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International Covenant on Civil and Political Rights

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Human Rights Committee

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

Seventh periodic reports of States parties due in 2014

Colombia*

[Date received: 22 December 2014]

* The present document is being issued without formal editing.

Contents

** The annexes may be consulted in the archives of the secretariat.

I. General

1. The International Covenant on Civil and Political Rights was ratified by Colombia on 29 October 1969, following its approval by Congress through Act No. 74 of 1968, and entered into force in accordance with the provisions of the Covenant on 23 March 1976.

2. The Covenant, as well as other international human rights instruments, has the status of a constitutional enactment and thus takes precedence in the domestic legal order, as provided by articles 53, 93, 94, 102 (2), and 214 (2) of the Constitution. On the basis of these rules, the Constitutional Court has developed the concept of a "constitutional corpus" to designate rules and principles which, although not formally part of the Constitution, are understood to form part of it by mandate of the Constitution itself.

3. The Government of Colombia presented its sixth periodic report on the implementation of the Covenant on 10 December 2008 (CCPR/C/COL/6).

4. This seventh periodic report, which Colombia submits for consideration by the Committee, reflects the progress made and challenges faced in order to guarantee and protect the rights set forth in the Covenant and the free exercise of those rights, during the period from 2009 to 2013, within the framework of a society based on the rule of law.

5. This report has been prepared in keeping with the compilation of guidelines on the form and content of reports to be submitted by States parties to the international human rights treaties (HRI/GEN/2/Rev.4; see also General Assembly resolution 68/268).

II. Substantive provisions of the International Covenant on Civil and Political Rights

Article 1
Right of peoples to self-determination

1. Legislative developments

6. In its article 9, the 1991 Constitution enshrines recognition of the right of peoples to self-determination: "The foreign relations of the State are based on national sovereignty, on respect for the self-determination of peoples and on recognition of the principles of international law accepted by Colombia."

7. In addition, the development of constitutional law has introduced civic participation mechanisms regulated by Act No. 134 of 1994. The Act regulates the following mechanisms for civic participation: the legislative and normative initiative, the referendum, public consultation at the national, departmental, district, municipal and local levels, the removal of public officials, plebiscites and open council meetings.

8. The Act also establishes the fundamental provisions governing the democratic participation of civil society organizations. The regulation of these mechanisms shall not prevent the development of other forms of civic participation in the political, economic, social, cultural, academic, trade union or associative sectors of Colombian society or the exercise of other political rights not mentioned in this Act.

2. Legislative developments

9. The fundamental rights of black communities to self-determination and participation are protected by Ruling T-823 of 2012, of the Constitutional Court of Colombia. Furthermore, Ruling T-049 of 2013 guarantees the fundamental right of indigenous peoples to autonomy and self-determination, to non-interference by the Government in the affairs of indigenous government, the right of indigenous communities to follow their own habits and customs, protection of the cultural identity and diversity of indigenous peoples through a differential approach within education and prior consultation of indigenous communities.

10. Ruling C-882 of 2011 stipulates that recognition of ethnic and cultural diversity is intrinsic to the fundamental right of peoples to self-determination, whose content makes it possible for them to participate and make choices based on their world view in accordance with the development model most consistent with their aspirations as a people to ensure the survival of their culture.

Article 2
Guarantee of rights recognized in the Covenant and non-discrimination

1. Legislative developments

11. During the reporting period, Acts recognizing the rights contained in the Covenant have been enacted and the following measures regarding non-discrimination have been implemented.

12. Act No. 1429 of 2010 on formalizing and generating employment repealed, inter alia, articles 74 and 75 of the Substantive Labour Code. This resulted in the removal of the requirement of proportionality between Colombian and foreign workers in enterprises. Accordingly, the proportionality and variation certificate has no longer been a requirement for an application for work visas by foreign nationals in Colombia since 29 December 2010.

13. Act No. 1482 of 2011 (the Discrimination Act) amended the Criminal Code and established provisions for the protection of the rights of individuals, groups of people, communities and peoples subject to violation by acts of racism or discrimination. The Act provides for criminal and financial penalties.

14. Act No. 1496 of 2011 guarantees equal pay for women and men and establishes mechanisms to eradicate all forms of discrimination.

15. Decree No. 4463 of 2011 defines actions to promote the social and economic recognition of women's work and sets up mechanisms to give effect to the right to equal pay and to develop campaigns for the eradication of all acts of discrimination and violence against women in the workplace.

16. Act No. 1618 of 2013 sets forth provisions to guarantee the full exercise of the rights of persons with disabilities.

17. Decree No. 1930 of 2013 adopted the national public policy on gender equity and established an intersectoral commission for its implementation.

2. Judicial developments

18. Colombian constitutional jurisprudence has made great strides in respect of non-discrimination. In various decisions, the rights of minorities and of groups entitled to particular protection have been ensured.[1]

19. Major landmarks are Ruling C-765 of 2012, in which the full rights of persons with disabilities are recognized, and Ruling C-892 of 2012, in which the existing prohibition of discrimination on grounds of family origin is strengthened. In addition, Ruling C-335 of 2013 stipulates the enforceability of Act No. 1257 of 2008, article 9, paragraph 5, which sets out rules on awareness-raising, prevention and punishment of forms of violence and discrimination against women.

3. Administrative developments

20. In pursuance of its duty to guarantee the rights recognized under the Covenant and other international instruments on human rights and non-discrimination, and in response to the concerns expressed by the Human Rights Committee (CCPR/C/COL/CO/6, para. 10), the Government of Colombia has implemented a legal framework for the full reparation for victims of acts that occurred during the internal armed conflict. In this connection, Act No. 1448 of 2011 (the Victims and Land Restitution Act) was issued; it provides for the involvement of the State in ensuring full reparation of damage sustained and the establishment of guarantees of non-repetition concerning acts of victimization that violate human rights and international law.[2]

21. The Act established the Unit for Assistance and Comprehensive Reparation for Victims (UARIV), the National Centre for Historical Memory (CNMH) and the Land Restitution Unit (URT), all of which are part of the Social Inclusion and Reconciliation Administrative Sector. The National System of Comprehensive Victim Support and Reparation (SNARIV) was also established to develop and implement plans, programmes, projects and specific actions aimed at guaranteeing comprehensive care and reparation for victims. It is composed of over 50 governmental and State public bodies at the national and territorial levels.

22. In accordance with the role assigned to UARIV, a model comprising social rehabilitation and support schemes for the care, assistance and full reparation for victims (MAARIV) was designed and implemented; it allows for the integrated management of the channels providing comprehensive individual reparation and assistance. Comprehensive reparation, care and assistance plans (PAARI) were designed as part of the individual reparation component as a strategy to engage with victims and help them to fulfil their wishes as part of their plans to rebuild their lives. Over the past four years, 168,707 such plans have been developed and pursued, fulfilling 60.74 per cent of the targets for that four-year period.

23. The programmes are implemented to guarantee, in particular, the rights of vulnerable populations, using a differential approach. As a result, the rights of the following most vulnerable groups have been recognized: women, children and adolescents, communities of African descent, indigenous peoples, Roma communities, persons with disabilities, lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, and older persons.

[1] Constitutional Court Rulings T-062 of 2011, T-863 of 2011, T-285 of 2012 and T-376 of 2013.

[2] Development of a legal framework for victims established by the Unit for Assistance and Comprehensive Reparation for Victims (UARIV).

24. Once it has identified needs, resources, progress and barriers, UARIV refers cases to the relevant institutional services. As of 31 January 2014, assistance had been provided to 6,073,453 persons.

Article 3
Equality between men and women in the enjoyment of human rights

1. Legislative developments

25. In order to guarantee the right to equality between men and women, Colombia has introduced legislative measures to achieve equality and facilitate the inclusion of women in various sectors, such as politics, society, culture, the economy and work. In this regard the following measures have been adopted.

26. Act No. 1257 of 2008, which covers actions on awareness-raising, prevention and punishment of forms of violence and discrimination against women.

27. Decree No. 164 of 2010, under which the intersectoral commission (i.e. the inter-institutional panel on eradication of violence against women) was established, seeks to combine efforts for inter-agency cooperation, coordination and liaison with a view to providing comprehensive, differentiated, accessible and quality care for women victims of violence.

28. With regard to labour, Act No. 1468 of 2011 was amended to ensure paid maternity leave for women and reaffirm the prohibition of dismissal during that period.

29. Articles 114 to 118 of Act No. 1448 of 2011 contain specific provisions for women. In accordance with this Act, Decrees No. 4635 of 2011 on the Black, Afro-Colombian, Raizal and Palenquero communities, No. 4634 of 2011 on the Roma or Gypsy peoples, and No. 4633 of 2011 on indigenous peoples and communities were issued.

30. Decree No. 4463 of 2011 defines the actions required to promote the social and economic recognition of women's work, to set up mechanisms to give effect to the right to equal pay and to develop campaigns for the eradication of acts of discrimination and violence against women in the workplace.

31. Decree No. 4796 of 2011 defines the actions required to detect and prevent violence, and provide comprehensive assistance to women victims of violence through the services guaranteed by the General Health and Social Security System (SGSSS). It also gives effect to the right to health through the implementation of mechanisms.

32. Act No. 1542 of 2012 guarantees protection and requires the authorities to exercise due diligence when investigating alleged crimes of violence against women. The requirement of a formal complaint has been removed and the charges cannot be dropped for crimes of domestic violence and of failing to provide maintenance, as defined in articles 229 and 233 of the Criminal Code.

33. Decree No. 2734 of 2012 establishes the criteria, conditions and procedure for granting the assistance measures defined in article 19 of Act No. 1257 of 2008, which is binding on the various actors of the General Health and Social Security System.

34. In order to protect women's integrity, Act No. 1639 of 2013 was passed, amplifying article 113 of Act No. 599 of 2000 (the Criminal Code), which punishes any person who carries out an acid attack.

35. Decree No. 1930 of 2013 adopted the national public policy on gender equity and established an intersectoral commission for its implementation.

36. Act No. 1719 of 18 June 2014 amended certain articles of Act No. 599 of 2000 (the Criminal Code), and of Act No. 906 of 2004 (the Code of Criminal Procedure); it introduced measures to ensure access to justice for victims of sexual violence, particularly sexual violence during armed conflict and stipulated other provisions.

2. Judicial developments

37. With regard to the right to equality and non-discrimination in the workplace, the Constitutional Court reaffirmed the right to stable work for pregnant women through Ruling T-069 of 2010.[3]

38. Moreover, the Court established the concept of gender in Ruling C-862 of 2012, which strengthens the principle of equality and non-discrimination on grounds of sex, and in Ruling T-386 of 2013, thereby increasing protection, particularly of women's rights.

39. With regard to health, the Constitutional Court, through Ruling C-776 of 2010, declared the provisions of Act No. 1257 of 2008 enforceable, and reaffirmed the rights to food, medical, psychological and psychiatric assistance, and specified the attention to which women victims and their children are entitled.

3. Administrative developments

40. Within the framework of Act No. 1257 of 2008 and of Decree No. 2897 of 2011, the Ministry of Justice and Law adopted the technical guidelines for the prevention of gender-based violence through resolution No. 163 of 6 March 2013. The guidelines set out standards for the comprehensive management of domestic violence through a differentiated gender-based approach, provide conceptual and operational tools to enable family commissioners adequately to address cases of violence against women, and unquestionably help to lift barriers that currently affect access to justice by these victims of violence.

41. In the same connection, programmes such as the Family Well-being (Familias con Bienestar) programme have been implemented, giving effect to Act No. 1257 of 2008, with a focus on forms of violence against women, their rights, and the duties of the family.

42. Furthermore, Act No. 1448 of 2011 includes a differential approach and the gender perspective as fundamental pillars of comprehensive reparation for victims of the internal armed conflict. In order to incorporate the gender perspective, UARIV established the women and gender group through resolution No. 2043 of 2012. The aim of the group is to draw attention to the rights and violations specifically affecting women and LGBTI persons in all processes of comprehensive reparation, care and assistance, using a transformative approach, and to help overcome the structural factors of discrimination and violence that prevent women from asserting themselves as subjects with rights.

43. Document CONPES No. 3784 of 2013 was adopted with respect to assistance and guarantees for women victims of armed conflict. It sets out public policy guidelines to prevent risk and to protect and safeguard the rights of women victims of armed conflict. It has a budget of 3.3 trillion pesos, 2.1 trillion pesos of which correspond to the period 2013-2014, and the remaining 1.2 trillion are subject to budgetary projections for 2015.

44. The public policy guidelines provide for over 200 specific actions based on three main axes: comprehensive protection against the particular violations and risks faced by women in areas of armed conflict; recognition of their rights as citizens in

[3] Constitutional Court, Ruling T-553 of 2011 and Ruling C-1019 of 2012.

community and social settings, with a special focus on their participation in decision-making spheres; and overcoming the barriers they encounter in gaining access to treatment, assistance or reparation.

45. With regard to awareness-raising and training, the Ministry of Defence adopted Directive No. 11 of 2010 on zero tolerance for acts of sexual violence and, in keeping with the Directive, its policy on sexual and reproductive rights, equity, and the prevention of gender-based violence. In 2012, the Protocol and operational manual for the security forces on addressing sexual violence, with a focus on sexual violence during armed conflict, was presented to the public. The Protocol was updated in 2013, particularly with regard to armed conflict.

Article 4
Protection of human rights under states of emergency

1. Legislative developments

46. The Colombian Constitution provides for the protection of human rights during states of emergency. Article 93 of the Constitution stipulates that "international treaties and agreements ratified by Congress that recognize human rights and prohibit their limitation in states of emergency shall take precedence over domestic law". Article 214 establishes that "the states of emergency referred to in the preceding articles shall be subject to the following provisions: […]. Neither human rights nor fundamental freedoms may be suspended. In all cases, the rules of international humanitarian law shall be respected. A statutory act shall regulate the Government's powers during the states of emergency and establish the legal safeguards and guarantees for the protection of rights, in accordance with international treaties. The measures which are adopted must be proportionate to the seriousness of the events."

47. When the law providing for exceptional circumstances was established, those who drafted the constitution introduced a strict control system to prevent abuse of the clause allowing for exceptions by the executive branch, and to avert or prevent actions which may undermine the constitutional regime, especially with regard to the exercise of individual rights and freedoms. Political and legal control is thereby maintained in our Constitution during states of emergency, without prejudice to the State's international responsibilities contained in duly ratified international treaties.

48. Furthermore, states of emergency are specifically regulated in Act No. 137 of 1994, which restricts the limitation on fundamental rights and freedoms during the state of emergency.

2. Judicial developments

49. The Constitutional Court, in Ruling C-226 of 2011, lays down the following principles in respect of a declaration of a state of emergency; the inviolability of rights, a public declaration, legality, limited duration and the principle of necessity and proportionality, in addition to the guarantee that fundamental rights shall not be suspended.

Article 5
Guarantee of the rights recognized in the Covenant

1. Legislative developments

50. Under domestic law, article 5 of the Covenant is covered in article 94 of the Constitution, which sets out that "the enunciation of the rights and guarantees

contained in the Constitution and in international agreements in force shall not be construed as negating other rights inherent to the human person which are not expressly referred to therein".

51. Pursuant to the above, Colombia has ratified various international instruments which at times overlap with the rights enshrined in the Covenant. The International Convention for the Protection of All Persons from Enforced Disappearance of 2006, for example, which was ratified by Colombia on 11 August 2012, contains provisions to prevent enforced disappearances, thus protecting the right to life enshrined in article 6 of the Covenant.

2. Judicial developments

52. Constitutional Court Ruling C-620 of 2011 establishes the constitutionality of Act No. 1418 of 1 December 2010 on the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance.

Article 6
Right to Life

1. Legislative developments

53. All spheres of Colombian legislation provide protection for and guarantee the right to life. In this regard, the enactment of the following Acts, which strengthen the legal corpus and the national institutional structure are noteworthy.

54. Act No. 1408 of 2010 was adopted in order to provide guarantees for families and victims of enforced disappearance. It regulates, inter alia, the Disappeared Persons Genetic Profile Bank, establishes support measures for the families of victims during the process of returning bodies or remains, establishes measures concerning the search for, location, exhumation and preservation of remains and bodies, and building shrines of remembrance. It confers legal status on the National Search Plan, and lastly provides for the adoption of the inter-institutional protocol on a dignified return of the remains of disappeared persons.

55. Decree No. 4912 of 2011 organizes the programme for the prevention and protection of the rights to life, liberty, integrity and security of persons, groups and communities which is coordinated by the Ministry of the Interior and the National Protection Unit. The programme is the only one of its kind in the world and demonstrates the State's commitment to protecting especially vulnerable persons.

56. Decree No. 2096 of 2012 consolidates the special programme for the protection of leaders, members and survivors of the Unión Patriótica (Patriotic Union, UP) and the Colombian Communist Party.

57. Act No. 1448 of 2011 outlines and implements a joint reparation policy for persons who, within the framework of the internal armed conflict, were victims of forced displacement, land seizure or forced abandonment, abduction, torture, enforced disappearance, recruitment of minors, anti-personnel mines, crimes against sexual freedom, and homicide.

58. Legislative Act No. 01 of 2012 (the legal framework for peace), provides for the reform of the Colombian Constitution and authorizes the adoption, on an exceptional basis, of transitional justice mechanisms for the investigation of punishable acts associated with the country's internal armed conflict. The transitional justice mechanisms are intended to bring an end to the internal armed conflict and achieve a stable and lasting peace in the country, to provide guarantees of non-repetition and

security for all Colombians, and to protect the rights of victims to truth, justice and reparation.

59. Act No. 1592 of 2012 [4] regulates all matters relating to the investigation, punishment and legal entitlements of persons associated with organized illegal armed groups which have decided to demobilize and have contributed to national reconciliation. In short, the Act was designed with two main objectives: firstly, permanently to transform the approach hitherto adopted in investigating and prosecuting under the justice and peace proceedings so as to focus efforts on identifying the chief culprits and identifying large-scale crime trends, and secondly to coordinate this process with other transitional justice instruments to ensure the rights of victims are fully observed.[5]

2. Judicial developments

60. In Ruling C-753 of 2013 the Constitutional Court declared the provisions of Act No. 1448 of 2011 on the source of funding for reparation for victims to be enforceable. It further found that this right is fundamental and may not be limited, denied or negated for reasons of fiscal sustainability.

61. In that connection, the Court, in Ruling C-912 of 2013, reaffirmed the need for the right of victims to full reparation to differentiate between humanitarian assistance and social policy measures, and reparation measures per se, in order that the benefits to which victims are entitled should enhance both the quality and quantity of the reparation measures.

62. In Ruling C-579 of 2013, the Constitutional Court declared that the provisions relating to the chief culprits were enforceable and established the scope of the transitional justice mechanisms in Colombia and of victims' rights to truth, justice and reparation.

3. Administrative developments

63. With a view to preventing enforced disappearance and to locating victims, thereby protecting the right to life, progress has been made with the implementation and follow-up of the National Search Plan, and in developing, regulating and disseminating relevant legislation. In this regard, various training activities have been conducted both for public servants and for victims' and social organizations.

64. In addition, the National Unit for Justice and Peace of the Attorney General's Office has conducted search and recovery operations for disappeared persons. To ensure the effectiveness of the operations, a support unit was created, dedicated exclusively to the search for disappeared persons and supported by agencies with judicial police functions, forensic expertise and skills, and by offices throughout the country. To strengthen the unit, inter-institutional agreement No. 0102 of 2007 was concluded between the Attorney General's Office, the National Police and the National Institute of Forensic Medicine and Science, establishing the Virtual Identification Centre.

65. As of January 2014, these efforts had led to 5,706 search procedures for disappeared persons and the excavation of 4,202 separate graves, in which 5,406 bodies were located and exhumed. The results of forensic tests to identify 544 of those

[4] Under this Act, a new investigation strategy was laid down and adopted by the National Unit for Justice and Peace of the Attorney General's Office and an investigation model was implemented to determine how organizations outside the law are run and structured, in order to prosecute the persons most responsible for their criminal activities, on a contextual and analytical basis.

[5] Decree No. 3011 of 26 December 2013 on the regulation of Acts Nos. 975 of 2005, 1448 of 2011 and 1592 of 2012, second recital.

bodies are pending; 2,311 bodies cannot be identified and are considered unidentified remains and 2,551 have been fully identified by tests in the forensic genetic laboratories of the Technical Investigation Unit, the Institute of Legal Medicine and Forensic Science and the National Police. Of those remains, 2,406 were ceremonially returned to the families and 145 have yet to be returned.

66. Furthermore, in order to address the alleged killings of protected persons by members of the armed forces, 15 measures were adopted. They were implemented through Permanent Directive No. 208 of the General Command of the Armed Forces for the development of policies concerning the respect, guarantee and protection of human rights and the application of international humanitarian law during military operations at the tactical, operational and strategic levels. These measures include activities in the areas of education, training, intelligence, operations, disciplinary and administrative monitoring, planning, hierarchical responsibility, cooperation with judicial authorities and dealing with complaints from the general public.

67. In this regard, the Ministry of Defence, in cooperation with the Office in Colombia of the United Nations High Commissioner for Human Rights, developed a programme to monitor the implementation of 7 of the 15 measures adopted in 2008 to assess the progress made. The project lasted two years and the measures had a very positive impact, reflected in the significant reduction in complaints or reports of killings of protected persons, with the result that in 2012 no complaints of this kind were received, as indicated in the report on Colombia issued by the Office of the United Nations High Commissioner for Human Rights.

68. Furthermore, taking into account the recommendation by the Human Rights Committee in paragraph 13 of its follow-up to the sixth report of Colombia regarding the Early Warning System, between 2010 and 2013, the Office of the Ombudsman issued 113 risk reports and 100 follow-up notes relating to the possibility of violations of the fundamental rights of the population in the context of armed conflict. The risk warnings cover the population and territory in 237 municipalities of 30 departments of the country.

69. The risk reports and follow-up notes that were issued were forwarded to the Inter-Agency Early Warning Committee (CIAT) which is coordinated by the Ministry of the Interior. Since 2011, CIAT has decided to convert all risk reports and follow-up notes into early warnings.

70. In addition, since 2007 the Office of the Ombudsman has consistently implemented the psycho-juridical guidance strategy in much of the national territory. The aim of the strategy is to facilitate advice and guidance procedures for victims claiming their rights to truth, justice and full reparation. As a result of this strategy, over the last five years 18,856 victims have been supported in 309 hearings, and in 2013 5,445 victims were supported in 26 hearings.

71. In order to strengthen institutions, the Government established the National Protection Unit by Decree No. 4065 of 2011, as an agency under the Ministry of the Interior. It is responsible for the programme for the prevention and protection of the rights to life, liberty, integrity and security of persons, groups and communities exposed to exceptional or extreme risks as a direct result of their political, public, social or humanitarian activities or on account of their performing their duty.

72. Since the establishment of the National Protection Unit and until July 2014, protection had been provided to 661 human rights defenders. The main protection measures afforded to the population are protection schemes, although some defenders have also received financial support.

73. On account of the risk that human rights defenders must face in areas of the country where armed conflict is a threat to their work, 25 committees (CERREM) have been set up to evaluate risk and recommend measures in the departments of Antioquia, Cauca, Chocó and Putumayo. This explains why 80 per cent of defenders under protection come from regions outside of the city of Bogotá.

74. The table below contains the figures on the protection afforded to vulnerable persons as of 18 July 2014:

Table 1
Persons protected by the National Protection Unit

Groups of persons	*Numbers registered*
Post — Public Servants	3 656
Risk — Colombian agency for the reintegration of armed insurgents and insurgent groups	21
Risk — Forensic representatives or staff involved in judicial or disciplinary proceedings	7
Risk — Leaders of the 19 April Movement (M-19) and the Socialist Renovation Movement	47
Risk — Leaders or activists of political groups, particularly opposition groups	116
Risk — Trade union leaders or activists	673
Risk — Leaders, members and survivors of Patriotic Union and the Communist Party	573
Risk — Leaders, representatives and activists of organizations defending human rights	621
Risk — Leaders, representatives and activists of professional associations	3
Risk — Leaders, representatives and members of ethnic groups	357
Risk — Teaching staff as defined in resolution No. 1240 of 2010	18
Risk — Former public servants and public servants responsible for designing, coordinating and implementing the human rights and peace policies of the National Government	193
Risk — Children and relatives of former Presidents and former Vice-Presidents of the Republic	27
Risk — Medical staff	10
Risk — Journalists and social communicators	116
Risk — Witnesses to violations of human rights and international humanitarian law	23
Risk — Victims of violations of human rights and international humanitarian law	1 082
Total	**7 543**

Source: National Protection Unit, July 2014.

Article 7
Prohibition of torture and cruel, inhuman or degrading treatment or punishment, and of non-consensual medical or scientific experimentation

1. Legislative developments

75. Colombia has a comprehensive legislative framework to prevent and punish torture; for example, article 178 of the Colombian Criminal Code (Act No. 599 of 2000) classifies torture as a criminal offence, while article 137 establishes the separate offence of torture of a protected person. National legislation provides even sounder guarantees, as it establishes that any person, and not only State officials, may be considered a perpetrator of torture.

2. Legal developments

76. In Ruling T-001 of 2012, the Constitutional Court clarified the scope of indigenous justice, stating that "the power held by indigenous authorities … is limited by respect for the right to life, the prohibition against torture and cruel, degrading and inhuman treatment and the right to due process, which are principles that take precedence over ethnic and cultural diversity and are the subject of a true intercultural consensus". In Ruling T-077 of 2013, the Court stipulated that cruel, inhuman or degrading treatment of prisoners was prohibited, reaffirming that "all persons deprived of their liberty shall be entitled, in their place of detention, to treatment that is in accordance with respect for human rights, including the right not to be subjected to cruel, degrading or inhuman treatment".

3. Administrative developments

77. In an effort to bring practice into line with established norms, an inter-agency process for torture prevention is under way, in which relevant government institutions carry out coordinated actions in an effort to promote the right to personal safety and the absolute prohibition of all forms of torture and other cruel, inhuman or degrading treatment or punishment.

78. Thus, through Directive No. 626 of 11 February 2011, the Directorate-General of the National Prisons Institute declared a state of emergency in respect of disciplinary matters to enable it to address the most urgent situations, deal with the various known cases of misconduct and prioritize cases of alleged human rights violations.

79. Efforts to raise awareness and spread knowledge of human rights have also been strengthened, with particular emphasis on the duty of prison officials to guarantee the rights of prisoners, as a major strategy for the prevention of torture. Similarly, persons deprived of their liberty are entitled to submit complaints of alleged human rights violations to bodies outside the prison, such as the Ombudsman's Office, the Counsel-General's Office and the Senate Committee on Human Rights.

Article 8
Prohibition of slavery, servitude and forced labour, and protection against such practices

1. Legislative developments

80. The Government of Colombia has enacted legal measures to protect vulnerable persons at risk of being subjected to servitude, slavery or forced labour.

81. Article 17 of the Constitution expressly prohibits all forms of slavery, servitude and trafficking in persons. Article 188 A of the Colombian Criminal Code punishes the following forms of trafficking in persons: sexual exploitation, forced labour or services, marital servitude, forced begging, and the removal of organs.

82. In consonance with this legislative framework, Decree No. 4108 was issued on 2 November 2011, setting out the objectives and structure of the Ministry of Labour, of which the labour administration sector is a part, and establishing the Ministry's responsibility for introducing mechanisms and strategies to combat trafficking in persons in the world of work.

83. Decree No. 1069 of 12 June 2014 determines the channels through which victims of human trafficking may seek support. The Decree regulates the areas of competence, benefits, procedures and formalities that apply to the relevant bodies providing protection and assistance to victims of trafficking in persons.

2. Administrative developments

84. The Inter-institutional Committee to Combat Trafficking in Persons has been established and is responsible for taking preventive measures, assisting and protecting victims, investigating and prosecuting trafficking offences, and for promoting international cooperation to combat trafficking.

85. As part of its functions, the Inter-institutional Committee has circulated and disseminated the national public policy on combating trafficking in persons and has helped local authorities to implement the policy, focusing on their particular features and capabilities and on the special characteristics of the populations they govern. In addition to the steps taken at the national level, each Department in the country has its own Departmental Committee to Combat Trafficking in Persons, whose technical committee secretaries receive legal and technical assistance regarding their constitutional and legal obligations.

86. As a measure to prevent trafficking in persons, the Government has set up a national trafficking in persons hotline (01 8000 52 2020) to provide all necessary information on the issue. In 2013, a national conference was held with supervisors and other officials from units for the investigation of sexual offences and trafficking in persons within the investigation branches of the national police force; 50 officials were trained at the conference. A training session on the investigation, prosecution and punishment of trafficking in persons was also held and attended by 33 civil servants.

87. The State has designed a framework for coordination to address suspected cases of trafficking through the Anti Human Trafficking Operations Centre. When the Centre is notified of a victim of human trafficking, it is responsible for coordinating the response by the institutions involved in supporting victims and for prosecuting, investigating and trying such offences.

88. With regard to forced labour, various actions have been taken via the Ministry of Labour's Employment Equity Group, such as the signing of Cooperation Agreement No. 291 of 2012 between the Ministry of Labour and the United Nations Office on Drugs and Crime, which provides for an online training programme on trafficking in persons for purposes of labour exploitation intended for inspectors and officials from local labour authorities throughout the country.

89. The Ministry of Labour has also been providing information and guidance to migrants and victims of trafficking in persons. In this respect, a guide for international migrant workers entitled "Things to keep in mind if you are Colombian and wish to travel abroad" has been drafted and published.

90. The Colombian Family Welfare Institute, for its part, has taken steps to ensure that victims of trafficking have access to psychosocial services, assistance and support. To that end, it signed Inter-Agency Agreement No. 085 of 2008 with the Attorney General's Office on the operation of sexual violence investigation and victim support centres (CAIVAS). The primary objective of the centres is to ensure that victims receive comprehensive and timely care from all the State institutions responsible for serving them. It is important to note that foreign victims have access to services on an equal footing with Colombian victims.

Article 9
Right to liberty and security of person, guarantee against arbitrary detention

1. Legislative developments

91. In relation to these rights, Act No. 1436 of 2011 was adopted during the reporting period. The Act entitles civil servants to the rights and guarantees enshrined in Act No. 986 of 2005, which provides for measures to protect victims of kidnapping and their families. The Act stipulates that civil servants who are victims of the crimes of kidnapping, hostage-taking or enforced disappearance after their appointment has ended can benefit from the Act on the same terms as if they were still serving.

2. Legal developments

92. With regard to the right to liberty, the Constitutional Court has declared as unconstitutional regulations that do not comply with the legal requirements for issuing arrest warrants or the exceptions to those requirements, namely cases of flagrante delicto and pretrial detention. This was upheld by Ruling C-1001 of 2005, which declares unconstitutional article 300 of Act No. 906 of 2004 (the Criminal Code), which gives the Attorney General or his or her representative the power to order an arrest without a warrant, and by Ruling C-730 of 2005, which declares as unconstitutional the first part of article 2, paragraph 3, of Act No. 906 of 2004.

93. In Ruling C-239 of 2012, the Constitutional Court interpreted article 56, paragraph 2, of Act No. 1453 of 2011, as meaning that persons arrested during maritime interdiction operations should be brought before a due process judge and their legal status determined as quickly as possible, and that in no case should the period exceed 36 hours from the time of their arrival at a Colombian port. In the Ruling, the Court reaffirms that there are exceptions to the right to liberty but that they are subject to constitutional and legal provisions established to guarantee this right.

3. Administrative developments

94. Plans implemented by the Ministry of Defence include training courses for military personnel on arrest procedures, with a focus on clearly determining whether the arrest is in flagrante delicto or has been ordered by a judicial authority, the procedure to be followed and the role of first responders. The purpose of this is to prevent arbitrary detentions that might violate or jeopardize the rights of any citizen at the moment of arrest.

95. In addition, thanks to government efforts to combat crime in general, and the crime of kidnapping in particular, the number of kidnappings dropped significantly during the reporting period, as shown by the following figures.

Table 2
Number of kidnappings, 2009-2014

	Kidnapping		
Year	*Direct victims*	*Indirect victims*	***Total victims***
2009	382	19	**401**
2010	390	30	**420**
2011	465	76	**541**
2012	736	77	**813**
2013	230	24	**254**
2014	14	0	**14**
Unknown	5	1	**6**

Source: National Information Registry, Comprehensive Victim Support and Reparation Unit.

Article 10
Rights of persons deprived of their liberty

1. Legislative developments

96. The following legal instruments have been adopted to guarantee this right.

97. Act No. 1709 of 2014 amended the Penitentiary and Prison Code and the National Penitentiary and Prison System, which regulate matters such as work and social rehabilitation for prisoners and the easing of custodial measures and introduce measures to guarantee the right to health, based on the principle of human dignity.

98. Act No. 1453 of 2011 established penal measures to guarantee public safety. Article 7 of the Act amended the provisions of Act No. 599 of 2000 on the offence of using minors to commit a crime.

99. Decree No. 860 of 2010 governs the obligations of the State, of society and of the family to prevent children and young people from committing criminal offences and from reoffending, as well as the responsibilities of the parents or guardians of minors who have committed such offences.

2. Legal developments

100. The concept of a special dependent relationship has been developed by the Constitutional Court in its case law. One example is the relationship between the judicial and administrative authorities, whereby persons under the jurisdiction of the administrative authorities are subject to "a particular legal regime that entails special treatment with regard to liberty and fundamental rights".[6] Pursuant to this relationship, prison authorities have the power to suspend or restrict some of prisoners' fundamental rights; however, this also implies respect for and guarantees other rights that may not be limited or restricted in any way, such as the right to life, the right to human dignity, the right to personal integrity, the right of equality, the right to freedom of religion, the right to recognition as a person before the law, the right to health, the right to due process, the right of petition and the right to be presumed innocent. As stipulated in Ruling T-153 of 1998, deprivation of liberty does not change the non-derogable nature of these rights.

101. With regard to prisoners' right to health, the Constitutional Court has emphatically stated that the State has a duty of solidarity to provide care, by virtue of

[6] Constitutional Court Ruling T-077 of 2013, Presiding Judge: Alexei Julio Estrada.

which it must ensure that individuals under its authority receive health-care services. This right must be guaranteed on an equal footing to persons under house arrest.[7] The Court has made similar rulings regarding the right to food, the right to hygiene and other basic rights of prisoners.

102. The Court has reaffirmed that the right to human dignity must be "the key pillar of the relationship between the State and persons deprived of their liberty",[8] inasmuch as the right may not be limited or restricted under any circumstances, since it is a guarantee to which all persons are entitled without distinction.

3. Administrative developments

103. The public policy on the juvenile criminal justice system, as set out in document CONPES 3629 of 14 December 2009, was submitted for consideration to the National Economic and Social Policy Council, with a view to ensuring that adequate care is provided to young offenders. It covers the period from 2010 to 2013 and addresses five main issues: services provided by State institutions, human resources, participation, coordination and collaboration among national and regional bodies that make up the juvenile criminal justice system, and an information system.

104. In addition, on the basis of article 168 of the Penitentiary Code, the national Government declared a state of emergency in the penitentiary and prison system on 31 May 2013, on account of the problem of overcrowding affecting all national prisons and which poses a serious risk to the health and hygiene of prisoners. This state of emergency was declared as a means of improving physical conditions in prisons, reducing the current levels of overcrowding and meeting the basic needs of all persons deprived of their liberty. The aim is to guarantee the minimum standards of detention in accordance with the State's obligations under international instruments.

105. In this connection, the State has been working on solutions to the prison overcrowding problem. A series of actions and strategies have been defined for implementation over the short, medium and long terms.[9] Progress has also been made towards strengthening human rights policy through the drafting of norms and instructions and the introduction of mechanisms for participation and dialogue between the administration and persons deprived of their liberty.[10]

Article 11
Prohibition on criminal liability for contractual obligations

106. As indicated in the sixth periodic report of Colombia to the Human Rights Committee, Colombian criminal law guarantees this principle on the basis of article 28 of the Constitution, which states as follows: "Article 28 — All persons are free … In no circumstances shall anyone be arrested, detained or imprisoned for debts or

[7] Constitutional Court Ruling T-266 of 2013, Presiding Judge: Jorge Iván Palacio.

[8] Constitutional Court Ruling T-175 of 2012, Presiding Judge: María Victoria Calle Correa.

[9] These include: the classification of prisons; the establishment of comprehensive care units; prisoner transfers; plans to create new places in prisons; and closer cooperation with the justice system, with a view to using alternative forms of punishment and non-custodial measures.

[10] Actions taken include: the development of guidelines and standing instructions on human rights and the creation of mechanisms for participation and dialogue between prison authorities and persons deprived of their liberty; the creation of online training modules; academic exchanges; and the conducting of surveys and awareness-raising campaigns on subjects of national and international interest. The situation of persons deprived of their liberty benefiting from interim or preventive measures requested by international human rights bodies has also been monitored and verified, so that the requested reports may be submitted.

sentenced to penalties or security measures that are not subject to statutory limitations.”

Article 12
Freedom of movement

1. Legislative developments

107. The Government has made efforts to guarantee the right to freedom of movement, recognizing through its actions the importance of providing redress for the harm caused by forced displacement. In this regard, the following legal instruments have been enacted.

108. Act No. 1448 of 2011 and Decree Laws Nos. 4633, 4634 and 4635 of 2011, which pertain to ethnic groups, provide for mechanisms to assist, care for and provide full reparation to victims of forced displacement. These mechanisms are implemented by the Comprehensive Victim Support and Reparation Unit and the Land Restitution Unit. The Act is regulated by Decree No. 4800 of 2011.

109. Chapter III of Act No. 1448 of 2011 refers to the rights of reparation, assistance and support for victims of forced internal displacement, while article 60 refers to provisions already in place on care for internally displaced persons, such as Act No. 387 of 1997 and Decree No. 1290 of 2008, and complements those provisions with mechanisms set out in Act No. 1448 of 2011, recognizing forced displacement as an act of victimization that requires full reparation.

2. Legal developments

110. In Ruling T-159 of 2011, the Constitutional Court stated that guaranteeing the rights of displaced persons “is of great importance given that the main effect of internal displacement is to uproot these persons and force them to abandon their lands, with the inevitable result of depriving them of their right to farm the land — a major source of social, employment, economic and family stability”.

111. In Ruling T-025 of 2004, the Constitutional Court declared forced displacement to be an unconstitutional state of affairs[11] and issued a series of orders requiring the authorities to take action to overcome the structural shortcomings preventing displaced persons from receiving proper care. In this regard, the Court decided to retain jurisdiction over the matter and has been monitoring the situation by issuing 35 decrees between 2010 and 2013 and requiring the relevant stakeholders to submit periodic reports in response to them.

3. Administrative developments

112. During the reporting period, State institutions have been strengthened in order to provide comprehensive care to victims of the armed conflict in general, and to victims of forced displacement in particular. It was to this end that the Comprehensive Victim Support and Reparation Unit and the National System for Comprehensive Victim Support and Reparation were established. The latter comprises all national government and State bodies — which number about 50 — as well as regional and other public or private organizations responsible for developing or implementing plans, programmes,

[11] A legal concept created by the Constitutional Court, according to which certain situations are blatantly unconstitutional, as they involve systematic and collective violations of the fundamental rights and principles enshrined in the Constitution, and on the basis of which the competent authorities are urged to take all necessary measures to remedy the state of affairs. The Constitutional Court invoked this concept for the first time in Ruling T-227 of 1997.

projects and specific actions aimed at providing comprehensive support and reparation to victims.

113. In order to give effect to the right to freedom of movement and in response to the Human Rights Committee's recommendation (CCPR/C/COL/CO/6, para. 23), the Victims Unit has returned and relocated 44,000 families. Likewise, victims of forced displacement have the right to receive the following comprehensive support, assistance and reparation services: support (the right to receive information on the various support services and measures adopted in implementation of the Victims Act); assistance (the right to benefit from various measures and programmes); and reparation (the enjoyment of their rights, guaranteeing full reparation).

114. Under the current legal framework, victims of forced displacement have the right to return or relocate their family group if they so choose. During this process, their situation is monitored in order to verify that their access to health, education, food, psychosocial care, employment counselling, family reunification, identity documents and decent housing, as well as public services, land restitution, roads, communication, food security, income and work can be guaranteed.

115. In order to ensure that victims may exercise the right to freedom of movement, the process of return or resettlement seeks to rebuild their lives as a form of reparation.

116. In addition, a procedure for granting compensation to displaced population groups takes into account international standards on comprehensive reparation for human rights violations. This is addressed in the Plan for Comprehensive Support, Assistance and Reparation, the compensation mechanism for victims of forced displacement, which provides compensation for the damages suffered through an administrative mechanism.

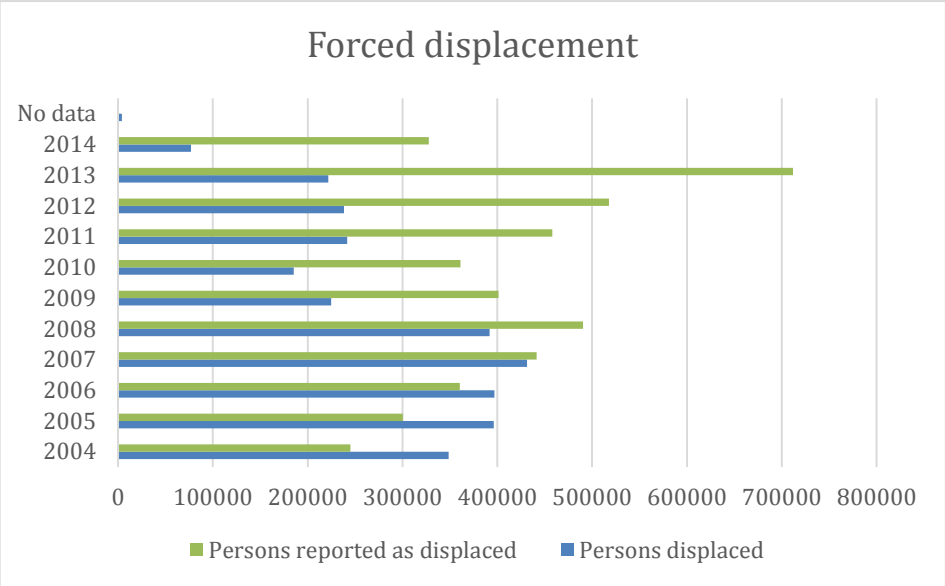
117. Thanks to measures taken by the State to safeguard the rights of the population, the number of forced displacements in Colombia has dropped significantly.

Table 3
Number of forced displacements, 2004 to 2014

Year	*Number of persons displaced*	*Number of persons reported as displaced*
2004	348 630	245 149
2005	396 248	300 464
2006	396 978	360 298
2007	431 305	441 582
2008	391 960	490 577
2009	224 635	401 312
2010	185 366	361 125
2011	241 490	457 970
2012	238 179	517 699
2013	221 785	711 920
2014	77 019	327 874
Unknown	3 901	48

Source: National Information Network, Comprehensive Victim Support and Reparation Unit.

Figure I
Forced displacement, 2004 to 2014



Source: National Information Network, Comprehensive Victim Support and Reparation Unit.

118. In addition, Act No. 1448 of 2014 provides for land restitution, as part of the comprehensive reparation measures offered.

119. Persons are entitled to have their land returned if they owned or had possession of land or cultivated wasteland to which they expected to acquire ownership through legal action, and if they were dispossessed of their land or forced to abandon it as a direct or indirect consequence of events that occurred between 1 January 1991 and the date of expiry of the Act and which entail violations set out in article 3 of Act No. 1448.

Article 13
Protection of aliens from arbitrary expulsion

1. Legislative developments

120. Pursuant to article 100 of the Constitution of Colombia, foreigners enjoy the same civil rights as Colombian citizens. Nevertheless, for reasons of public order, the law may impose special conditions on or nullify the exercise of specific civil rights by foreigners. Similarly, foreigners shall enjoy guarantees granted to citizens, subject to the limitations established by the Constitution or by law.

121. Likewise, certain constitutional provisions refer in various ways to the rights of foreigners in Colombia. For example, article 13 establishes the right to equality in the following terms: “All persons are born free and equal before the law, shall be given equal protection and treatment by the authorities, and shall enjoy the same rights, freedoms and opportunities without any discrimination on grounds of sex, race, national or family origin, language, religion, political opinion or philosophy.” Furthermore, article 36 of the Constitution establishes the right of asylum.

122. The Government has made significant progress in its legislation on migration, as described below.

123. Decree No. 3355 of 2009, which restructures the Ministry of Foreign Affairs, establishes the Ministry's responsibility to "manage and coordinate the issuance of passports and visas, issue diplomatic and official passports, instruct and oversee the bodies involved in issuing passports and in certifying and legally recognizing documents, in accordance with the agreements signed on the subject, and ensure that those documents are recognized internationally".

124. Decree No. 4057 of 2011 transferred responsibility for monitoring migratory flows of Colombian nationals and foreigners and implementation of other provisions on the subject set out in article 20, paragraph 10, of Decree No. 643 of 2004 to the Special Administrative Unit for Migration of Colombia, which is part of the Ministry of Foreign Affairs.

125. Decree Law No. 019 of 2012 sets out fast-track procedure for the registration of foreigners. All foreign nationals who hold a visa, except holders of preferential or visitor's visas, may register with the Registry of Foreigners through the National Foreigners Registration System found on the website of the Special Administrative Unit for Migration of Colombia.

126. Decree No. 1514 of 2012 regulates travel documents and establishes procedure for obtaining them. In addition, Decree No. 834 of 2013, which repeals Decree No. 4000 of 2004, also contains provisions on migration.

2. Administrative developments

127. During the reporting period, the National Economic and Social Policy Council issued the Government's comprehensive migration policy. The policy incorporates guidelines, strategies and actions to benefit Colombians living abroad and foreigners residing in the country. It focuses on: (a) comprehensively addressing all aspects of the development of this population group; and (b) improving the effectiveness of the mechanisms for carrying out strategies and programmes concerning migrants.

128. Generally speaking, the policy is designed to uphold, protect and guarantee the rights of all persons involved in migration processes and to create conditions under which the decision to migrate may be taken freely so that all citizens may shape their own destiny with assistance and protection from the State.

Article 14
Equality before the law, guarantees of due process and the principles governing the administration of justice

1. Legislative developments

129. On the basis of legal measures implemented since the submission of the sixth periodic report, significant progress has been achieved with regard to guaranteeing due process, specifically through the establishment of procedural norms.

130. Act No. 1564 of 2012 sets out the General Code of Procedure, through which the Government has made structural changes to how justice is administered, in order to streamline formalities and procedure so as to provide timely and effective justice, thereby facilitating citizens' access to the justice system.

131. Act No. 1437 of 2011 sets out the Code of Administrative Litigation Procedure, which was established to resolve cases through administrative channels, to dispense with the need for citizens to appear before a judge except in exceptional situations, thereby easing the burden on the judicial system.

2. Legal developments

132. In Ruling C-896 of 2012, the Constitutional Court declared unconstitutional article 80 of Act No. 1480 of 2011, which had allowed the Ministry of Justice to exercise judicial functions. The Court reaffirmed that the Constitution expressly prohibits investing administrative authorities with the power to institute prosecutions or to try offences, as doing so violates the right to due process.

133. In Ruling C-818 of 2011, the Court summarized the regulations on protecting the fundamental right of petition in the following terms: "the right of petition is key to ensuring the effectiveness of a participatory democracy. Other constitutional rights are also guaranteed, such as the rights to information, political participation and freedom of expression."

3. Administrative developments

134. The bodies responsible for judicial and administrative proceedings, such as the Counsel-General, guarantee fundamental rights and aim to, inter alia, combat impunity for serious human rights violations and breaches of international humanitarian law.

135. Thus, within the adversarial system of criminal justice, the Public Legal Service plays a special role as a guarantor of human rights, representative of society and monitoring body. The purpose of its work is to protect the legal system, public property and fundamental rights and guarantees.

136. One of the major projects that the Service carries out through the Attorney-Delegate for the public prosecutor in criminal cases is "Action to Combat Impunity for Miscarriages of Justice", through which it guarantees the fundamental rights of citizens unjustly deprived of their liberty, thereby reducing impunity for individual error, taking into account relevant international standards.

137. The objective of the project is to bring about the release of innocent persons convicted through a miscarriage of justice, to facilitate reduced sentences for persons entitled to have their penalties reduced, to promote judicial reforms aimed at reducing the number of innocent persons imprisoned due to a miscarriage of justice, and to provide specialized support to the Public Legal Service in its efforts to ensure that persons convicted due to a miscarriage of justice are released and that the rights of victims in criminal proceedings are recognized.

138. In 2011, the Attorney General's Office took up the challenge to draft and develop a policy to ensure that all officials in the Office are aware of and observe the principle of equality and non-discrimination. The policy is to be followed by decisions taken by the courts and in the day-to-day dealings with officials and users of the judicial system. Work has been carried out in collaboration with the Colombian Family Welfare Institute to design a specific methodology for investigating violations of human rights and of international humanitarian law in cases where the victims are children or adolescents. Differentiated treatment is also given to older persons, Colombians of African descent, members of indigenous groups, persons with disabilities and LGBTI persons.

Article 15
Principles of legality, non-retroactivity and benefit of criminal law

1. Legislative developments

139. In its article 6, the Code of Criminal Procedure (Act No. 906 of 2004), as amended by Act No. 1453 of 2011, incorporates the principles of legality, non-retroactivity and benefit of the criminal law as follows:

> Article 6. Legality. No one may be investigated or prosecuted except in accordance with the procedural law applicable at the time of the events, with observance of the forms appropriate to each case.
>
> The procedural law that is permissive or favourable in its substantive effects, even when subsequent to the action, shall be applied in preference to that which is restrictive or unfavourable.

140. These principles also apply in regard to the criminal responsibility of adolescents, as determined by Act No. 1098 of 2006, and in particular its article 151, which governs the right to due process and fair trial, and article 152, on the principle of legality.

2. Judicial developments

141. The Constitutional Court, in Ruling C-444 of 2011, addressed the principle of legality in a judgment on the unenforceability of the military criminal code, citing case law which had found that in order to impose criminal penalties, "it is not sufficient for the law to describe the punishable behaviour; it must also name the procedure and the judge competent to investigate and pass sentence on the conduct (Penal Code, arts. 28 and 29)". Thus, in order to convict an individual, it is not sufficient for the legislator to define the crimes and the sentences to be imposed; the legal system must also clearly establish an applicable procedure and a competent judge or court. The principle of legality represents in legal terms the democratic principle and is demonstrated more precisely in the requirements of *lex previa* and *lex scripta*.

Article 16
Right of everyone to recognition as a person before the law

1. Legislative developments

142. Decree No. 019 of 2012 created a web application to enable notaries' offices, consulates and other authorities responsible for issuing death certificates to update information concerning deaths in real time.

143. Mention should be made of Statutory Act No. 1622 of 29 April 2013, which introduced the status of youth citizenship with the objective of providing an institutional framework to guarantee all young people the full enjoyment of youth citizenship in the civil, personal, social and public spheres. In addition the municipalities, districts, departments and national government, in accordance with territorial autonomy, will formulate or update in a coordinated and participatory manner, public policies on youth, in accordance with different criteria depending on the territory and the context.

2. Judicial developments

144. The Constitutional Court has issued a number of rulings regarding the right to a legal personality, restating its case law in that respect, as in Ruling T-678 of 2012, which referred to the scope of this right which "is not limited only to the capacity of the human person to enter into legal relations and possess rights and obligations but also includes the possibility for all human beings to possess by their very existence and regardless of their status, certain attributes that are the essence of their legal personality and individuality as subjects of law". These attributes include the capacity to enjoy rights, the right to property, to a name, nationality, a home and civil status.

3. Administrative developments

145. The State has improved the Civil Registry thanks to the implementation of basic mechanisms and tools, such as the introduction of a system for issuing Civil Registry documents, which has provided 900 licences from a central site, with the relevant hardware, simultaneously linking 900 additional offices for notaries, clinics, hospitals and consulates in real time with public servants throughout the national territory.

146. Furthermore, the database had been updated and enlarged with improvements to the hardware and software infrastructure of the Civil Registry computer, thus averting the need to send out hard copies of civil registration documents and enabling the relational database (BDR) to expand from almost 32 million to 75 million entries. The information incorporated in the system online and in real time, has established connectivity between clinics and notaries and early registration of births.

147. A further development made by the State regarding identification concerns identity cards; since 24 July 2012, the blue biometric identity card has been introduced, using the same materials as the citizenship card. The inclusion of children and youth in the biometric identification system benefits both minors bearing the document and their family, and the public and private entities providing them with services.

148. The National Civil Registry Office has set up a new factory to produce citizenship and identity cards, which operates in parallel with the new (AFIS) fingerprinting system. This has increased the production capacity for citizenship and identity cards for minors between 14 and 18 years of age from 12,000 to 60,000 documents per day, and has achieved large-scale registration of identity documents with a focus on extensive updating of citizenship cards thanks to an average production of 16,000 cards per day.

149. As from 2008 and 2009 the Civil Registry began to update the national identification archive (ANI) to permit searches of the register of deaths in hospitals, cemeteries, town halls, notaries' offices and parishes in 847 municipalities in the country concerning citizens who died between 16 June 1938 and 31 May 2009.

150. Similarly, notaries' offices, consulates and other authorities responsible for notifying the civil registry of deaths, registered 155,974 deaths through the web application introduced in accordance with Decree No. 019 of 2012, which promotes the registration of deaths in real time. As a result, an increase of 36.48 per cent was recorded from the previous year, as shown in the table below.

Table 4
Comparison of deaths recorded in the civil register with the RNEC-web application

Record of civil registration of deaths through the RNEC-web application	
Year	*Civil Register of Deaths*
2012	99 070
2013	155 974
Percentage variation 2012-2013	36.48

Source: Department of Civil Registration (Dirección Nacional de Registro Civil).

151. Since 1 January 2010, Colombian citizens have been required to carry a single type of yellow identity card with biometric holograms, which have high standards of quality and security in line with international standards. Since then, 4,504,489 citizenship cards have been produced.

152. The State, through the national register for civil registration and its 10 mobile units, has reached the most remote places in Colombia, providing identification for people who, on account of marginalization, remoteness, cultural identity and lack of knowledge, had been unable to obtain identity documents and therefore unable to access services provided by the State.

Article 17
Right to privacy, protection of private correspondence, the inviolability of the home and protection of personal honour

1. Legislative developments

153. Act No. 1341 of 2009 "which defines the underlying principles and concepts of the Information Society and the organization of information technology and communications, sets up the National Spectrum Agency and determines other provisions", also stipulates that any person who considers themselves to have been injured by inaccurate statements transmitted through the telecommunications services has the right to make a correction, to inviolability, privacy and confidentiality in telecommunications.

154. By Decree No. 2618 of 2012, the Government modified the structure of the Ministry of Information Technology and Communications. It created the Radio Broadcasting Sub-directorate and the Sub-directorate for Monitoring and Oversight of Radio Broadcasting with responsibility for assigning licences for the provision of radio broadcasting services and for monitoring, oversight and sanctions in relation to those services, verifying their compliance with the purposes and principles of the service and with the obligations set down in the Act.

155. Statutory Act No. 1581 of 2012, partially amended by Decree No. 1377 of 2013, sets out the basic right of habeas data embodied in the Constitution of Colombia which institutionalizes the mechanisms through which citizens may exercise their right to access, update, rectify and suppress personal data with any entity that administers a database.

2. Legislative developments

156. The Constitutional Court, in Ruling T-058 of 2013, interpreted habeas data as "a right that possesses a dual character; on the one hand, it has constitutional status as an

autonomous right, under article 15 and, on the other, is considered as a guarantee of other rights. As an autonomous right, habeas data has a concrete protected objective: the right of the holder to control by whom (and how) information is administered concerning him or her and the right of the holder to know, update, rectify, authorize, include and exclude information about him or her from a database".

157. In accordance with this right, in Ruling T-017 of 2011 the Constitutional Court has ruled that habeas data "confers on the holder the possibility to control the inclusion of personal information in archives and databanks, provided he or she has the prior and conscious authorization of the person concerned which is an essential requirement for the valid collection and storage of this data".

3. Administrative developments

158. The Office for Oversight of Industry and Commerce (SIC) established the "SIC Mobile" programme which has been operating in San Andrés Islas since 2013. It involves monitoring of the use of personal data and credit history information, known as financial habeas data, through the Authority for the Protection of Personal Data. This function of SIC entered into force under Act No. 1581 of 2012, since when public and private bodies that manage databases containing personal information must ensure that it is processed in accordance with the requirements of the New Data Protection Regime in Colombia.

159. Consequently, the functions assigned to the Office for Oversight of Industry and Commerce enable it to carry out investigations, to order corrective measures in order to protect citizens' right to habeas data, to place a temporary embargo on data, to order the deletion or correction of information in a database and to manage the National Civil Registry of Databases.

160. It is important to note that the Office for Oversight of Industry and Commerce is fully authorized to handle claims from members of the public and to investigate any failure of managers or data processors to carry out their duties.

Article 18
Freedom of thought, conscience and religion

1. Legislative developments

161. Freedom of religion and worship is recognized under article 19 of the Constitution.

2. Judicial developments

162. In Ruling C-291 of 2007, the Constitutional Court declared unconstitutional the expression in articles 156 and 157, "duly designated by the conventional signs" which refers to the penal sanction for the destruction or unlawful use of cultural property and places of worship as educational establishments or places of worship which are part of the cultural or spiritual heritage of peoples. The Ruling states that: "this requirement is not included in international humanitarian treaties or customary rules which protect cultural property and works or facilities restraining destructive forces; consequently, the introduction into criminal law of the requirement for the presence of signs restricts the scope of applicable international safeguards, since it excludes from protection under these provisions both cultural and religious property and the works and facilities that restrain destructive forces that have not been marked. By restricting the scope of protection provided for these guarantees, which principally reflect the principle of separation, the provision contradicted articles 93, 94 and 214 of the Constitution."

163. Similarly, in Rulings C-728 of 2009 and T-018 of 2012 the Constitutional Court ruled on conscientious objection to compulsory military service, stating that despite the absence of regulatory provisions on the subject, in articles 18 and 19 and the constitutional corpus, it was possible to conclude as to the existence of the right of individuals to refuse to perform military service on grounds of conscience.

3. Administrative developments

164. In accordance with the efforts and actions deployed by the Government, the Ministry of the Interior has been performing specific functions in respect of freedom of religion. These include recognizing the legal personality of churches, faiths and religious denominations, their federations, confederations and associations of ministers, organizing and maintaining the public register of religious entities and registering entities and conducting the negotiation and drafting of agreements under public domestic law relating to churches and religious confessions.

165. The following table provides figures on the number of legal entities authorized as religious bodies in Colombia.

Table 5
Figures on legal entities authorized as religious institutions
Statistics from the Legal Office — religious affairs unit, years 2011 to 2013*

	2011			*2012*			*2013*		
Month Topic	*Entities questioned*	*Entities processed*	*Per quarter*	*Entities questioned*	*Entities processed*	*Per quarter*	*Entities questioned*	*Entities processed*	*Per quarter*
January	230	217	659	138	138	443	106	82	229
February	283	260		196	162		128	89	
March	273	182		137	143		82	58	
April	115	105	608	77	97	254	117	95	391
May	180	213		83	82		143	155	
June	187	290		70	75		149	141	
July	129	112	500	104	64	268	167	149	357
August	180	197		106	129		172	146	
September	190	191		67	75		159	62	
October	195	195	523	100	73	284	89	97	281
November	187	170		104	74		123	90	
December	170	158		114	137		114	94	
Total	**2 319**	**2 290**		**1 296**	**1 249**		**1 549**	**1 258**	

* *Source*: Action plans submitted by the Planning Office of the Ministry of the Interior.

166. However, with regard to the drafting and formulation of public policy on religious matters, under Decree 2893 of 2011 (art. 1), the objectives, organization structure and functions of the Ministry of Justice have been modified to vest it with overall responsibility for formulating, adopting, directing, coordinating and executing public policy, plans, programmes and projects in respect of "freedom of religion and the right of the individual to profess a religion or belief".

167. To that end, the Government proposes to set up within the Ministry of the Interior a specialized religious affairs unit, to which end it intends to establish the

Department for Religious Affairs within the Office of that Ministry's Deputy Minister for Participation and Equal Rights.

168. The project to set up the Department reflects the exceptional increase in the number of churches and religious entities which, by 18 March 2014 comprised 5,163 religious institutions with a legal status recognized by the Ministry,[12] a number that is increasing day by day.

Article 19
Freedom of opinion and expression and responsibilities in exercising those freedoms

1. Legislative developments

169. In accordance with the rights enshrined in this article, the Government has developed a broad framework of legislation through which it guarantees and ensures the application of rights. It has adopted the legislation described below:

170. Act No. 1341 of 2009, modernized the telecommunications sector with a shift from communications to information and communication technologies (ICT). The major guiding principles of the legislation are priority for access to and use of ICT, the right to communication, information and education and to basic ICT services and upscaling of online Government services.

171. Decree No. 4179 of 2011 established, organized and granted powers to the Administrative Department of the National Intelligence Directorate (DNI).

172. Decree No. 2693 of 2012 "defines the basic guidelines for the Government online strategy of the Republic of Colombia, regulated in part through Act Nos. 1341 of 2009 and 1450 of 2011, and incorporates other provisions"; this strategy facilitates the citizen's right to seek and to receive information from the Government.

173. Act No. 1507 of 2012 modernizes the television sector by sharing out responsibilities between the State entities in respect of television.

174. Statutory Act No. 1621 of 2013, "which lays down regulations to strengthen the legal framework and allows bodies conducting intelligence and counter-intelligence activities to carry out their constitutional and legal mission, and incorporates other provisions", established the Advisory Commission for Data and Archive Cleansing of Intelligence and Counter-Intelligence, administered by the State Prosecutor's Office with the participation of representatives of civil society; its article 31, established a committee for updating, correction and withdrawal of data and archives of the intelligence services, within DNI.

2. Judicial developments

175. The Constitutional Court has ruled that freedom of expression may not be interpreted as an absolute right because, first and foremost, it is subject to the rights of the many and respect for the rule of law. To that end, in light of the Constitution, the legal system sets out requirements for the receipt, management, dissemination, distribution and transmission of information, with a view to ensuring the rights of all — such as honour, reputation or privacy — and with the aim of preserving, inter alia, the public interest, protecting safety and public order, public health and morality.[13]

[12] *Source*: Public Register of Religious Entities.
[13] Ruling T-1037 of 2010.

176. Hence the exercise and enjoyment of rights, in accordance with article 95 of the Constitution, involves responsibilities and rights which include the obligation not to abuse them or to use them without respect for the rights of the many, as well as to work in accordance with the principle of social solidarity and in order to preserve a healthy environment.[14]

177. According to the Constitutional Court, freedom of expression may be subject to limitations when it becomes essential to ensure public order in a specific area of the territory. Nevertheless, there are no circumstances in which a general, abstract and indefinite restriction may be valid, for reasons of public order or security, either on the part of the legislator or any other authority, and each restrictive measure must meet the following requirements: (a) suitability, in accordance with which it must represent a suitable means of achieving an overriding constitutional end; (b) necessity, in other words, there must be an analysis of whether or not the limitation is essential or whether it is possible to achieve a similar result with a lesser sacrifice of constitutional principles and which is capable of producing the intended result; (c) proportionality, in order to determine whether the limitation does not sacrifice constitutional values and principals which are of greater importance than those safeguarded by the act that limits the right to freedom of expression and other related rights.[15]

3. Administrative developments

178. The right to freedom of expression has played a fundamental role in defending democracy and it is the basis and foundation for maintaining democratic principles. Freedom of expression makes it possible for political parties, trade unions, scientific societies and other occupational associations to exercise the right to freedom of association and freedom of expression and to influence the public.

179. Taking into account that within the framework of contemporary societies the effective exercise of the right to freedom of opinion and expression requires access to information and communication technologies, the Government has made considerable efforts to develop infrastructure in order to improve connectivity in Colombia.

180. With the intention of facilitating access to Information and Communication Technologies (ICTs) in rural areas which, on account of their remote location and population lack services, as well as in certain urban areas whose population, because of their low income, do not have access to Internet services in their households, the State has implemented major national projects.

181. It should be mentioned that to date the Ministry for Information and Communication Technologies has authorized 654 community radio stations and 227 public interest radio stations which offer different forums for expression. Similarly, it has been working to consolidate programmes and content and to provide radio broadcasting equipment.

182. Between 2011 and 2013 8,300 journalists throughout Colombia were trained via virtual training programmes available on the Internet. This consolidated the process of promoting freedom of opinion and expression and the professional responsibilities of journalists.

183. Furthermore, with regard to the recommendation made in paragraph 16 of the concluding observations of the Human Rights Committee on the sixth periodic report of Colombia in respect of the irregularities concerning alleged illegal acts by the officers of the Administrative Department of Security, the national Government

[14] Ibid.

[15] See Ruling T-948 of 2008.

decided to abolish the Administrative Department of Security[16] and to set up a new body, with a new approach, placing Colombia on a par with other Latin American countries in terms of national strategic intelligence and counter-intelligence. It also defined the new functions, aims and limits of the new body so as to enable it to guarantee human rights and individual freedoms, in strict adherence to the parameters laid down by the Constitutional Court for the conduct of intelligence and counter-intelligence activities, thus fulfilling the commitments of Colombia to human and international humanitarian rights.

184. In the same connection, Decree No. 4179 of 2011 was issued, establishing the Administrative Department of the National Intelligence Directorate and organizing and delegating tasks to it; the functions, staff and archives of the Administrative Department of Security were not transferred to the Administrative Department of the National Intelligence Directorate, but assigned to other institutions in accordance with their area of competence; judicial police duties were assigned to the National Police and to the Technical Investigation Corps (CTI); the functions of the International Criminal Police Organization (Interpol) to the National Police; the issuing of criminal record certificates with respect to migration to the organization Migración Colombia; and protection duties to the National Protection Unit.

185. To the same end, the principle of neutrality is followed to ensure that no investigation may be conducted on the basis of, inter alia, sex, race or social or economic status. Accordingly, strict controls are applied within the Department, with the establishment of a general inspectorate, with specific functions and which reports directly to the President of the Republic. Limits are also placed on the information to be held in databases, to ensure respect for the fundamental rights to privacy, the presumption of innocence, due process and secrecy of proceedings.

186. Legal authorization is now required in order to issue intelligence documents, which can only be authorized by the National Security Council, the highest levels of Government or the President of the Republic to whom, in turn, the information generated by the National Intelligence Directorate is transmitted. In addition, the Legal Monitoring Committee of the Congress of the Republic was established to exercise political control over the activities of the intelligence services.

187. Finally, the National Protection Unit (UNP) provides protection schemes for 116 journalists,[17] 43 of whom benefit from a protection scheme comprising police protection officers and a vehicle, while the others receive assistance and support for relocation, transport, bulletproof vests and cell phones. The Unit is also in direct contact with civil society associations such as the Federation for Freedom of the Press (FLIP), with whom it discusses threats of which it has been informed, since part of the remit of UNP is to keep in touch with the victims of threats and to offer them protection.

Article 20
Prohibition of propaganda for war and of advocacy of national, racial and religious hatred

Legislative developments

188. In addition to the legislative framework described in the fifth periodic report of Colombia, it should be noted that the Penal Code (Act No. 599 of 2000, as amended

[16] Decree No. 1457 of 2011, by which the Administrative Department of Security (DAS) was reassigned functions and which contains other provisions.

[17] Court figures from July 2014.

by Act No. 890 of 2004) established in its article 458 the offence of "incitement to war", defined as conduct intending to provoke war or hostilities against Colombia by another nation or nations.

189. Act No. 1482 of 2011 seeks to guarantee protection of the rights of a person or group of persons, a community or a town, which are harmed by acts of racism or discrimination; it amends the crime of "justifying genocide" set out in article 102 of the Penal Code, whereby: "Whoever, by any means, disseminates ideas or doctrines that encourage or promote genocide or anti-Semitism or justifies them in any, or seeks the rehabilitation of regimes or institutions that foster practices conducive thereto shall be sentenced to prison."

Article 21
Right of peaceful assembly

1. Legislative developments

190. Articles 37 and 38 of the Political Constitution provide for the right of assembly and association. Article 37 provides that "any group of individuals may gather and demonstrate publicly and peacefully. The law alone may expressly establish situations in which the exercise of this right may be limited". Article 38 provides that "the right of free association is guaranteed through the development of distinct activities that individuals carry out in society".

2. Judicial developments

191. In the opinion of the Constitutional Court, "only peaceful social protest benefits from protection under the Constitution. Violent demonstrations are not entitled to even prima facie protection under the Constitution".[18]

192. According to the Court, in order for the act to be characterized as a criminal offence, it must be specifically proven that it was carried out "in such a way" as to be actually prejudicial "to human life, public health, food safety, the environment or to the right to work". Accordingly, and on the basis of the legal right protected by the law that has been infringed, in order for an act to be defined as the offence of obstruction of a public highway in a manner which is prejudicial to public order, it must be proven that it disrupts the normal use of the public highway or transport infrastructure in such a way as to cause specific harm to human life, public health, food security, the environment or the right to work.[19]

193. In the view of the Constitutional Court, in order for the act to be characterized as a criminal offence, it must be specifically proven that it was carried out "in such a way" as to be actually prejudicial "to human life, public health, food safety, the environment or the right to work". Accordingly, and on the basis of the legal right protected by the law that has been infringed, in order for an act to be defined as the offence of obstruction of a public highway in a manner which is prejudicial to public order, it must be proven that it disrupts the normal use of the public highway or transport infrastructure in such a way as to cause specific harm to human life, public health, food security, the environment or the right to work.[20]

194. However, while it is acceptable that violent protest is punishable as a criminal offence, the offence must be strictly defined by law and in compliance with the criterion of proportionality on the understanding that it is the use of violence that is

[18] Constitutional Court, Ruling C-742 of 26 September 2012.
[19] Ibid.
[20] Ibid.

punishable under the law and not the act of protesting itself. Furthermore, the criminal penalty must be proportional to the right that has been infringed in order to ensure that legitimate protest is not criminalized.[21]

Article 22
Freedom of association, in particular the freedom to form and join trade unions

1. Legislative developments

195. In a bid to promote full development and use of collective negotiations the following legislation has been implemented.

196. Decree No. 1092 of 2012 regulating articles 7 and 8 of the ILO Labour Relations (Public Service) Convention, 1978 (No. 151), which was incorporated into Colombian legislation in Act No. 411 of 1997.

197. Decree No. 1195 of 5 June 2012 deals with procedures for negotiation and settlement of disputes with organizations representing public sector employees.

198. Decree No. 160 of 2014 sets out the procedure for conducting negotiations, and in particular determines which authorities are competent to consider petitions.

2. Judicial developments

199. In order to guarantee the right to trade unions freedom, the Court established in Ruling C-465-08 that the requirement to inform the Ministry of Labour of changes to the board of a trade is for the purpose of information alone. Similarly, registration of amendments to the statutes of a trade union is also for information alone and does not authorize the Ministry to scrutinize in advance the content of the reform or any changes to the statutes which are submitted.

3. Administrative developments

200. Freedom of association for trade unions is a subjective right that is voluntary in nature and comprises three types of freedoms: freedom of the individual to organize a trade union; freedom to form and join a trade union and independence of the trade union, that is, inter alia, freedom to designate leaders, freedom to meet, freedom to administer funds and freedom to appoint leaders.

201. Since 2010, in Colombia approximately 1,327 organizations have been registered with the Ministry of Labour, none of which have been subject to prior inspection by the Ministry and an average of 1,283 collective work agreements have been signed since 2010.

202. The Ministry of Labour has provided facilities for collective negotiations with a view to reducing labour conflicts through social dialogue as a source of revitalization to permit the establishment of agreements on trade unions freedoms and rights of association in accordance with the Declaration on Fundamental Principles and rights at work and trade unions freedoms.

203. Finally, to protect members of trade unions organizations attention should be drawn to the efforts of the National Protection Unit; by 2014, it had protected 673 members of trade unions organizations. Currently, 327 trade unionists benefit from protection schemes, including armoured vehicles, a driver and two bodyguards.

[21] See Rodrigo Uprimny and Luz María Sánchez, *Derecho penal y protesta social* (Criminal law and social protest).

204. The National Protection Unit monitors protection measures with most trade unions, through the Committee to Evaluate Risks and Recommend Measures (CERREM). It also holds regular meetings with the main trade unions, including, inter alia, the United Labour Union and the National Union of Food Industry Workers (SINALTRAINAL).

205. The Ministry of Labour intends to set up an intersectoral commission for the human rights of workers which will seek, with the participation of different institutions with responsibility for workers' issues, to reach agreements that will better guarantee trade unions matters.

Article 23
Protection of the family and of marriage

1. Legislative developments

206. In Colombia the family is recognized and its protection guaranteed under the Constitution as the fundamental unit of society, which has led to important legislative developments.

207. The aim of Act No. 1361 of 2009, "Comprehensive Protection of the Family Act", is to strengthen and guarantee comprehensive development of the family as the fundamental nucleus of society and it establishes provisions for the formulation of public policy to support and strengthen families.

208. Act No. 1404 of 2010 established a school programme for mothers and fathers in preschool, primary and middle school educational institutions.

209. Decree No. 2968 of 2010 created the National Intersectoral Commission to promote and guarantee sexual and reproductive rights.

210. Act No. 1432 of 2011 introduced subsidies for families affected by catastrophic events and natural disasters.

2. Judicial developments

211. In Ruling T-572 of 2010 on guardianship, the Constitutional Court reaffirmed the concept of the family, as part of the cultural diversity that characterizes Colombian society. In addition, in accordance with Ruling T-012 of 2012, the Court ordered that the ties should be maintained between biological fathers and their children, whatever the nature of the family group.

212. Similarly, in Ruling C-577 of 2011, the Constitutional Court confirmed that the institution of the family could take diverse forms, constituted by various "natural or legal ties".

213. The Council of State, in its judgement of 11 July 2013, relating to the family, defined it as "a social structure constituted by a process that creates ties of blood or affinity between its members. Accordingly, while the family may develop as a natural phenomenon created by the free will of two people, there is no doubt that the expression of solidarity, fraternity, support, care and love structures and brings cohesion to the institution".[22]

[22] Council of State, Third Section, judgement of July 2013.

3. Administrative developments

214. The progress made by the State with regard to protection includes:

(a) The National Public Policy to Support and Strengthen the Family 2012-2023, drawn up by the National Government under the leadership of the Ministry of Health and Social Security (Act No. 1361 of 2009);

(b) National Economic and Social Policy Council (CONPES) document No. 166 of 2013, which sets out national public policy on disability and social inclusion, and whose specific aims, include creating and strengthening human development of persons with disabilities, by increasing their capacities and those of their families and carers, and creating equal opportunities for development and participation in all spheres of life;

(c) The Comprehensive National Strategy for Early Childhood, From Birth for Life.

215. A project to provide training and support for families was designed in order to guarantee their rights at the national level, and was rolled out in three subprojects.

216. The first consists of support and guidance for families so as to strengthen family ties and care and harmonious family life, in two ways: (a) Family Well-being, which seeks to develop and to enhance the individual and collective capacities of vulnerable families in order to strengthen ties; (b) Family Meetings, which are intended to promote changes that will generate self-development, harmonious family life and well-being in families, using educational play activities.

217. The second involves strengthening families in ethnic groups by supporting processes and activities that promote the development of families in indigenous communities, in those of African descent, and in Raizal and Roma families to enable them to reaffirm their cultural identities, uses and customs. The third is the management and implementation of family policies and other related policies.

218. In addition to the above, the Government has implemented a national policy on sexual and reproductive health (2003-2007-CONPES document No. 147 of 2012), with guidelines for the development of a strategy to prevent adolescent pregnancies and promote life plans for children, adolescents and youths aged between 6 and 19 years.

219. Act No. 1448 of 2011, also defined the “Entrelazando” strategy to rebuild the social fabric.

Article 24
Children’s rights and measures to protect them

1. Legislative developments

220. The Government of Colombia has implemented the following legislation.

221. Act No. 1438 of 2011, which adopted the National Public Health Plan 2012-2021 and established preferential and personalized care for children and adolescents.

222. Act No. 1453 of 2011, the Citizens’ Security Statute, directly concerns the exploitation of minors. In article 93, its states that “anyone who uses, exploits, trades in or begs with minors either directly or by proxy shall be liable to 3 to 7 years’ imprisonment, and the minors shall be taken to the Colombian Family Welfare Institute for the restoration of their rights”.

223. Victims and Land Restitution Act No. 1448 of 2011 and Decrees Nos. 4633, 4634 and 4635 of 2011 concern victims belonging to indigenous peoples, Roma people and black communities respectively. The legislation established guidelines for the security, care and comprehensive protection of children, adolescents and families at risk or victims of the armed conflict.

224. Decree No. 4875 of 2011 established the Intersectoral Commission on Comprehensive Early Childhood Care and the Special Commission on Monitoring Comprehensive Early Childhood Care.

225. Decree No. 4108 of 2011 assigns to the Ministry of Labour responsibility for developing and steering national policy to combat child labour; the Ministry's departmental directorates also exercise direct roles and competencies in the matter.

226. Agreement No. 029 of 2011 of the Ministry of Health and Social Protection defines, clarifies and comprehensively updates the Compulsory Health Plan.

227. The Intersectoral Commission for the Prevention of Forced Recruitment, Sexual Abuse and Violence against Children and Adolescents by Illegal Armed Groups and Criminal Organizations was established by Decree No. 4690 of 2007 and amended by Decree No. 0552 of 2012.

228. The purpose of Act No. 1652 of 2013 is to ensure that the medical examinations of child and adolescent victims of sexual violence are done by specialists from the Technical Investigation Corps of the Attorney General's Office.

229. Article 7 of statutory Act No. 1618 of 27 February 2013, which sets out the provisions to ensure that persons with disabilities fully enjoy their rights, states that "In accordance with the Constitution, the Act on Children and Adolescents and article 7 of Act No. 1346 of 2009, all children with disabilities shall enjoy their rights fully, on an equal basis with other children."

230. Act No. 1616 of 21 January 2013 guarantees the Colombian people, and in particular children and adolescents, the right to mental health through health promotion and the prevention of mental disorders, and to comprehensive and integrated mental health care under the General Health and Social Security System.

231. Lastly, the ratification on 11 March 2009 of the Inter-American Convention on the International Return of Children, which had been approved by Act No. 880 of 2004, deserves mention.

2. Judicial developments

232. Within the framework of Act No. 975 of 2005, the Justice and Peace Act, the courts have handed down three judgements in convicting members of the United Self-Defence Forces of Colombia of recruiting and using minors in the armed conflict.[23]

233. In addition, Ruling T-002/12 of the Constitutional Court reaffirmed that the precedence of the rights of children and adolescents, provided for in the Constitution, is to be interpreted in the context of each case rather than understood as an abstract mandate to be applied automatically. For that reason, the Constitutional Court has specified that the judges hearing petitions for *amparo* involving minors must rule in the best interests of each individual child, focusing especially on the relevant legal requirements of the specific case and carefully weighing the attendant factual circumstances.

[23] Judgement of 12 December 2012. Chief Justice: José Leonidas Bustos Martínez, Criminal Appellate Division of the Supreme Court of Justice; first instance judgement of 7 December 2011, Justice and Peace Division of the Bogotá High Court.

3. Administrative developments

234. To safeguard the rights of children and adolescents, the Government of Colombia has taken a number of measures in respect of full reparation, including the Comprehensive National Strategy for Early Childhood, which has outlined so-called horizon achievements, understood as the conditions and states prevailing in the daily lives of all children and adolescents and facilitating their full development.

235. In the same vein, the Comprehensive Individual Care Itinerary (RIA) has been adopted as a tool that adopts the aforementioned strategy as its foundation and meets the needs of all children in their environment, with a view to their optimal development, in accordance with the principles of comprehensiveness.

236. The Comprehensive Care Itinerary organizes care for boys and girls by age, from before conception to age 5 years and 11 months. The care is appropriate to each age group, and the children's different environments are taken into account.

237. In addition to the above programmes, technical guidelines for a specialized programme of care for adolescent and adult expecting and nursing mothers were approved through the Colombian Family Welfare Institute.

238. Also implemented was the From Birth for Life strategy, the aim of which is to combine the efforts of the public sector, civil society organizations and foreign aid agencies to improve early childhood in Colombia.

239. Regarding comprehensive care for children and adolescents whose rights have been violated, the Colombian Family Welfare Institute, through resolution No. 6022 of 2010, approved the technical guidelines for a special programme for providing support to child victims of sexual violence, as part of the administrative process of restoring rights.

240. In 2012, the Institute initiated a restructuring process, in accordance with Act No. 1448 of 2011, with a view to addressing the issues of truth, justice, prevention, protection, assistance, care and full reparation. It was deemed necessary, as 1,900,000 of the 6,043,437 victims in the Central Register of Victims are children and adolescents.

241. In addition to helping families overcome their vulnerability, the Institute offers a method of family-based support that seeks to ensure that children and adolescents orphaned by the armed conflict remain with their families of origin or in their support networks. As part of that method, child victims of anti-personnel mines also receive support and psychosocial care, preferably in their family environment.

242. Through the Victims Unit, children and adolescents are guaranteed access to truth, justice, full reparation, restoration of their rights and reconciliation, as well as protection from all forms of violence. Starting on 21 December 2012, the trusts for the first 7,052 child and adolescent victims of the armed conflict were set up as part of the design and implementation of the Comprehensive Individual Care Itinerary. To date, 13,145 trusts have been set up and 2,275 personalized plans for full reparation for children and adolescents have been carried out.

243. The Colombian Family Welfare Institute has also implemented the Well-being for the Generations prevention and promotion programme for the comprehensive protection of children and adolescents. Its main aim is to develop core content as a basis for tools for children and adolescents, as well as for their families and communities, to help prevent their unlawful recruitment and use by illegal armed groups, sexual violence, teen pregnancy, consumption of psychoactive substances, child labour and other forms of violence in the context of armed conflict.

244. The programme hinges on approaches based on ethnicity, gender, geography and disability, which take the form of three operating models: “Well-being for Ethnic Generations”, “Well-being for Rural Generations” and the traditional model. In 2013, it was active in 890 municipalities in the country’s 32 departments and in 20 localities of the Bogotá Capital District. It served 213,478 children and adolescents and involved an investment of Col$ 32,530,858,283. All children and adolescents covered by the programme are enrolled in the educational system.

245. With regard to the prevention of the recruitment and use of children and adolescents, the State implemented CONPES document No. 3673 of 2010, which establishes support for the technical secretariat of the Instersectoral Commission to promote the policy at the local level. In 2013, 11 projects presented by local authorities in the context of the comprehensive prevention and protection plans received joint funding.

246. In connection with sexual violence or offences against sexual freedom and integrity, through CONPES document No. 147 of 2012, a policy for the promotion of sexual and reproductive rights and the prevention of teen pregnancy and the promotion of life projects for children and young people between 6 and 19 years of age was implemented. The document also provided for the establishment of an intersectoral commission on promoting and safeguarding sexual and reproductive rights.

247. Regarding the right to health, the Government has made efforts in every sphere that may affect children and adolescents. For example, it implemented resolution No. 6019 of 30 November 2010, the purpose of which is to ensure that comprehensive and skilled care is provided in immediate, appropriate, organized, individualized and sustained fashion to child and adolescent users of psychoactive substances and to the members of their families. The aim is to facilitate their lasting reintegration into society and the family, no longer using drugs and ready to carry on with their lives.

248. The cumulative number of psychoactive substance-abusing children and adolescents who were in the Care and Restoration of Rights Programme (PARD) on 31 December 2010 was 2,454; on 31 December 2011, the total was 3,495; in 2012, 3,679 were admitted to the programme; and on 31 December 2013, 3,626 children and adolescents had been admitted.

249. The Programme of Services for Children and Adolescents with Disabilities was created within the framework of the Care and Restoration of Rights Programme. It serves children and adolescents with disabilities, as well as adults who are subject to protective measures, namely: (a) protective measures for providing assistance to persons with disabilities, their families or support networks, in their environment; (b) protective measures in cases of vulnerability and eligibility for adoption.

250. Regarding protection in cases of vulnerability and eligibility for adoption, the programme has modalities of care for children and adolescents with disabilities and their families or support networks, in family or institutional environments different from their own. These modalities include: (a) foster homes; (b) homes for children and adolescents with disabilities; (c) homes for children and adolescents with psychosocial or intellectual disabilities.

251. Similarly, the Early Childhood Intersectoral Commission, which defined the standards for service delivery in the Child Development Centres and in the family-based approach was set up; it developed the nine technical guidelines that were approved in 14 cities, with the participation of more than 1,400 people. It also produced the training manual for families with children with disabilities and the Comprehensive Care Strategy sustainability paper.

252. The Colombian Family Welfare Institute drew up the operating manual for early education services, the standards for delivery of the service and the basic requirements that could realistically apply. It also developed relevant guidelines.

253. The situation of child and adolescent beggars is addressed by resolution No. 6023 of 2010, which established the technical guidelines for a special programme to provide care for street children and adolescents. The programme offers services to homeless children and adolescents living in the streets, drug users or not, and to families with street children and adolescents who are willing to receive support, take part in the process and are considered by the interdisciplinary teams to be protectors.

254. The five categories of special care covered in these guidelines are: management of continued connection with the education, health and training sectors; evaluation of competencies and skills; psychological care to bolster coping strategies; follow-up of formal and informal academic progress; and involvement in programmes of interest with a view to preventing a return to the streets.

255. On 19 September 2011, the Colombian Family Welfare Institute and ILO signed cooperation agreement No. 339 with a view to combining efforts and technical and financial resources to bolster the institute's efforts to prevent and eradicate child labour, especially its worst forms, and to protect and evaluate child labour, with the support and technical assistance of the International Programme on the Elimination of Child Labour of ILO.

256. Resolution No. 316 of 28 January 2011 was issued in this connection. It adopts measures for the comprehensive protection of children and adolescents working in the mining sector, and calls on the regional directors of the institute, governors and mayors to take preventive and protective action to eradicate child labour.

257. Similarly, the national Government, through a joint effort with the institutions and actors from different regions of the country, developed a national strategy (2008-2015) for the prevention and elimination of the worst forms of child labour and for the protection of young workers, which it is deploying with the Inter-institutional Committee on the Eradication of Child Labour and Protection of Young Workers and its regional committees, with the participation of employers' and workers' organizations and State institutions and ongoing support from ILO.

258. Through the Care and Restoration of Rights Programme, the children and adolescents rescued from child labour were placed in day programmes and benefited from support activities. In all, 1,267 children were served in 2010, 1,740 in 2011 and, finally, 3,085 in 2013.

259. The following categories of support have been adopted by the administrative authorities to ensure the rights of children and adolescents.

260. Support for the families of children and adolescents affected by poverty, disability or displacement, an activity within which the Colombian Family Welfare Institute is setting up the Support and Family Assistance Unit to promote the family and social inclusion. Services are offered through the institute's 33 regional offices.

261. For the protection and care of indigenous children and adolescents removed from illegal armed groups, the "Paths Back for Indigenous Child and Youth Victims" legal guidelines, drawn up in consultation with the Nasa people of Cauca Department in 2005, are followed. The special programme to provide care for children and adolescents extricated from illegal armed groups offers institutional care, as part of which the children and adolescents are received in a special care centre or youth home, and family-based care, as part of which they are taken in by a family, either their own or a foster family in a position to ensure that they are fully protected.

Article 25
Political rights and the right to take part in the conduct of public affairs

1. Legislative developments

262. Under Act No. 1227 of 2008, known as the "Voting Inside" Act, public and private educational institutions are required to take part in the electoral process by making their facilities available on election days.

263. Legislative Act No. 01 of 2009 instituted amendments to a number of articles of the Constitution concerning such issues as the establishment of penalties for members of Congress connected with illegal groups and for political parties and movements that back the campaigns of candidates with such connections; the financing of political campaigns; recorded or public votes; multiparty coalitions; changes of party; the vote threshold to obtain legal personality; congressional alternates or replacements; the functions of the National Electoral Council; simultaneous membership of two political parties or movements; and blank votes.

264. Act No. 1475 of 2011 adopted rules for the organization and activities of political parties and movements, as well as electoral processes. It contains other provisions setting out rules relating to the prohibition of dual party membership, primaries as mechanisms for internal democracy, the system of penalizing political parties and movements, and political financing. This Act has made it possible to establish quotas for the inclusion of women in lists of candidates for elective office.

265. Article 176 of the Constitution was amended by legislative Act No. 1 of 2013 to increase the representation of Colombians resident abroad in Congress. It establishes regulations on such aspects of the international constituency as the registration of candidates and citizens eligible to vote abroad, mechanisms to encourage participation and carry out vote counts through consulates and embassies, and public financing for travel abroad by the elected representatives.

266. The youth citizenship statute was issued under Act No. 1622 of 2013, and other provisions were enacted with the aim of establishing an institutional framework to guarantee all young people the full exercise of their youth citizenship in the social and public spheres, civil or personal, the real enjoyment of the rights recognized in domestic law and in the international treaties ratified by Colombia and the adoption of the public policies necessary to their realization, protection and sustainability. It also sought to improve their skills and ensure the equality of opportunity that would increase their participation in and impact on the social, economic, cultural and democratic life of the country.

2. Judicial developments

267. The Fifth Section of the Council of State has issued a number of rulings, arising from actions for protection and election-related proceedings, for the protection of political rights.[24]

[24] Ruling of 23 October 2013: On grounds of improper litigation, the division overturned the decision that had found the election of the Chía town councillors for the term 2012-2015 null and void. Ruling of 18 July 2013: To register candidates for elective office, the sole requirement is the endorsement of the person who has the constitutional authority to provide the endorsement. Judgement of 18 October 2012: Resolution No. 754 of 9 April 2010, issued by the National Electoral Council and under which the protocol for election review had been adopted, was declared null and void. The chamber ruled thus on the grounds that the National Electoral Council had lacked competence to issue the resolution against which the action had been brought, as the matters

268. For its part, the Constitutional Court, in Ruling C-1121 of 2004, defined the electoral roll as "a database that includes Colombian citizens, resident in the country and abroad, who are entitled to vote in a particular election and that allows the State to monitor, plan, organize and promote elections, as well as the means of participation".

3. Administrative developments

269. In the period 2010-2013, through the National Civil Registry Office, biometric technology was used in 24 extraordinary elections for which 2,456,722 voters were enrolled and 5,537 polling stations set up.

270. Biometric identification was used for the first time in the extraordinary elections of 22 February 2009 to elect the mayor of Belén de los Andaquíes in Caquetá. Voters were identified by cross-checking the information stored in the bar codes of the yellow identity cards with holograms with the bearer's fingerprints. That tool has since made it possible to introduce more widespread use of biometric identification.

271. The electoral roll enables the National Registry Office to plan, organize, hold and supervise elections throughout the country. Once the number of voters on the rolls and the turnout in the various elections have been determined, it is possible to estimate the number of polling stations required, in turn making it possible to estimate the human, technical, material and financial resources required for election days.

272. From 2008 to 2011, the Electoral Roll Directorate processed, purged and consolidated information, both to add identity cards to the roll and to remove them. The approximate outcome was as follows.

Table 6
Number of national identity cards on electoral roll

Year	***Electoral roll, total***
2008	**28 663 928**
2009	**29 457 190**
2010	**29 983 279**
2011	**31 102 119**
2012	**31 265 418**
2013	**32 500 000**

Source: Electoral Roll Directorate.

273. Since 2000, primaries have become more common, given their importance to the democratization and financing of political parties. In principle, the primaries were almost always single-party primaries, but subsequently the National Electoral Council chose to designate a single date for all parties to hold their primaries, thereby giving rise to multiparty primaries.

274. To ensure the rights of Colombians residing abroad and improve their situation in every respect, article 176 of the Constitution, as amended by article 1 of legislative Act No. 1 of 2003, established a special international constituency that is entitled to send one elected representative to the lower house of Congress.

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regulated therein are subject to statutory law. Ruling of 4 March 2011: An action seeking the invalidation of Carlos Andrés Amaya Rodríguez's election to the lower house of Congress was rejected on the grounds that sitting on the board of trustees of a university did not entail ineligibility for the exercise of administrative authority.

275. For the election of this representative, only the votes cast abroad, by citizens resident abroad, will count. According to the electoral roll of Colombians abroad, 402,000 such Colombians are eligible to vote. The countries with the largest number of registered voters are the United States of America, the Bolivarian Republic of Venezuela, Spain, Ecuador and Canada.

Article 26
Equality before the law and guarantees of protection against discrimination

1. Legislative developments

276. In the past five years, Colombia has continued to progress towards consolidating a legal framework to ensure the rights to equality and non-discrimination in various respects, as detailed below.

277. Act No. 1221 of 2008 established, inter alia, standards promoting and regulating telecommuting. In accordance with article 3, paragraph 2, of the Act, the Ministry of Social Protection will develop a public policy making telecommuting accessible to the vulnerable population.

278. Ratification of the Convention on the Rights of Persons with Disabilities, adopted by the General Assembly on 13 December 2006, was approved by Act No. 1346 of 2009.

279. Act No. 1496 of 2011 provides for equal wages for men and women when they hold the same positions. Public and private sector employers may not practise wage discrimination against women.

280. Act No. 1482 of 2011 safeguards the rights of an individual, a group of individuals, a community or a people that are violated through acts of racism or discrimination and penalizes the various acts of discrimination, racism and harassment. The Observatory on Discrimination and Racism was established by resolution No. 1154 of 2012.

281. Act No. 1562 of 2012 amended the system covering occupational hazards and established social and financial benefits for workers who have experienced occupational accidents or illnesses. Under this Act, the reinstatement and reassignment of workers with job-related disabilities are compulsory.

282. The intent of statutory Act No. 1618 of 2013 is to safeguard and ensure the realization of the rights of persons with disabilities, through measures of inclusion, affirmative action and reasonable accommodation, as well as by eliminating all forms of discrimination on grounds of disability, in implementation of the Convention on the Rights of Persons with Disabilities.

2. Judicial developments

283. Constitutional Court Ruling T-553 of 2011 recognized the rights to dignity and equality of persons with disabilities. It also recognized their right to accessibility as a means of achieving social integration, since an accessible physical environment enables them to exercise their right to free movement without hindrance and, thus to enjoy other basic rights, such as education, health and work.

284. In Ruling C-605 of 2012, the Constitutional Court examined the constitutionality of legal provisions for equalizing opportunities for the deaf and deaf-blind. It recognized that all deaf, deaf-blind and deaf-mute persons have the constitutional right to acquire language and validly and effectively to express themselves for legal

purposes, in sign language, naturally including Colombian sign language, orally, in writing or by other means developed to that end, within the scope of the concrete protection of the rights to freedom of thought and expression.

285. Regarding the right to equal access to public employment, Ruling T-1266/08 of the Constitutional Court emphasized that the requirements of a selection process should not lead to explicit or implicit discrimination or unjustified preferences and that they must be appropriate to the objective they are meant to achieve, in keeping with the nature of the activity.

3. Administrative developments

286. The Government issued CONPES social document No. 166, which seeks to clarify the commitments necessary for the implementation of the policy as part of the "Prosperity for All" national development plan 2010-2014. It establishes the guidelines, strategies and recommendations that, with the participation of State institutions, organized civil society and citizens, will ensure progress towards the development and implementation of public policy on disability and social inclusion, which is based on the full enjoyment by persons with disabilities of all human rights and fundamental freedoms, on a basis of equality, as set forth in the Convention on the Rights of Persons with Disabilities.

287. The existence of a register of the whereabouts and characteristics of persons with disabilities should also be noted. It is a web tool to collect information about the locations of persons with disabilities resident in Colombia and the type of disability they have. This database also makes it possible to update information by category in the event of changes of address or in health status.

288. Moreover, by means of resolution No. 4659 of 2008, the Ministry of Transport took measures to make the municipal, district and metropolitan mass transit systems accessible to passengers with disabilities.

289. On gender equity, the Government issued CONPES social document No. 161, "Gender Equity for Women". It identifies and prioritizes a set of strategic, sectoral and interlinked actions that will further progress towards overcoming discrimination and ensuring the effective realization of women's rights, with the aim of benefiting the entire Colombian population, to achieve a fairer, more equitable, inclusive, peaceful and prosperous society.

290. The Department for Social Prosperity, a national government body overseen by the Social Inclusion and Reconciliation Sector, was established in view of the need to formulate, adopt, steer, coordinate and implement policies, general plans, programmes and projects in the areas of poverty eradication, social inclusion, reconciliation, land recovery, assistance to vulnerable groups — including the social and economic reintegration of people with disabilities — and assistance and redress for victims of violence.

291. The department co-financed projects that sought to raise awareness of the rights of historically disadvantaged persons or groups and to strengthen organizations working with them. The most noteworthy projects involved: strengthening social and multicultural tolerance, with a focus on young people in Riosucio, Caldas; raising awareness among the Wayuu community and among public officials of the right of persons with disabilities not to be subjected to discrimination; minimizing violence stemming from discrimination against the lesbian, gay, bisexual, transgender and intersex community in the city of Pereira, Risaralda; cultural and sporting events and an exchange of experiences of women's rights in the municipality of Leticia, Amazonas; training in film-making ("Screen Your Reel") and human rights for 80 young people in the department of Bolívar (in El Carmen de Bolívar and San Juan

Nepomuceno); and agreements on boosting communication strategies for the local promotion of women's rights in 15 departments and 16 municipalities throughout the country.

292. In addition, the human rights committees created under the human rights system receive training in human rights, equality and non-discrimination, and public policy. The same exercise takes place in the national entities requesting support in the context of the orientation and reorientation processes they are required to organize for their personnel. In all, more than 600 civil servants have received training since 2012.

293. In the same vein, the "How to combat Discrimination" seminar was held with the participation of Argentine experts from the Argentine National Institute against Discrimination, Xenophobia and Racism and of Colombians.

294. Regarding the National Council on Disability, the Ministry of Health is involved in giving effect to Act No. 1618 of 2013 and defining actions for the implementation of the CONPES policy document on persons with disabilities and social inclusion.

295. In view of the need to improve inter-agency coordination of the issues handled through the Observatory on Discrimination and Racism, impetus was given to the establishment of the National Inter-institutional Committee against Racism and Discrimination, a body that has made it possible to build response pathways to cases of racism and discrimination. It is responsible for providing input for the development of the protocol for an information system to record, monitor, evaluate and track acts of discrimination and racism (SIRMES).

296. As part of its mission to provide legal advice to the affected population on reporting cases of discrimination and racism, within the framework of Act No. 1482 of 2011, the Observatory on Discrimination and Racism has provided assistance with 12 complaints, lodged with the prosecution services.

297. In addition, Act No. 1448 of 2011 established pathways for full reparation for victims with criteria that make it possible to differentiate between them to ensure that the approach taken to each victim treats each of them as an individual and distinct member of the population. In that respect, the following actions are being taken.

298. As part of measures facilitating a customized approach, local collective reparations liaison officers were trained to take victims with disabilities into consideration and to adopt customized approaches to collective reparations. Work has also been done to include criteria that make it possible to identify persons with disabilities in the groups and along the pathway to collective reparations.

299. This approach made it possible to determine that 3,407 of 62,929 victims have disabilities.

300. Action is being taken in order not only to safeguard women's right to equality and non-discrimination but also to ensure that persons with diverse sexual and gender orientations enjoy this right. In this respect, steps have been taken to register and classify those persons; they show that of the 6,073,453 victims of the armed conflict in the Central Register of Victims, 562 describe themselves as belonging to diverse sexual groups.

301. In addition to the characterization and identification efforts, in 2013, the Victims Unit implemented 54 assistance or reparations plans for persons of diverse sexuality. Likewise, pursuant to the customization measures provided for by the "Victims and Land Restitution" reparation processes, the Victims Unit has taken ethnic specificities into consideration in providing support to the numerous victims who have been identified as members of a particular community or ethnicity.

Article 27
Rights of ethnic, religious or linguistic minorities

1. Legislative developments

302. Colombia adopted ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), by means of Act No. 21 of 1991. The Act was expanded in articles 4, 5 and 28 of Act No. 1381 of 2010, which regulates the recognition, promotion, protection, use, preservation and strengthening of the languages of the ethnic groups in Colombia, as well as their language rights and those of their speakers.

303. Decree No. 2500 of 2010 established provisional regulations on certified local authorities' contracting for educational services with town councils, traditional indigenous authorities and indigenous organizations, associations of traditional indigenous authorities and indigenous organizations as part of the development and implementation of a special indigenous education system.

304. Decree Law No. 4634 of 2011 establishes measures providing assistance, support, comprehensive redress and restitution of land for victims from Roma or Gypsy communities.

305. Decree Law No. 4633 regulates the measures for victims who are members of indigenous communities and peoples. Decree Law No. 4635 of 2011, on the same subject, establishes measures for victims from black, Afro-Colombian, Raizal and Palenquero communities.

2. Judicial developments

306. In Ruling C-753/13, the Constitutional Court held that article 77 of Decree Law No. 4634 on the compensation of victims from the Roma or Gypsy community was constitutional, thus reaffirming the right of victims of the internal armed conflict to reparation.

3. Administrative developments

307. To ensure the rights of minorities and implement the recommendations of the Human Rights Committee in relation to the sixth periodic report of Colombia (CCPR/C/COL/6, paras. 23 and 25), the Government of Colombia, through the Ombudsman's Office, has developed a process, for the period 2009-2012, concerning the Afro-Colombian and indigenous populations. It focused initially on communication and outreach to communities that had still not received any information on their fundamental and distinct rights, protected by judicial Decrees Nos. 004 and 005 of 2009, on mechanisms for their implementation and on the content and scope of prior consultation for the development of administrative measures.

308. Recommendations have also been issued to government institutions to enable them to focus on adapting methods to permit prior consultations with indigenous and black communities, despite the different organizational level or capacity of the communities.

309. In the second quarter of 2009, the Government began efforts to disseminate judicial Decree No. 004 of 2009 with representative institutions of indigenous peoples and the Standing Committee for Cooperation with Indigenous Peoples established by Decree No. 1397/96.

310. As a result of this initial rapprochement and preliminary meetings, and under the auspices of the Standing Committee for Cooperation with Indigenous Peoples, an agreement was reached on 22 May 2009, in Bogotá, on a timetable and a

methodological approach to the Safeguards Programme. The decision was made to implement the Preservation Plans by means of specific, autonomous consultation processes to be agreed to with the traditional authorities of the 34 peoples prioritized in judicial Decree No. 004 of 2009, in which four national indigenous organizations (the National Indigenous Organization of Colombia (ONIC), the Organization of Indigenous Peoples of the Orinoco and Colombian Amazon (OPIAC), the Tayrona Indigenous Confederation (CIT) and Colombian Indigenous Authorities Movement (AICO)) would play a supporting role.

311. In 2011, the proposals for the development of the Safeguards Programme were compiled in the document entitled "Bases para el Programa de Garantía de los Derechos Fundamentales de los Pueblos Indígenas" (Bases for the Programme of Safeguards for the Fundamental Rights of Indigenous Peoples). On 7 December 2011, after it was validated at the Congress of Indigenous Peoples held in November and following the meeting of the Standing Committee for Cooperation with Indigenous Peoples, also held in November, the document was officially submitted to the Constitutional Court.

312. In May 2009, within the framework of the Standing Committee, it was determined that plans to preserve 34 indigenous peoples from cultural or physical disintegration, on account of their disproportionate vulnerability to the impact of the armed conflict, would draw on procedures specific to the particular characteristics of each people.