



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

Distr.  
GENERAL

CMW/C/COL/Q/1  
6 May 2008

Original: ENGLISH

---

COMMITTEE ON THE PROTECTION OF THE  
RIGHTS OF ALL MIGRANT WORKERS AND  
MEMBERS OF THEIR FAMILIES

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 73 OF THE CONVENTION**

**List of issues to be taken up in connection with the consideration  
of the initial report of COLOMBIA (CMW/C/COL/1)**

**I. GENERAL INFORMATION**

1. Please describe the role, if any, of non-governmental organizations in the implementation of the Convention and in the preparation of the State party's report.
2. Please provide further information on measures taken for the dissemination and promotion of the Convention. Please also indicate whether specific training programmes on the Convention are implemented for relevant public officials, such as border police officers and social workers.
3. Please explain whether the national legislation provides for the application of the Convention to refugees and stateless persons (art. 3 (d) of the Convention).
4. Please indicate whether there are studies or data on the impact of migration on children in the State Party, especially with respect to (a) unaccompanied or separated children migrating in search for better opportunities; (b) children who may be left behind by their parents.

**II. INFORMATION RELATING TO EACH OF THE ARTICLES OF THE  
CONVENTION**

**A. General principles**

5. Please further elaborate on the rationale of the State party's reservation entered upon ratification with respect to articles 15, 46 and 47 of the Convention.

6. Please explain how undocumented migrant workers and members of their families can in practice exercise their right to an effective remedy in accordance with article 83 of the Convention and specify which judicial, administrative, legislative or other authorities are competent to receive complaints of alleged violations of migrant workers' rights.

### **B. Part III of the Convention**

7. With reference to paragraph 102 of the State party's report, please clarify:

- (a) What is the behaviour which the Bill currently before the Congress aims at criminalizing;
- (b) What is the current status of this Bill;
- (c) Whether it is an offence to enter Colombia in an undocumented or irregular situation and, if so, what is the nature of the offence and the sanctions imposed.

8. Please indicate:

- (a) The number of migrants currently held in administrative or judicial detention for violations of provisions relating to migration, as well as the length of their detention;
- (b) Whether the term of 36 hours indicated in article 109 of Decree No. 4,000 of 30 November 2004, is the maximum length of time for the detention of migrants in the facilities of the Administrative Department for Security (DAS), while awaiting expulsion;
- (c) The steps taken to ensure that migrant workers and members of their families detained for violations of provisions relating to migration are held separately from convicted persons or persons detained pending trial.

9. With respect to article 64 of the State party's report, please clarify who are the public officials authorized by law to retain or confiscate migrants' documents.

10. Please provide information on the remedies available to migrant workers and members of their families to appeal an expulsion order. Please also indicate whether collective expulsion is prohibited in the State party, and provide information on the number of migrant workers and members of their families who were expelled since 1 July 2003, disaggregated by gender, age and nationality.

11. Please indicate how nationals obtain a passport or any other travel document. Is the right of nationals to leave or enter the country subject to any restriction?

12. Please provide further information on the mandate and activities of the Intersectoral National Commission on Migration.

13. With reference to article 23 of the Convention, please indicate how consular or diplomatic authorities of the State party represent the interests of Colombian migrant workers abroad whenever the rights recognized in the Convention are impaired, and particularly in case of expulsion and deprivation of liberty.

14. With reference to article 25 of the Convention, please provide more information on measures taken to ensure that all migrant workers enjoy equal treatment in respect of remuneration and other conditions of work such as, inter alia, overtime, hours of work, weekly rest, paid holidays, safety, health and termination of the employment relationship. Please also indicate how these labour conditions are monitored.

15. Please indicate which bodies are responsible for providing to migrant workers the information required by article 33 of the Convention, and how this information is in practice accessible for both Colombian nationals preparing for labour migration and foreign migrant workers and members of their families residing in Colombia.

16. Please inform the Committee on measures taken to promote and protect the rights of women migrant workers, both of those who migrate abroad and those who immigrate into the State party's territory.

17. Please indicate:

(a) How the right of each child of a migrant worker, including those in an undocumented or irregular status, to have a name, to be registered at birth and to have a nationality, is effectively ensured in practice;

(b) The measures taken to ensure the access to education and medical care of children of undocumented migrant workers.

#### **C. Part IV of the Convention**

18. Please inform the Committee on the legislation and practice concerning family reunification of migrant workers in accordance with article 44 of the Convention.

19. With reference to paragraph 81 et seq. of the State party's report, please clarify whether migrant workers have the right to form associations and trade unions as well as to be part of their leadership.

20. With respect to the Law No. 1070 of 3 July 2006 which allows foreigners resident in Colombia to vote in municipal or district elections and referendums,

please clarify whether migrant workers residing in Colombia have exercised their right to vote so far and, if so, please provide some statistics in this respect.

21. With respect to the right to vote of Colombians living abroad, please indicate how this right is facilitated and exercised in practice.

22. Please provide information on remittances transferred by Colombian migrant workers abroad. In the light of article 47 of the Convention, please also provide detailed information on measures taken by the State party to facilitate transfers of migrant workers' earnings and savings.

#### **D. Part V of the Convention**

23. Please indicate the number of frontier and seasonal workers engaged in a remunerated activity in Colombia, disaggregated by gender and nationality, and provide information on the bilateral and multilateral agreements governing migration by frontier and seasonal workers to which Colombia is a party.

#### **E. Part VI of the Convention**

24. In the light of article 66 of the Convention, please indicate:

(a) Which services are in charge of the recruitment process of Colombian workers for employment in another State;

(b) The efforts undertaken to regulate recruitment activities within the State party;

(c) The efforts undertaken to cooperate and consult with the main destination countries of Colombian migrant workers with a view to promoting sound, equitable and humane working and living conditions for Colombian nationals in those countries.

25. With respect to paragraph 15 of the annex to the State party's report, please provide updated information on the activities undertaken in the context of the programme "Colombia Nos Une" aimed at preventing irregular migration of Colombian nationals. In this respect, please provide more information on the mandate and structure of this programme.

26. Please indicate:

(a) The number of unaccompanied or separated Colombian migrant children that returned or have been returned to Colombia due to their irregular status;

- (b) The measures taken to avoid that migrant children returning to Colombia get trapped in trafficking networks and/or become victim of any form of exploitation, or recruited in armed groups;
- (c) The measures taken, including bilateral or multilateral agreements, to facilitate the orderly return of Colombian migrant workers and members of their families, when they decide to return, as well as to promote adequate economic conditions for their resettlement and their durable social and cultural reintegration.

27. Please provide additional information on the extent of the phenomena of smuggling of migrants and trafficking in persons in the State party's territory and on the measures taken to prevent and combat them. In particular, please indicate:

- (a) The estimated number of persons trafficked to, from, in transit through and within the State party since 1 July 2003, disaggregated by gender, age and nationality;
- (b) The measures taken to protect Colombian migrant workers travelling abroad in search for better economic opportunities, and notably women migrant workers, from being trapped in trafficking networks and becoming victims of exploitation;
- (c) The number of criminal investigations per year since 1 July 2003 and the sentences imposed for the crime of trafficking in persons;
- (d) The procedures in place for the rapid identification of victims of trafficking, and notably children, in the context of migration control;
- (e) The number of criminal investigations per year since 1 July 2003 and the sentences imposed for the crime of smuggling of migrants.

28. With reference to paragraph 103 of the State party's report, please provide more information on the two regularization processes referred thereto and update the Committee on any further initiative, if any, aimed at regularizing the situation of irregular migrant workers in Colombia.

29. Please indicate whether the State party has made any assessment or has any information on the transit of illegal or clandestine movements of migrant workers in irregular situation through its territory.

-----