



General Assembly

Distr.: General
25 August 2023
English
Original: English/Spanish

Human Rights Council
Working Group on the Universal Periodic Review
Forty-fourth session
6–17 November 2023

Colombia

Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.¹ It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. The Committee on the Elimination of Racial Discrimination, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Special Rapporteur on the situation of human rights defenders recommended that Colombia consider ratifying those international human rights treaties that it had not yet ratified, including the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.² In addition, the Committee on the Elimination of Racial Discrimination recommended that Colombia consider ratifying the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance.³

3. The Committee on Migrant Workers recommended that Colombia take the necessary steps to withdraw its reservations to articles 15, 46 and 47 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and make the declarations provided for in articles 76 and 77 of the Convention.⁴

4. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Colombia ratify the Convention against Discrimination in Education.⁵

5. The Office of the United Nations High Commissioner for Human Rights (OHCHR) in Colombia had been established at the request of the Government and following a decision of the Commission on Human Rights.⁶ During the fifty-third session of the Human Rights Council, the United Nations High Commissioner for Human Rights noted the considerable contribution of the OHCHR field presence to the cause of peace, greater protection of the



civic space and accountability for crimes committed during the armed conflict, as well as a victim-centred approach to transitional justice. He also noted that Colombia had recently recommenced country visits by the special procedure mandate holders of the Council.⁷

6. The High Commissioner visited Colombia in January 2023. During the visit, he signed a new host country agreement with the Government, extending the presence of the Office in Colombia until 2032.⁸

III. National human rights framework

Institutional infrastructure and policy measures

7. The United Nations country team welcomed the progress made in the implementation of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace and the adoption of comprehensive legislation to implement various points of the Agreement. It reported that, at the request of the parties, the Security Council had renewed the presence and expanded the mandate of the United Nations Verification Mission in Colombia.⁹ It also welcomed the Government's decision to restart peace negotiations with the Ejército de Liberación Nacional in 2022.¹⁰

8. OHCHR noted that the President had given the green light for Act No. 2272 of 2022, which established the legal framework for the State's "total peace" policy, affirmed the new human security-based focus and provided for the creation of a commission to qualify the type of organizations with which political dialogue and a process of acceptance to justice would be initiated.¹¹ It also noted that the new Government had relaunched two key mechanisms for implementation of the Peace Agreement, namely the Commission for Follow-up, Promotion and Verification of the Implementation of the Final Agreement and the National Commission on Security Guarantees.¹²

9. In 2019, the Committee on the Elimination of Discrimination against Women expressed concern at the slow pace at which the implementation of the gender-related provisions of the peace agreement was proceeding.¹³ It recommended that Colombia accelerate their implementation and ensure that sufficient resources were allocated for the agreement's effective implementation.¹⁴

10. OHCHR noted that in June 2021, the Ethnic Commission for Peace and the Defence of Territorial Rights had indicated that fewer than 2.4 per cent of the targets in the chapter on ethnic perspectives in the peace agreement had been achieved.¹⁵ The Committee on the Elimination of Racial Discrimination recommended that Colombia ensure the implementation of that chapter, including by providing adequate funding.¹⁶ OHCHR urged Colombia to redouble its efforts to implement the peace agreement, particularly the comprehensive rural reform.¹⁷

IV. Promotion and protection of human rights

A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

11. The Committee on the Elimination of Racial Discrimination recommended that Colombia introduce a definition of racial discrimination in its legislation that was in accordance with article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, and that it carry out thorough investigations of cases of racial discrimination.¹⁸

12. The Committee on Migrant Workers was concerned about the persistence of xenophobic discourse against migrants.¹⁹ The Committee on the Elimination of Racial Discrimination was concerned about the persistent structural and historical discrimination faced by members of Indigenous Peoples and communities of African descent.²⁰ It

recommended that Colombia take effective measures to prevent and combat hate speech, incitement to racial discrimination and expressions of racism and ensure that all such cases were investigated.²¹

2. Right to life, liberty and security of person, and freedom from torture

13. The OHCHR office in Colombia noted that violence by non-State armed groups and criminal organizations had seriously affected the human rights situation.²² In a number of regions, these groups and organizations exercised control over the local population, using coercion, intimidation, violence and threats as well as sexual violence, killings and disappearances, and restricted people's movements.²³ Even in regions where the presence of security forces had increased, non-State armed groups and criminal organizations had continued to multiply, expand and use violence.²⁴ The United Nations country team stated that increased levels of violence had been observed since 2020, particularly in rural areas of the country, and had resulted in serious human rights violations.²⁵ OHCHR urged Colombia to urgently address the situation in the territories most affected by violence, reinforce the presence of civilian authorities and provide basic services to prevent violence and protect the civilian population.²⁶

14. OHCHR observed that, in response to the violent situation, the new Government had launched the "total peace" policy.²⁷ On 31 December 2022, the President had announced a bilateral ceasefire with five non-State armed groups and criminal organizations.²⁸ OHCHR welcomed the creation of the Human Rights Directorate of the National Police and noted that the authorities must guarantee the civilian nature of the police.²⁹ The Committee against Torture recommended that Colombia proceed with the reform of the national police force and consider removing this institution from the jurisdiction of the Ministry of Defence.³⁰

15. The Committee against Torture expressed concern about reports of mass arbitrary arrests by police officers. It recommended that Colombia adopt the necessary measures to prevent arbitrary detentions, particularly those carried out by police officers who failed to show identification and/or those carried out in unofficial detention centres.³¹

16. The Committee against Torture reported on the overcrowding in prisons and recommended that Colombia take urgent measures to eliminate overcrowding in prisons and other detention centres, including transitory detention centres, primarily by using alternatives to custodial sentence.³²

17. The Committee on Enforced Disappearances remained concerned about the lack of clear and reliable information on the number of disappeared persons in Colombia and limited progress made in the investigation of disappearances perpetrated by organized illegal armed groups.³³ The United Nations country team recommended that Colombia guarantee the resources needed to enable the Unit for the Search for Persons deemed Missing in the context of and due to the armed conflict to fulfil its mandate to enhance inter-institutional coordination and thus strengthen the search for missing persons.³⁴

18. In the first half of 2022, OHCHR had documented 110 cases of persons detained and deprived of their liberty in connection with the national strike protests in 2021. The majority of these were young persons in vulnerable situations who had reportedly participated in protests in the country's main cities.³⁵ A working group had been established to expedite the investigation and prosecution of the members of the security forces alleged to be responsible for human rights violations committed during the national strike.³⁶

3. International humanitarian law

19. The High Commissioner urged non-State armed groups to respect human rights and, where applicable, international humanitarian law.³⁷

4. Human rights and counter-terrorism

20. In March 2023, United Nations experts called on Colombia to stop misusing counter-terrorism measures and serious criminal offences, such as terrorism, to prosecute individuals for taking part in protests against government policies.³⁸

5. Administration of justice, including impunity, and the rule of law

21. The Committee on the Elimination of Discrimination against Women raised concern about the limited institutional capacity of the judiciary, particularly in rural areas, and the high level of impunity, particularly in cases related to femicide, sexual violence and violence against women human rights defenders.³⁹ The Committee on Migrant Workers remained concerned about limited access to justice.⁴⁰ The Committee on the Elimination of Discrimination against Women recommended that Colombia strengthen the judicial system, including through additional financial, technical and specialized human resources, particularly in rural areas.⁴¹ The Committee on the Elimination of Racial Discrimination recommended that Colombia intensify its efforts to ensure access to justice for Indigenous Peoples and communities of African descent, and continue making efforts to recognize, respect and strengthen the Indigenous justice system.⁴²

22. OHCHR highlighted the capacity of the Comprehensive System of Truth, Justice, Reparation and Non-Repetition established under the peace agreement to fulfil its mandate.⁴³ The United Nations country team also welcomed this advance, but expressed concern about the risks to life and integrity to which victims, human rights defenders and those appearing before the Special Jurisdiction for Peace were exposed.⁴⁴ OHCHR urged Colombia to support the autonomous and independent work of the Comprehensive System, strengthen coordination and cooperation between State institutions and the System and guarantee the effective protection of its members.⁴⁵

23. The United Nations country team welcomed the progress made by the Special Jurisdiction for Peace and the opening of ten macrocases. It reiterated the importance of the case opened on sexual violence, reproductive violence and other criminal offences committed out of prejudice, hatred and discrimination based on gender, sex and diverse sexual orientation in the context of the conflict.⁴⁶ OHCHR encouraged continued coordination between the Special Jurisdiction for Peace, the Unit for the Search for Persons Deemed Missing and other State entities.⁴⁷ The Committee on Enforced Disappearances was concerned about the lack of significant progress in the investigations of the Attorney General's Office and the Special Jurisdiction for Peace into cases of enforced disappearance.⁴⁸ The High Commissioner urged Colombia to establish the conditions necessary to ensure that the system of self-sanction to be imposed by the Special Jurisdiction for Peace upheld the rights of victims.⁴⁹

24. OHCHR recognized the importance of the work of the Commission for the Clarification of Truth, Coexistence and Non-Repetition. The Commission's recommendations would constitute a road map for promoting institutional and social changes to consolidate a democratic welfare state governed by the rule of law.⁵⁰ The United Nations country team welcomed the President's commitment to implementing the recommendations contained in the report.⁵¹ OHCHR urged Colombia to allocate a sufficient budget to allow for the effective implementation of the Truth Commission's recommendations.⁵²

25. The Committee on Enforced Disappearances was concerned that, of the 185,422 victims of enforced disappearance listed in the Central Register of Victims, few had obtained reparation, which had been limited to monetary compensation.⁵³

6. Fundamental freedoms and the right to participate in public and political life

26. UNESCO noted that defamation continued to be criminalized under the Penal Code and that defamation through social media was regulated and penalized in the same terms as in the print media, television and radio. It recommended that Colombia decriminalize defamation and place it within the Civil Code, in line with international standards.⁵⁴

27. OHCHR noted that the Government had taken a number of significant measures to comply with international human rights standards on the right to peaceful assembly.⁵⁵

28. The Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the Committee against Torture, the Special Rapporteur on human rights defenders, OHCHR and the United Nations country team referred to persistent cases of violence, threats, reprisals and attacks against, and intimidation and killings of, human rights defenders, including women human rights defenders, defenders

of Indigenous Peoples and communities of African descent, peasant leaders, environmental defenders, defenders of LGBTIQ+ persons, trade unionists and lawyers.⁵⁶ The Special Rapporteur noted that since 2016, the Attorney General's Office had implemented a strategy to prioritize the investigation and prosecution of murders of human rights defenders.⁵⁷ OHCHR, while appreciating the efforts made by the justice system in the investigations into murders of human rights defenders, reiterated the need to adopt a public policy aimed at dismantling criminal organizations.⁵⁸ The Committee on the Elimination of Racial Discrimination recommended that Colombia take additional and effective measures to prevent acts of violence, threats, intimidation and reprisals against human rights defenders and ensure that all allegations of such acts were investigated thoroughly, impartially and effectively.⁵⁹ OHCHR encouraged the Attorney General's Office to continue to strengthen the ability of the Special Investigation Unit to identify and sanction the perpetrators of attacks against human rights defenders.⁶⁰

29. OHCHR noted that early warnings issued by the Ombudsman's Office and the reports of the Electoral Observation Mission should be addressed in a timely manner through protection measures, greater presence of civilian institutions in critical areas and action to tackle stigmatization and/or discrimination based on gender or ethnicity.⁶¹ The Committee on Enforced Disappearances was concerned about reports of shortcomings in the implementation of protection programmes and of the lack of resources allocated to the National Protection Unit.⁶² The Special Rapporteur on human rights defenders recommended that the Government provide the National Protection Unit with the necessary budget to carry out the reform process already under way, with the participation of civil society.⁶³ The United Nations country team welcomed the Government's announcement that the comprehensive plan for guaranteeing the protection of social leaders and human rights defenders would be strengthened and that funding for the plan would be increased.⁶⁴ OHCHR welcomed the Government's 2022 decision to adopt an emergency plan for the protection of human rights defenders and social leaders proposed by members of civil society.⁶⁵

30. OHCHR noted that the first elections in the 16 Special Transitory Peace Electoral Districts established under the peace agreement to ensure the political representation of the areas that had been most affected by the conflict and in which there was a weak institutional presence had taken place during the legislative elections of 2022. Some of the candidates standing for election had encountered obstacles.⁶⁶ The presidential elections had been mostly peaceful, with only isolated incidents of violence.⁶⁷

7. Right to privacy

31. The High Commissioner urged the State, with input from civil society, to amend the law governing intelligence activities in order to provide adequate control mechanisms and include grounds for declassifying intelligence information related to human rights violations.⁶⁸

8. Right to marriage and family life

32. The Committee on the Elimination of Discrimination against Women was concerned that Colombia had still not amended the exception in its Civil Code allowing boys older than 14 and girls older than 12 to marry, with their parents' consent.⁶⁹ UNESCO recommended that Colombia complete the adoption of the bill amending the age of marriage, in order to bring its legislation into line with international human rights law, which required that the only exception to the minimum age of marriage of 18 was marriage by judicial consent and never below the age of 16.⁷⁰ The Committee on the Elimination of Discrimination against Women and the United Nations country team made similar recommendations.⁷¹

9. Prohibition of all forms of slavery, including trafficking in persons

33. The Committee on Migrant Workers appreciated the important legislative, policy and institutional measures adopted by Colombia to combat trafficking in persons.⁷² It recommended that Colombia scale up campaigns for the prevention of trafficking in migrant workers, strengthen the system put in place to identify persons who had been trafficked and provide protection and assistance to all trafficking victims.⁷³ The Committee on the Elimination of Discrimination against Women recommended that Colombia establish

sufficiently funded and equipped shelters and crisis centres for women and girls who were victims of trafficking.⁷⁴ The United Nations country team recommended that Colombia develop protocols for the care of persons who had been victims of trafficking for purposes other than sexual exploitation, yet still for purposes of slavery.⁷⁵ It called for the implementation of actions to prevent, address, investigate and prosecute cases of trafficking in persons whose victims were of diverse sexual orientation and/or gender identity.⁷⁶ The Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization (ILO) made similar recommendations.⁷⁷

34. In May 2023, the Special Rapporteur on trafficking in persons, especially women and children, visited Colombia and warned that trafficking in persons, especially children, by non-State armed groups and criminal organizations continued to undermine peacebuilding in Colombia.⁷⁸

10. Right to work and to just and favourable conditions of work

35. The Committee on the Elimination of Discrimination against Women recommended that Colombia take steps to eliminate horizontal and vertical occupational segregation, including by adopting temporary special measures to promote access for women to employment, effectively enforce the principle of equal pay for work of equal value and adopt measures to narrow and close the gender pay gap.⁷⁹

36. The Committee on Migrant Workers noted with concern reports that migrant workers, in particular domestic workers in an irregular situation, were often subjected to labour exploitation.⁸⁰ The ILO Committee of Experts requested Colombia to take measures to strengthen the vocational, occupational and commercial skills of Indigenous Peoples to promote their integration into the labour market.⁸¹

11. Right to social security

37. The Committee on the Elimination of Discrimination against Women recommended that Colombia increase access for women to the national social security system, develop coordinated social protection and compensation programmes for women and increase incentives for the equal sharing of unpaid care work.⁸²

12. Right to an adequate standard of living

38. The United Nations country team recommended that Colombia implement all programmes and policies envisaged under the National Development Plan with a human rights-based approach and with vulnerable groups such as women, persons with disabilities, ethnic communities and Indigenous Peoples taking part.⁸³

39. The United Nations country team reported that the national policy and plan concerning the right to food was still pending adoption and welcomed the fact that the National Development Plan included a special section dedicated to the human right to food. It recommended that Colombia take measures, including follow-up, monitoring and assessment activities in which civil society was involved, to expedite the adoption of a system for progressively realizing the right to food.⁸⁴

13. Right to health

40. The United Nations country team stated that there were still some significant challenges to realization of the right to health in Colombia and that, in remote and rural areas of the country, access to health care, service infrastructure and people's quality of health were limited.⁸⁵

41. The Committee on the Elimination of Discrimination against Women remained concerned about the continued discrepancy in access to health care between urban and rural areas, which had a significant impact on maternal and child mortality rates. While welcoming the Constitutional Court judgment reiterating the right to abortion, it was concerned about reports that service providers questioned the legality of the procedure and that services were denied without justification.⁸⁶ The United Nations country team welcomed the judgment of the Constitutional Court establishing the legal framework for a total decriminalization of

abortion up to 24 weeks of gestation and recommended that Colombia implement programmes, strategies and public policies aimed at ensuring full implementation and enforceability of the right across all sectors.⁸⁷ The Committee on the Elimination of Discrimination against Women recommended that Colombia ensure access for women to inclusive basic health services, adopt a law legalizing abortion in cases of rape, incest, risk to the physical or mental health or life of the pregnant woman and severe impairment of the fetus and decriminalize abortion in all other cases.⁸⁸

14. Right to education

42. UNESCO recommended that Colombia extend free education to cover at least 12 years of primary and secondary education.⁸⁹

43. The Committee on the Elimination of Discrimination against Women welcomed the decrease in dropout rates at all levels of the education system. However, it remained concerned about the persistently high rates of dropout among women in higher education, the disparities in access to education for Indigenous women and girls and those of African descent, among others.⁹⁰ It recommended that Colombia intensify efforts, through the Ministry of Education, to increase the inclusion and retention of girls in school, paying special attention to Indigenous women and girls, those of African descent, those with disabilities and those affected by armed conflict.⁹¹

44. The United Nations country team welcomed the implementation of programmes aimed at reducing school dropout rates and improving the quality of education such as the “Let’s all Learn” (Todos a Aprender) training and support programme and the “Jornada Única” school-day extension programme. It recommended that Colombia continue the school-day extension programme and the actions introduced under the “Let’s all Learn” programme, placing the emphasis on basic learning, and that these actions include providing quality materials for students.⁹²

15. Cultural rights

45. UNESCO encouraged Colombia to fully implement the relevant provisions of the UNESCO conventions to which it was a party that promoted access to and participation in cultural heritage and creative expressions and were, as such, conducive to implementing the right to take part in cultural life. It recommended that in so doing, Colombia give due consideration to the participation of communities, practitioners, cultural actors and civil society organizations, as well as vulnerable groups.⁹³

16. Development, the environment, and business and human rights

46. The Special Rapporteur on human rights defenders recommended that companies and non-State actors comply with the Guiding Principles on Business and Human Rights, noting that before developing projects, companies must evaluate their impact on human rights, including the right to a healthy environment. If the projects affected Indigenous and/or Afro-Colombian peoples, the companies must hold prior and effective consultations, respecting their decisions in accordance with international norms and principles and the jurisprudence of the Constitutional Court.⁹⁴

B. Rights of specific persons or groups

1. Women

47. The United Nations country team noted that the resources of the Office of the Presidential Advisor for Women’s Equity, the lead authority in the area of gender affairs, had been strengthened but it still lacked budget and administrative autonomy. It urged the Government to take all political and budget measures necessary to ensure that the Office could fulfil its role.⁹⁵

48. The Committee on the Elimination of Discrimination against Women expressed concern about the absence of efficient legislative and policy measures targeting the intersectional discrimination faced by women belonging to vulnerable groups.⁹⁶ The High

Commissioner noted that women in rural areas had greater difficulties with land access, usage and tenure.⁹⁷ The United Nations country team called for action to be taken to reduce the gender inequalities surrounding land tenure and the right to land.⁹⁸ The Committee on the Elimination of Discrimination against Women recommended that Colombia develop a comprehensive strategy to modify patriarchal and gender-based stereotypical attitudes about the roles and responsibilities of women and men in the family and in society.⁹⁹ It also recommended conducting inclusive awareness-raising campaigns on the principles of non-discrimination and gender equality, aimed at enhancing a positive and non-stereotypical portrayal of Colombian women of African descent and Indigenous women.¹⁰⁰ The High Commissioner called for the Ministry of Agriculture and Rural Development, the National Land Agency and other bodies active in the sector to develop a programme of priority access to land for campesino women.¹⁰¹

49. The Committee on the Elimination of Discrimination against Women expressed concern about the persistently high number of cases of gender-based violence against women and girls, including femicide and violence in institutions, and about the level of impunity for such acts.¹⁰² OHCHR welcomed the creation of a national working group on gender-based violence, as women and girls continued to be victims of violence and suffer gender inequality and gender-based discrimination.¹⁰³ OHCHR urged Colombia to intensify its efforts to ensure that victims of gender-based violence had access to justice, medical and psychosocial services, specialized shelters and comprehensive gender-sensitive reparation measures.¹⁰⁴ The United Nations country team recommended that Colombia update the legislative framework for gender violence to make it more relevant and effective, that it include invisible forms of gender violence in this framework, and that it establish a lead agency to assume responsibility for coordinating violence prevention measures and the support provided in cases of violence.¹⁰⁵

2. Children

50. The Committee on the Elimination of Racial Discrimination welcomed the adoption by Colombia of Act No. 1997 of 2019 on the amendment of legislation in order to provide for the granting of Colombian nationality to the children of third-country migrants born in Colombia.¹⁰⁶ The Office of the United Nations High Commissioner for Refugees (UNHCR) noted that the amendment had enabled more than 82,000 children to acquire Colombian nationality. It remained valid until August 2023.¹⁰⁷

51. The Committee on the Elimination of Discrimination against Women recommended that Colombia review policies to facilitate the issuance of Colombian birth certificates and adequate access to health and education services for all children of foreign mothers.¹⁰⁸

52. The United Nations country team recommended that Colombia move forward with the implementation of the National Pedagogical Strategy for the Prevention of Physical Punishment and the Cruel, Humiliating and Degrading Treatment of Children and Adolescents for the period 2022–2030.¹⁰⁹

53. The Committee on Migrant Workers recommended that Colombia redouble its efforts to eliminate child labour and draw on technical assistance in that regard from the ILO International Programme on the Elimination of Child Labour.¹¹⁰

54. The Secretary-General noted that the Government had launched a strategy for the local implementation of the policy to prevent the recruitment and use of children and sexual violence against children. Entitled “*Súmate por mí*”, it was aimed at preventing child recruitment and use by armed groups. He was concerned by the continued increase in the number of grave violations against children, notably in the cases of recruitment of children by armed groups.¹¹¹ OHCHR reiterated that all persons under the age of 18 years who were recruited and used in hostilities or illegal activities by armed groups must be considered victims.¹¹² The United Nations country team recommended that Colombia strengthen the intersectoral commission for preventing the recruitment and exploitation of, and sexual violence against, children and adolescents by illegal armed groups and organized criminal groups.¹¹³

3. Persons with disabilities

55. The United Nations country team recommended that Colombia strengthen the intersectoral commission for preventing the recruitment and exploitation of, and sexual violence against, children and adolescents by illegal armed groups and organized criminal groups.¹¹⁴

56. The United Nations country team reported that Act No. 1996 of 2019, establishing the regime for the exercise of legal capacity by persons of legal age who had a disability, had been adopted. It called for progress towards the social integration, empowerment and increased participation of persons with disabilities and for effective implementation of the relevant legislation.¹¹⁵

4. Indigenous Peoples and minorities

57. OHCHR noted a regression in protection for the rights of Indigenous Peoples and people of African descent in several regions. The National Afro-Colombian Peace Council attributed the high level of non-compliance with the ethnicity-related aspects of the peace agreement to persistent armed conflict and the humanitarian crisis.¹¹⁶

58. The United Nations country team stated that existing procedures did not guarantee the right to consultation and free, prior and informed consent for Indigenous Peoples and Afro-Colombian communities as they were insufficiently compliant with applicable international standards.¹¹⁷ OHCHR noted that ethnic peoples had expressed concern about the lack of guarantees for prior consultation and the delayed formalization and protection of ancestral lands.¹¹⁸ The Committee on the Elimination of Racial Discrimination recommended that Colombia ensure the right of Indigenous Peoples and communities of African descent to be consulted on any project, activity, legislative or administrative measure likely to affect their rights with a view to obtaining their free, prior and informed consent, in line with the United Nations Declaration on the Rights of Indigenous Peoples and other international standards.¹¹⁹

59. The same Committee was concerned about the limited progress towards the implementation of legislation on the protection, restitution and titling of Indigenous and Afrodescendent territories. It recommended that Colombia redouble its efforts to ensure, facilitate and expedite, without delay, the implementation of legislation intended to guarantee, preserve and restore the rights of Indigenous Peoples and persons of African descent to own, use, develop and exercise full control over their lands, territories and resources and protect them from any illegal encroachment; and ensure that the Land Restitution Unit and the National Land Agency had sufficient human, material and financial resources to guarantee the implementation of legislative measures relating to the restitution of lands.¹²⁰ OHCHR urged Colombia to accelerate the inclusion, registration, distribution and delivery of land to rural communities and the formalization of the ownership of ancestral lands of Indigenous and Afro-Colombian peoples.¹²¹

60. The Committee on the Elimination of Racial Discrimination recommended that Colombia finalize the development of ethnic protection plans for peoples that had been identified as being at risk of physical or cultural extinction, and take the necessary urgent measures to ensure the physical and cultural survival of Indigenous Peoples who were living in voluntary isolation or in an initial-contact situation, particularly the Nukak Makú people.¹²²

5. Lesbian, gay, bisexual, transgender and intersex persons

61. The Committee on the Elimination of Discrimination against Women was concerned about reports of widespread discrimination, threats and attacks directed against lesbian, bisexual and transgender women.¹²³ It recommended that Colombia effectively protect those women from violence and discrimination, ensure their access to justice and adopt measures to prevent hate crimes, ensure compliance with the Constitutional Court judgment ordering legal recognition of same-sex marriages and train civil servants who handled such requests, and include in the national school coexistence system a more efficient programme on teaching children about the rights of lesbian, bisexual and transgender women.¹²⁴

62. OHCHR observed that the presence of non-State armed groups led to restrictions on the free expression of LGBTIQ+ persons and acts of violence against them.¹²⁵

6. Migrants, refugees and asylum-seekers

63. The Committee on Migrant Workers and the Committee against Torture noted the effort, investment and commitment Colombia had made in order to manage migration at its borders and to facilitate the transit of migrants on its territory, including the mass migratory flows of Venezuelan citizens.¹²⁶ UNHCR noted that Colombia hosted almost 3 million Venezuelan refugees and migrants. While the regularization of some 2.4 million Venezuelans through the temporary protection scheme was advancing well, their effective socioeconomic inclusion and achievement of self-reliance remained challenging.¹²⁷ The United Nations country team noted that the socioeconomic inclusion of migrants and Colombian returnees remained a challenge in a context of high unemployment, informal labour and migrant exploitation.¹²⁸ It recommended that Colombia promote the effective inclusion of Venezuelan citizens while continuing its efforts to regularize their status.¹²⁹

64. The Committee on Migrant Workers recommended that Colombia strengthen the border mobility system with a human rights approach and maintain its decision not to close the borders, and maintain the mechanisms which provided stay permits, work permits and identity documents and which prevented irregular migration.¹³⁰ The Committee on the Elimination of Racial Discrimination recommended that Colombia take the necessary measures to prevent discrimination against migrants, in particular in their access to health services and work.¹³¹

65. The Committee on Migrant Workers welcomed the adoption by the National Civil Registry Office of the “Childhood First” decision, which granted Colombian nationality to children born in Colombia whose parents were Venezuelan migrants. Nevertheless, it was concerned that children whose mothers held other foreign nationalities were not afforded the same opportunities.¹³²

66. UNHCR noted that, despite the initiatives taken to strengthen asylum capacity, the average of 900 new asylum applications per month put considerable pressure on the asylum system.¹³³ It recommended that Colombia continue efforts to strengthen access to the asylum system and prioritize the processing of asylum applications from victims of conflict-related sexual violence, regardless of their nationality.¹³⁴ It also recommended that Colombia issue asylum-seekers with an identification document and work permit that allowed them access to the right to formal work in the country, digitalize and modernize the asylum system and adopt diverse case processing modalities for asylum claims, and develop a procedure to enable refugees to submit their asylum claims at migration checkpoints in transit zones.¹³⁵

7. Internally displaced persons

67. UNHCR noted that, despite the fact that Colombia had a strong legal and public policy framework to respond to internal displacement situations, given the continuing humanitarian situation, more than 6.8 million internally displaced persons still required assistance, solutions and access to reparations.¹³⁶ The United Nations Country Team reported that the majority of those affected by displacement belonged to Afro-descendant and Indigenous communities and recommended that Colombia maintain Act No. 1448 of 2011 in its entirety, strengthen its implementation and move progressively towards durable solutions for displaced persons that included access to land, housing, employment and livelihood opportunities.¹³⁷

Notes

¹ [A/HRC/39/6](#), [A/HRC/39/6/Add.1](#) and [A/HRC/39/2](#).

² [CERD/C/COL/CO/17-19](#), para. 32; [CMW/C/COL/CO/3](#), paras. 15 and 16; and [A/HRC/43/51/Add.1](#), para. 74 (f). See also United Nations country team submission, pp. 8 and 15; and [CAT/C/COL/CO/6](#), para. 33.

³ [CERD/C/COL/CO/17-19](#), para. 32.

⁴ [CMW/C/COL/CO/3](#), para. 14.

⁵ UNESCO submission for the universal periodic review of Colombia, p. 6.

⁶ [A/HRC/34/3/Add.3](#), para. 4. See also www.ohchr.org/en/countries/colombia.

- ⁷ See www.ohchr.org/en/statements/2023/06/urging-greater-cooperation-high-commissioner-turk-opens-human-rights-council.
- ⁸ See www.ohchr.org/en/statements/2023/01/un-high-commissioner-human-rights-volker-turk-concludes-official-visit-colombia. See also www.ohchr.org/en/statements/2023/06/urging-greater-cooperation-high-commissioner-turk-opens-human-rights-council.
- ⁹ United Nations country team submission, p. 1.
- ¹⁰ Ibid.
- ¹¹ [A/HRC/52/25](#), para. 14. See also [CAT/C/COL/CO/6](#), para. 7 (b), and United Nations country team submission, p. 1.
- ¹² [A/HRC/52/25](#), para. 4.
- ¹³ [CEDAW/C/COL/CO/9](#), para. 9.
- ¹⁴ Ibid., para. 16 (a).
- ¹⁵ [A/HRC/49/19](#), para. 20.
- ¹⁶ [CERD/C/COL/CO/17-19](#), para. 15 (a). See also [A/HRC/49/19](#), para. 71 (b); and UNHCR submission for the universal periodic review of Colombia, p. 4.
- ¹⁷ [A/HRC/49/19](#), para. 71 (b). See also UNHCR submission, p. 4.
- ¹⁸ [CERD/C/COL/CO/17-19](#), para. 7.
- ¹⁹ [CMW/C/COL/CO/3](#), para. 25.
- ²⁰ [CERD/C/COL/CO/17-19](#), para. 16.
- ²¹ Ibid., para. 11.
- ²² [A/HRC/52/25](#), para. 7. See also UNHCR submission, p. 1; and [A/HRC/52/25](#), para. 41.
- ²³ [A/HRC/52/25](#), para. 8.
- ²⁴ [A/HRC/49/19](#), para. 33.
- ²⁵ United Nations country team submission, p. 2.
- ²⁶ [A/HRC/49/19](#), para. 71 (a).
- ²⁷ [A/HRC/52/25](#), para. 12.
- ²⁸ Ibid., para. 13.
- ²⁹ [A/HRC/49/19](#), para. 53.
- ³⁰ [CAT/C/COL/CO/6](#), para. 17 (g).
- ³¹ Ibid., paras. 12 and 13 (c).
- ³² Ibid., paras. 24 and 25 (a).
- ³³ [CED/C/COL/OAI/1](#), paras. 16 and 22. See also [A/HRC/52/25](#), paras. 27 and 28.
- ³⁴ United Nations country team submission, p. 6.
- ³⁵ [A/HRC/52/25](#), para. 72. See also [CAT/C/COL/CO/6](#), paras. 16 and 17 (c).
- ³⁶ [A/HRC/52/25](#), para. 75.
- ³⁷ Ibid., para. 76 (c).
- ³⁸ See www.ohchr.org/en/press-releases/2023/03/colombia-misuse-counter-terrorism-measures-prosecute-protesters-threatens.
- ³⁹ [CEDAW/C/COL/CO/9](#), para. 13.
- ⁴⁰ [CMW/C/COL/CO/3](#), para. 27.
- ⁴¹ [CEDAW/C/COL/CO/9](#), para. 14 (a).
- ⁴² [CERD/C/COL/CO/17-19](#), para. 31.
- ⁴³ [A/HRC/49/19](#), para. 55.
- ⁴⁴ United Nations country team submission, p. 5.
- ⁴⁵ [A/HRC/49/19](#), para. 71 (o).
- ⁴⁶ United Nations country team submission, p. 5.
- ⁴⁷ [A/HRC/49/19](#), para. 66.
- ⁴⁸ [CED/C/COL/OAI/1](#), para. 18.
- ⁴⁹ [A/HRC/52/25](#), para. 76 (k). See also [CED/C/COL/OAI/1](#), para. 19 (a), (b) and (c).
- ⁵⁰ [A/HRC/49/19](#), paras. 62 and 63.
- ⁵¹ United Nations country team submission, p. 6.
- ⁵² [A/HRC/49/19](#), para. 71 (p).
- ⁵³ [CED/C/COL/OAI/1](#), para. 32.
- ⁵⁴ UNESCO submission, pp. 5 and 6.
- ⁵⁵ [A/HRC/52/25](#), para. 71. See also [A/HRC/49/19](#), para. 51.
- ⁵⁶ [CERD/C/COL/CO/17-19](#), para. 28; [CEDAW/C/COL/CO/9](#), para. 17; [CAT/C/COL/CO/6](#), para. 36; [A/HRC/43/51/Add.1](#), paras. 23, 28 and 36; [A/HRC/49/19](#), paras. 39, 41 and 56; and United Nations country team submission, p. 4.
- ⁵⁷ [A/HRC/43/51/Add.1](#), para. 14.
- ⁵⁸ [A/HRC/49/19](#), para. 45.
- ⁵⁹ [CERD/C/COL/CO/17-19](#), para. 29 (a).
- ⁶⁰ [A/HRC/49/19](#), para. 71 (k). See also [CEDAW/C/COL/CO/9](#), para. 18 (a)–(c).
- ⁶¹ [A/HRC/49/19](#), para. 25.

- 62 [CED/C/COL/OAI/1](#), para. 24.
- 63 [A/HRC/43/51/Add.1](#), para. 74 (g).
- 64 United Nations country team submission, p. 4.
- 65 [A/HRC/52/25](#), para. 67.
- 66 *Ibid.*, para. 2.
- 67 *Ibid.*, para. 3.
- 68 *Ibid.*, para. 76 (r).
- 69 [CEDAW/C/COL/CO/9](#), para. 47.
- 70 UNESCO submission, p. 6.
- 71 [CEDAW/C/COL/CO/9](#), para. 48; and United Nations country team submission, p. 11.
- 72 [CMW/C/COL/CO/3](#), para. 50.
- 73 *Ibid.*, para. 51 (a) and (d). See also United Nations country team submission, p. 13.
- 74 [CEDAW/C/COL/CO/9](#), para. 28 (d).
- 75 United Nations country team submission, p. 14.
- 76 *Ibid.*, p. 15.
- 77 See
www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4122901,102595:NO.
- 78 See www.ohchr.org/en/press-releases/2023/05/colombia-un-expert-calls-effective-protection-victims-trafficking.
- 79 [CEDAW/C/COL/CO/9](#), para. 36 (a) and (c).
- 80 [CMW/C/COL/CO/3](#), para. 32.
- 81 See
www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4023020,102595:NO.
- 82 [CEDAW/C/COL/CO/9](#), para. 40 (a).
- 83 United Nations country team submission, p. 7.
- 84 *Ibid.*, pp. 6 and 7.
- 85 *Ibid.*, p. 7. See also [CEDAW/C/COL/CO/9](#), para. 37.
- 86 [CEDAW/C/COL/CO/9](#), para. 37. See also [CAT/C/COL/CO/6](#), para. 8 (a).
- 87 United Nations country team submission, p. 8.
- 88 [CEDAW/C/COL/CO/9](#), para. 38 (a) and (c).
- 89 UNESCO submission, p. 6.
- 90 [CEDAW/C/COL/CO/9](#), para. 33 (a) and (b).
- 91 *Ibid.*, para. 34 (a).
- 92 United Nations country team submission, p. 9.
- 93 UNESCO submission, p. 7.
- 94 [A/HRC/43/51/Add.1](#), para. 77 (b).
- 95 United Nations country team submission, p. 9.
- 96 [CEDAW/C/COL/CO/9](#), para. 11.
- 97 [A/HRC/52/25](#), para. 21.
- 98 United Nations country team submission, p. 16.
- 99 [CEDAW/C/COL/CO/9](#), para. 24 (a).
- 100 *Ibid.*, para. 42 (c).
- 101 [A/HRC/52/25](#), para. 76 (f).
- 102 [CEDAW/C/COL/CO/9](#), para. 25. See also [A/HRC/52/25](#), para. 44.
- 103 [A/HRC/49/19](#), para. 10. See also United Nations country team submission, p. 10.
- 104 [A/HRC/49/19](#), para. 71 (r). See also [A/HRC/52/25](#), para. 76 (o).
- 105 United Nations country team submission, p. 11.
- 106 [CERD/C/COL/CO/17-19](#), para. 3 (b).
- 107 UNHCR submission, p. 3.
- 108 [CEDAW/C/COL/CO/9](#), para. 32 (b).
- 109 United Nations country team submission, p. 11.
- 110 [CMW/C/COL/CO/3](#), para. 45.
- 111 [A/76/871-S/2022/493](#), paras. 47–51. See also [S/AC.51/2022/2](#), paras. 4 (e) and 7 (i) and (k); and [A/75/873-S/2021/437](#), paras. 44–46.
- 112 [A/HRC/49/19](#), para. 31.
- 113 United Nations country team submission, p. 12.
- 114 [CEDAW/C/COL/CO/9](#), para. 37.
- 115 United Nations country team submission, pp. 6 and 7.
- 116 [A/HRC/52/25](#), para. 38.
- 117 United Nations country team submission, p. 13.
- 118 [A/HRC/49/19](#), para. 22.

-
- ¹¹⁹ [CERD/C/COL/CO/17-19](#), para. 19. See also [A/HRC/49/19](#), para. 71 (c).
- ¹²⁰ [CERD/C/COL/CO/17-19](#), paras. 20 and 21 (a) and (b). See also United Nations country team submission, p. 12.
- ¹²¹ [A/HRC/49/19](#), para. 71 (d).
- ¹²² [CERD/C/COL/CO/17-19](#), para. 23.
- ¹²³ [CEDAW/C/COL/CO/9](#), para. 43.
- ¹²⁴ *Ibid.*, para. 44 (a), (b) and (d).
- ¹²⁵ [A/HRC/52/25](#), para. 44.
- ¹²⁶ [CMW/C/COL/CO/3](#), para. 29; and [CAT/C/COL/CO/6](#), para. 34.
- ¹²⁷ UNHCR submission, p. 1.
- ¹²⁸ United Nations country team submission, p. 2.
- ¹²⁹ *Ibid.*, p. 12.
- ¹³⁰ [CMW/C/COL/CO/3](#), para. 31 (a) and (c).
- ¹³¹ [CERD/C/COL/CO/17-19](#), para. 27.
- ¹³² [CMW/C/COL/CO/3](#), para. 38.
- ¹³³ UNHCR submission, p. 1.
- ¹³⁴ *Ibid.*, p. 4. See also [CEDAW/C/COL/CO/9](#), para. 46 (a).
- ¹³⁵ UNHCR submission, p. 5.
- ¹³⁶ *Ibid.*, p. 2.
- ¹³⁷ United Nations country team submission, pp. 13 and 14.
-