

46. The National Council for Economic and Social Planning, through document CONPES 3950 of 2018, has established a road map for improving school coverage and validating diplomas for Venezuelan children and adolescents. In that document, the Council also emphasized the importance of developing civic and socio-emotional skills to prevent xenophobia and strengthen social inclusion. Similarly, in document CONPES 4100 of 2022, the Council laid the foundation for a long-term policy, to be implemented progressively until 2032, that aims to adapt institutional responses to the evolving socioeconomic and cultural integration needs of Venezuelan refugees and migrants.

47. By Decree 1288 of 2018, Colombia established policies to guarantee access to institutional services for Venezuelan refugees and migrants, while also addressing measures for the return of Colombian nationals. Furthermore, in joint circular No. 16 of 2018, the Government provided instructions for the care of Venezuelan children and adolescents in Colombian educational institutions, ensuring equal treatment and access to schooling. In circular 038 of 2023, Colombia reaffirmed education as a universal right, updating and expanding guidelines to guarantee enrolment and the continuity of schooling for refugee and migrant populations.

48. National policies have resulted in a significant increase in the enrolment of migrant students in school. The number of migrant children and adolescents in the Colombian education system rose from 34,030 in 2018 to 623,059 in 2023, before slightly decreasing to 611,314 in 2024. Currently, Venezuelan students represent 9 per cent of the total school population.

49. At a practical level, some migrant parents, especially those in irregular situations, face difficulties in enrolling their children in school. Although the Colombian Constitution stipulates that the State shall provide education to all, in practice, some schools require that migrant children be registered in the healthcare system as a precondition for school enrolment. This has become an obstacle for migrant families in irregular situations. In other cases, public schools may accept migrant children who are not registered in the healthcare system as students but will not allow them to participate in extracurricular activities owing to fears of injury during sports or other programmes. These barriers seem to result from a lack of understanding or misinterpretation of the law and resource constraints. While the salaries of teachers and the cost of school feeding are paid by the central Government, additional services, including extracurricular activities, are provided by local authorities.

## **E. Access to the labour market**

50. Venezuelan refugees and migrants in Colombia represent a significant portion of the working-age population, offering both opportunities and challenges for the country's labour market. Mixed migration has reshaped the Colombian workforce, with many people actively seeking economic integration. The regional socioeconomic integration strategy promotes responses that reduce levels of socioeconomic vulnerability of refugees and migrants and maximizes their contributions to destination countries. Seven priority areas are set out in the strategy, including: the regularization and profiling of refugees and migrants; professional training and recognition of qualifications and competencies; employment promotion; entrepreneurship and business development; financial inclusion; access to social protection; and social cohesion.

51. The Temporary Protection Statute for Venezuelan Migrants has played a crucial role in regularizing the legal status of Venezuelans in Colombia. Temporary protection permits allow them to work legally and to access a full range of public services. The Government has also implemented employment facilitation measures, for example through labour market orientation programmes and vocational training, aimed at increasing the employability of migrants, including through its network of employment service providers and the National Training Service (SENA).

52. Despite these efforts, the lack of opportunity to work outside the informal labour sector continues to be a defining challenge for migrant workers in Colombia. Approximately 78 per cent of migrants in Colombia work in the informal labour market. Limited opportunities for accessing formal jobs and the low level of earnings for migrants in informal economies put them in vulnerable situations and limit their access to other human rights, such as housing, social security and food security. Many Venezuelan professionals, including doctors, engineers and educators, are unable to practice their professions owing to the lack of efficient mechanisms to certify their academic qualifications. Gender gaps in access to employment also persist: While 52 per cent of Venezuelan migrants in Colombia are women, the Ministry of Labour has registered their unemployment rate at 29.2 per cent in 2023, compared to 14.9 per cent for migrant men.

53. Working in informal economy, migrants are often subjected to exploitative working conditions, low wages, job instability and exclusion from social security benefits. While some migrants have been able to join trade unions, inclusion in these organizations remains low.

54. Women and young migrants face additional vulnerabilities, including discrimination in hiring and an increased likelihood of being hired for precarious employment. Moreover, limited childcare services further restrict economic opportunities for migrant mothers, particularly those with young children, who struggle to balance work and caregiving responsibilities. For LGBTIQ+ persons in migration, especially transgender migrants, barriers for accessing employment and employment-related services continue to be significant.

## **F. Housing and social assistance**

55. Most migrants do not have access to stable housing. It is estimated that one third of the migrant population lives in overcrowded conditions. Moreover, there are discriminatory practices in the rental market. Some places do not accept migrant tenants. In the absence of a permanent address, migrants face difficulties in registering in the State system in order to realize other rights. Food security is another concern. Based on the information received, the majority of refugees and migrants with the intention to stay in Colombia lack food security. In 2023, over 60 per cent of households consumed two meals a day or less.

## **G. Migrants in situation of vulnerability**

56. In addition to the migrant Venezuelan community, which makes up most of the migrant and refugee population in Colombia, there are over 162 other nationalities in transit

inside the country in irregular status. Since regularization mechanisms are only applicable to Venezuelans, many migrants, without access to any legal pathways, and some with international and human rights protection needs, are left in irregular, precarious and vulnerable situations. The lack of regular status limits their access to formal employment and economic opportunities, increasing their vulnerability to exploitation, forced labour and engagement in illegal activities controlled by criminal and armed groups. Criminal and armed groups take advantage of the economic desperation of migrants, coercing them into illicit economic and criminal activities, including drug trafficking and extortion.

57. Women, children and LGTBQ+ persons, especially those in irregular situations, face heightened risks of sexual and gender-based violence, human trafficking, recruitment by trafficking networks and sexual exploitation.

58. Children and adolescents, both accompanied and unaccompanied, are particularly exposed to serious violations of their rights. Migrant children are at risk of forced labour, early marriages, abortions and sexual and gender-based violence. The lack of legal status further restricts their access to education and healthcare, leaving them in a vulnerable position. In some cases, families are separated along migration routes, with children left alone, at risk of exploitation and abuse.

## **H. Disproportionate impact of violence related to armed conflict**

59. Migrants and refugees in Colombia face severe risks and are often victims of violence, known as “*doble afectación*”, owing to the intersecting impacts of irregular status, armed conflict and organized crime. Many settle in impoverished urban areas or rural regions where illicit economies and criminal activities thrive under the control of criminal and armed groups. The groups impose coercive control over settled or transiting migrant populations, subjecting them to extortion, forced labour and sexual exploitation in cases of resistance or lack of cooperation.

60. In addition, migrants travelling through conflict-affected territories are often caught in crossfires, where they may be subjected to restrictions on movement, kidnappings or risk of injury and death. Criminal networks operating along migration routes have been reported to impose tolls on migrants, demanding payments in exchange for passage, with some being forced to transport illicit goods, such as drugs, under threat of violence. Those who cannot afford to pay are often subjected to further abuses, including forced labour and sexual exploitation.

61. The recruitment of migrants, including children, by armed groups remains a critical concern, as many are coerced into participating in illicit activities or armed confrontations. In conflict-affected areas, migrants often become victims of forced displacement or confinement. The absence of institutional protection further exacerbates their vulnerability, as many are unable to seek legal recourse or access protection and reparation mechanisms. Additionally, local communities sometimes perceive migrants with suspicion, further exposing them to stigmatization, discrimination and targeted violence by criminal and armed groups.

62. Migrant victims of internal armed conflict struggle to obtain the same protection as Colombian victims if their migration status is not regularized. Migrants in irregular situations often encounter bureaucratic and administrative barriers when seeking recognition and access to reparation. Efforts are under way to address this gap. It is also worth mentioning that Law 2421 of 2024 recognizes as victims “those individuals who, individually or collectively, have suffered harm to their rights due to events occurring since 1 January 1985, including those who are abroad, regardless of their migratory status in the country where they reside, whether they enjoy international protection measures, refuge, or asylum, as a consequence of violations of international humanitarian law or international human rights standards, or in cases of crimes against natural resources and the environment, occurring in connection with the internal armed conflict” (art. 3). The adoption of Directive 002 of 14 January 2025 also marks an important step forward in this regard. The Directive calls on State entities to guarantee the protection and care of migrant victims of internal armed conflicts, regardless of their migratory status. The Directive aligns with the country’s constitutional, legal and

international obligations to safeguard the rights of all victims, including in the context of international migration.

## **I. Xenophobia and discrimination**

63. While the level of xenophobia in Colombia is lower in comparison to other countries in the region, instances of public xenophobic rhetoric from local authorities remain concerning. Xenophobia and discrimination experienced by migrants have a negative impact on individuals and on social cohesion.

64. Within the framework of the District Public Policy for the Reception and Inclusion of the International Migrant Population (Decree 600 of 2023), the Mayor's Office of Bogotá has implemented various strategies to combat xenophobia and racism and to facilitate the integration of the migrant population in the city. These measures are aligned with the objectives of the Global Compact for Safe, Orderly and Regular Migration, the 2030 Agenda and the Sustainable Development Goals.

65. The measures include the construction of an anti-discrimination narrative, which promotes a change in the discourse on migration to communicate integration processes more effectively. In a similar approach, the strengthening of social organizations led by migrants has been promoted, facilitating their active participation in civic spaces and fostering synergies with other sectors. Finally, integration scenarios have been created, whereby diverse communities can interact and generate bonds of coexistence, contributing to a reduction in prejudice and the construction of a more inclusive society.

## **V. Situation at the border between Colombia and Panama**

### **A. Situation at the border**

66. In 2024, approximately 400,000 persons left Colombia heading to Panama through the Darién region. This figure is significantly lower than the historic peak of 520,085 in 2023. In January 2025, 2,229 individuals left Colombia heading towards Panama, which represents a 94 per cent decrease compared with the same period in 2024. While over 73 per cent of those who headed north to cross the Darién region are Venezuelans, there are migrants from other countries, including China, Cuba, Ecuador, Haiti, Viet Nam and several countries in Africa. In 2024, Colombians crossing the Darién region represented 6 per cent of the total population, the second most common nationality in the northward movement through the jungle. Despite the regularization and integration efforts of Colombia, migrants and refugees continue to move north.

67. Municipalities, local authorities and citizens have demonstrated solidarity and readiness to receive and support migrants and refugees. Many consider migration to be an opportunity for development and show willingness to ensure a safe and dignified passage for migrants travelling north. Civil society organizations, the Catholic Church and United Nations agencies and funds, within the Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela, have also responded to the humanitarian crisis through the establishment of a significant presence in Necocli and Acandí, including the provision of comprehensive services, such as information, food, water, health checks, prevention against gender-based violence and protection orientation.

68. Those who wish to travel north without legal means fall prey to trafficking networks and smugglers, linked to the self-proclaimed "Gaitanist Self-Defence Forces of Colombia" or Gulf Clan, a criminal group that controls and operates the means of transportation. Based on the information received, the Gulf Clan also subjects migrants to extortion, violence, sexual and gender-based violence, forcible recruitment and participation in criminal activities, including drug trafficking.

69. In the absence of an effective institutional presence, migrants do not have any other option but to pay a package fee of between \$300 and \$400 to members of the Gulf Clan to cross from Necocli to Panama through irregular routes in the jungle of the Darién region. The

payment covers the boat transportation to Acandí and a local guide that takes migrants through the jungle, a 3-to-5 day walk, until reaching the Panamanian border. Once the migrants near the border with Panama, the guides leave them on their own. Migrants are often given misleading information regarding the duration of the journey.

70. To maintain this “business”, the Gulf Clan controls violence against migrants within Colombian territory, while simultaneously using violence against migrants who are not willing or not able to pay them. Information received indicates that the Gulf Clan has managed to involve and instrumentalize some members of local communities in establishing a network to manage the migration population.

71. In Acandí, witnessing massive movements of migrants and refugees travelling north, local communities, especially the young, have started to replan their future. Many are tempted to travel north in an irregular manner. Migration has become a new industry and source of income, attracting people from the region, including young people, who seek to make quick money. During peak season, the local populations abandon economic activities such as fishing and farming, prioritizing the sale of locally produced goods to migrants at higher prices. Transportation services are mainly provided to migrants. Local communities in Acandí lack basic services, such as safe-drinking water, sanitation and hygiene, access to the Internet and hospitals. There are also limited labour and economic opportunities. Currently, the sharp reduction in the number of migrants crossing through the Darién region has led to significant changes in the economic dynamics in the area.

72. Colombia shared information about the work of the Navy and the Army to control the borders, the shores and the national sea area and reported cases of the rescue at sea of migrant boats and seizures of illegal drug shipments. The Attorney General’s Office also described its work in investigating crimes allegedly committed by members of the Gulf Clan and dismantling the organization through judicial proceedings, resulting in a number of detentions, including of some high-level members. However, despite such efforts, the Gulf Clan has managed to maintain strong control over the region and to continue illegal economic activities, such as mining, trafficking in persons and drug dealing. The Office of the Attorney General reported on its ongoing disciplinary proceedings against public officials for alleged conduct related to migrant smuggling and related crimes.

## **B. Disappearance of migrants**

73. Concerns have been raised about the lack of an appropriate registration system for migrants departing from Colombia through the Darién region. At present, only boat companies are carrying out the registration of migrants going from Necoclí to Acandí. The companies upload passenger information onto a digital platform known as the SIRE system (the Foreigners Registration Information System). Colombian citizens travelling along the migration route are not registered in the system because they are considered to be domestic tourists by the companies. This registration is not conducted directly by Colombia Migration and is not used as for purposes of data collection. However, its use could prevent migrants from going missing and support the search of disappeared migrants on route through the jungle. Official registration of migrants and asylum-seekers by the Colombian and Panamanian Governments on both sides of the borders could be a key instrument for the identification of missing migrants and the initiation of search and identification activities. According to different sources, the urgent mechanism for searching for disappeared persons does not fully function in the Darién region because of the limited presence and lack of capacity of the Attorney General’s Office.

74. The limited capacity of the Colombian authorities is a matter of concern, in particular that of the Forensic Services and the Attorney General’s Office to retrieve dead bodies of migrants left on the migration routes. According to the information received, dead bodies of migrants are usually left behind.

75. The Special Rapporteur also noted with concern disappearances of migrants on maritime routes, in particular the route that crosses the San Andrés, Providencia and Santa Catalina Archipelago to countries in Central America. To avoid being detected by the coastguard, boats often set sail at night from unauthorized docks, making the maritime trip

more dangerous and adding difficulties to search and rescue operations in the event of accidents.

## **VI. Conclusion and recommendations to foster the contributions of migrants**

### **A. Conclusions**

76. The mixed migration context in Colombia is complex. Transformed into a country of origin, transit and destination, Colombia has been facing significant challenges in governing the massive arrival of migrants and refugees, mostly from the Bolivarian Republic of Venezuela. Considering migration as a permanent phenomenon and an opportunity for development, Colombia has demonstrated a strong sense of willingness and commitment to promote and protect the human rights of migrants in its migration policies. The Special Rapporteur notes with appreciation the adoption of the Colombian comprehensive migration policy, which advocates for safe and regular migration at the State level.

77. Since 2017, Colombia has made tremendous efforts through adopting different measures for the legal status regularization of Venezuelans. The Special Rapporteur pays tribute to Colombia for marking a milestone in migration governance by its launch of the Temporary Protection Statute for Venezuelan Migrants, which granted a permit guaranteeing regular stay for 10 years, with access to healthcare, education and the right to work. Designed to offer a more structured and long-term solution for migrants, the implementation of the policy requires the investment of additional resources.

78. While the Temporary Protection Statute for Venezuelan Migrants offers an expedited pathway to regularize the legal status of 2.5 million Venezuelans, the application process disregards the international protection needs of the applicants, raising serious concerns owing to the lack of an efficient asylum system in the country. The current asylum system faces significant challenges in meeting the growing demand of requests, including resource constraints, insufficient human capacity and lack of autonomy. Lengthy processing times and lack of access to work have added to the failure to protect the rights and exacerbated the vulnerabilities of asylum-seekers.

79. With regard to the Ministry of Equality and Equity, the Special Rapporteur welcomes programmes developed to respond to humanitarian needs, ensure coordinated actions and advance the care, protection and integration of migrants and refugees in the country. However, the delay and lack of implementation of these programmes, the drastic reduction of international financial aid and the uncertainty about the Ministry's long-term status and financial sustainability have led to serious doubts about its capacity to fulfil its mandate. It also raises concerns about risks undermining essential protections, preventing migrants' access to vital services and exacerbating their vulnerability, in particular for those in irregular situations.

80. Significant efforts are being made at the municipality level, particularly in cities like Bogotá, Cali and Medellín, to integrate migrants and refugees into the society and to facilitate their access to education, healthcare, work and housing. In many cities, the resources required to ensure migrants' access to economic and social rights have exceeded the financial and administrative capacity at the municipal level. This is especially the case for cities with less resources.

81. In addition to the Venezuelan community, which takes up the vast majority of the migrant and refugee population in Colombia, there are also many other nationalities from the continent and beyond, transiting through or looking for opportunities to settle in Colombia. There is no system in place for identifying protection needs and ensuring access to international human rights and refugee protection in the transit areas of international airports or at land borders. In the absence of a protection-sensitive entry system, and since all of the current regularization measures are applicable only to Venezuelans, other nationals, some with international and human rights protection

needs, are in a highly vulnerable situation without any protection or access to legal pathways.

82. Without regular status, these individuals have access only to emergency healthcare. Unable to apply for formal employment or take part in economic activities, they are subject to heightened risk of exploitation and abuse and violence, including gender-based violence and human trafficking. Lured by criminal and armed groups, they may be forced to engage in illegal economic and other criminal activities.

83. The intersection of irregular migration, internal armed conflict and organized crime, both domestic and transnational, poses a significant challenge for Colombia. Migrants, whether settled or in transit, are exposed to multiple risks, including injury and death from violent actions in conflict-affected areas, forced displacement and recruitment, kidnapping and exploitation, including sexual exploitation.

84. The Darién region between Colombia and Panama remains one of the most dangerous routes for people on the move. On the Colombian side, the near absence of State institutions and the strong presence of the Gulf Clan in the area has created a phenomenon where migrants are transported towards the Darién region in a highly organized manner, under the control of criminal groups known by the State.

## **B. Recommendations**

85. A generous commitment has been made: to honour it, Colombia needs to enhance its implementation and sustainability. The Special Rapporteur notes with concern the uncertainty and sudden reduction of foreign financial aid in this area, which poses a serious threat to the coherence of migration policies in Colombia and may negatively affect the human rights of the migrant and refugee population in the country. In view of the challenges, the Special Rapporteur calls on the international community and major donor countries, including the United States, to act in solidarity with countries in the region and to ensure continued financial investment and support to Colombia, relevant United Nations agencies and civil society organizations in order to enhance the stability and integration of the migrant and refugee population.

86. As migrants and refugees continue to arrive, Colombia should accelerate the design and implementation of additional regularization, integration and protection measures and make adjustments to current measures aimed at enhancing the protection of and access to rights for migrant and refugee populations. In the meantime, Colombia should strengthen regional and international cooperation and design long-term plans for migrants and refugees currently residing in the country, taking into account the foreseeable return of Colombians and further arrivals from both the south and the north.

87. In this regard, the Special Rapporteur calls on all relevant actors in the region, especially Panama and the United States, to uphold multilateralism and enhance coordination with Colombia and to improve the effectiveness of protection responses for individuals in mixed movements through the Darién region. Enhanced coordination can also expedite durable solutions and optimize financial resources. Countries in the region should also establish secure and reliable channels for the exchange of information to enhance coordination in responding to individuals in need of international and human rights protection.

## **C. Recommendations to Colombia**

88. Colombia must enhance the capacity of its asylum system and ensure effective access to protection to individuals of all nationalities in need of international protection. In doing so, Colombia should prioritize the identification of protection profiles through a comprehensive protection-sensitive entry system, which could also benefit countries in the region.

89. When considering asylum applications, priority should be given to cases of those at risk of political persecution or in imminent danger.
90. While welcoming the adoption of Decree 0089 of 25 January 2025, Colombia should speedily move to implement it to ensure that asylum-seekers may exercise their right to work and access rights and services from the time of the admission of their application.
91. In the meantime, to ensure effective protection of the Venezuelan refugee and migrant population, Colombia should introduce non-refoulement safeguards to current and future regularization permits (for example, the Temporary Protection Statute for Venezuelan Migrants and the special residence permit for legal representatives or guardians of children and adolescents).
92. At the practical level, Colombia should also double its efforts to simplify application processes and facilitate applicants to overcome administrative barriers. To ensure effective access to the rights of temporary protection permit cardholders, Colombia should enhance its efforts to conduct awareness-raising campaigns to ensure public institutions, especially service providers, recognize the temporary protection permit and fulfil their obligations to provide access to services.
93. Colombia should consider accelerating the establishment of State-run shelters that comply with regional and international commitments to provide humanitarian assistance to migrants of all nationalities.
94. Colombia should also consider granting opportunities to legal stay for nationals other than Venezuelans. The Special Rapporteur notes with appreciation the efforts of the Government in designing additional measures, complementary to the Temporary Protection Statute for Venezuelan Migrants, including the special residence permit for legal representatives or guardians of children and adolescents for the parents of children who obtained temporary protection permits through their enrolment in school.
95. Colombia should enhance migrants' access to formal employment and legal economic activities and also establish alternative mechanisms to foster contributions to the tax base and the social security system from those who work in the informal economy. This is essential if migrant and refugee populations are to provide economic benefits to the host society, thus enhancing the sustainability of the Colombian migration policy.
96. Since regular status is a precondition to access the formal job market in Colombia, the continuation and stability of regularization as a policy response to mixed migration movements in the country is key.
97. The Government should enhance the protection of migrants with vulnerabilities through the adoption of intersectional approaches that recognize the multidimensional reality and experience of migrants, based on their migratory, economic and social status, age, gender and sexual orientation. Enhanced understanding of these overlapping interactive factors would facilitate a nuanced understanding of their complex marginalization and help with the design of comprehensive programmes to protect and assist these individuals.
98. Colombia should continue its efforts to eliminate, condemn and counter all forms of discrimination and xenophobia and to reshape harmful and dehumanizing narratives against migrants and refugees. This includes not only recognizing their contributions to Colombian society but also affirming their rights and dignity as rights-holders.
99. The model of cooperation among municipal, departmental and national governments should be reviewed to establish clear and shared responsibilities, in both financial and administrative aspects, for the integration of migrants.
100. In relation to the situation in the Darién region, the Special Rapporteur recommends that Colombia enhance the presence of the State at border areas to provide an institutional response to migration. It is essential that efforts are doubled to enhance awareness-raising campaigns regarding the risks migrants face when crossing the jungle.

101. Colombia Migration should establish a registry of migrants departing to the Darién region, including information on Colombian nationals as well as disaggregated data. The Ministry of Equality and Equity should also provide necessary support services to migrants. Law enforcement agencies and judicial authorities should enhance their presence and capacity to combat criminal activities.

102. In relation to the disproportionate impact of violence related to armed conflict on migrants, the Special Rapporteur urges Colombia to implement Law 2421 of 2024 and Directive 002 of 14 January 2025 and to overcome administrative barriers and ensure recognition of migrant victims of armed conflict, regardless of their migratory status. Migrant victims should also be granted access to reparation and restitution of rights, in compliance with constitutional, legal and international frameworks.

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