



General Assembly

Distr.: General
7 February 2013
English
Original: Spanish

Human Rights Council
Working Group on the Universal Periodic Review
Sixteenth session
Geneva, 22 April–3 May 2013

**National report submitted in accordance with
paragraph 5 of the annex to Human Rights
Council resolution 16/21***

Colombia

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I. Methodology and broad consultative process

1. The preparation of this report represents a continuing effort by the Government that began with the submission of the first-cycle report. At that time, Colombia made a voluntary commitment to engage in continuous follow-up, which it has done for the past four years.¹

2. Seven reports have been compiled and are available for public consultation.² In addition, in 2009 and 2010 two communications detailing the follow-up mechanism³ and the results and actions taken by the Government were sent to the States that participated in the Human Rights Council session. A newsletter detailing progress during 2009 in implementing the universal periodic review (UPR) was also produced.

3. In 2011 the UPR was circulated at the departmental level to enhance the authorities' awareness of their role in implementing the recommendations and commitments.⁴ This was followed by a consultation in the 32 departments⁵ to identify, from the local perspective, achievements, best practices, challenges and limitations in the field of human rights, as well as their views on the follow-up to the 2008 review and progress in implementing the recommendations and/or commitments.⁶

4. In 2012 two workshops were held with national authorities to which all branches of public administration and monitoring bodies were invited, the goal being to secure institutional participation and coordination for the preparation and submission of the report.

5. Colombia has various forums for participation and dialogue with civil society on human rights issues. Examples are the forums provided by the Intersectoral Standing Commission on Human Rights and International Humanitarian Law⁷ and the National Round Table on Safeguards for human rights defenders.⁸

6. In addition, in the past two years, Colombia has developed the National Conference on Human Rights and International Humanitarian Law,⁹ a unique process stemming from a joint declaration in which the Government, the Ombudsman's Office, the Congress, the Counsel-General's Office, civil society and the international community agreed to support a participatory process¹⁰ of developing and implementing a comprehensive human rights and international humanitarian law policy at the national, departmental and local levels.¹¹ To that end, forums have been scheduled in each department¹² and in the capital district. By December 2012 a total of 25 forums¹³ had been held with more than 12,500 participants,¹⁴ and the National Conference, held that same month, attracted more than 2,000 people. This process will continue in 2013, with coordination between the national and local levels as one of its main goals.

7. In connection with the present report, the Working Group on the UPR,¹⁵ along with the Office of the United Nations High Commissioner for Human Rights in Colombia, organized forums for dialogue, which did not constitute consultations, with the country's main human rights entities.¹⁶ Once the report has been submitted, the Government stands ready to organize further meetings so that those entities' views and comments can be reflected in the presentation of the report.

II. Background and legislative and institutional framework

A. Context

8. Colombia is a unitary, democratic, participatory and pluralistic State with separation of powers that is governed by the Constitution of 1991. It has a decentralized administration

with autonomous territorial entities that all operate under the same constitutional and legal regime. Decentralization ensures that administrative activity is distributed among territorial entities and allows greater capacity for action in the country's various regions.

9. The President of the Republic, governors and mayors are elected by popular vote. The current President, Juan Manuel Santos, was elected for a term running from 2010 to 2014.

10. According to estimates by the National Department of Statistics,¹⁷ the population currently numbers 46,375,061.¹⁸

B. Legislative and institutional framework

11. In recent years, Colombia has seen changes at the policymaking and institutional levels designed to ensure the full enjoyment of human rights and to improve the efficiency and coherence of the State's organization and functioning.¹⁹ The institutional and legislative reform of the State can be viewed as having two broad goals, namely to safeguard firstly the human rights of the entire population and secondly those of victims in particular, in order to achieve full reparation and reconciliation and thereby pave the way for progress towards ending the armed conflict.

12. Under the principles of good government — efficiency, effectiveness, transparency and accountability — and using as a reference the National Development Plan for 2010–2014, “Prosperity for All”, which is the basis for all government policies, the various sectors of the public administration were reviewed and a reform was undertaken²⁰ with the following goals: (i) strengthening of social inclusion and reconciliation, (ii) strengthening of Government social policy, (iii) institutional strengthening in sectors critical for the country's competitiveness and (iv) greater efficiency and effectiveness.

13. To strengthen the Government's coordinated response to issues involving human rights and international humanitarian law, the National System of Human Rights and International Humanitarian Law was established,²¹ the Intersectoral Standing Commission on Human Rights and International Humanitarian Law was modified and a national human rights information system was launched.²² The information system includes several subsystems.²³ The Intersectoral Standing Commission, which is led by the Vice-President and includes cabinet ministers, is the highest-level body for the definition, promotion, direction, coordination, monitoring and evaluation of the comprehensive policy for human rights and international humanitarian law. It is also the body that coordinates follow-up to and implementation of international commitments in these areas, as well as the incorporation of a rights-based approach into sectoral policies.

14. The Sector for Social Inclusion and Reconciliation was established under the aegis of the Department for Social Prosperity (DPS)²⁴ and includes the Colombian Family Welfare Institute (ICBF), the Centre for Historical Memory (CMH),²⁵ the Unit for Assistance and Comprehensive Reparations for Victims (UARIV),²⁶ the Special Administrative Unit for Territorial Consolidation²⁷ and the National Agency for Eradicating Extreme Poverty (ANSPE).²⁸ Its mandate is to formulate, implement, direct, coordinate and execute policies, general plans, programmes and projects for poverty eradication, social inclusion, reconciliation, land recovery, assistance to vulnerable groups and people with disabilities and their social and economic reintegration, and assistance and reparations to victims of the conflict.

15. The Victims and Land Restitution Act (Act No. 1448 of 2011), together with its implementing decrees,²⁹ constitutes the Government's most ambitious attempt to provide assistance and reparation to victims of violence. The Act includes, among other things, measures to prevent recurrence of gender-, population- and ethnicity-based violence³⁰ and

lays a foundation for the implementation of public policy for providing assistance and full reparation in line with the principles of progressiveness, phasing and sustainability. It also specifies the institutions responsible for policy implementation and establishes the National System of Assistance and Comprehensive Reparation to Victims.

16. The reform also included strengthening of the areas and entities responsible for protecting the rights of minorities³¹ and strengthening of judicial functions,³² social protection,³³ security,³⁴ housing and environment,³⁵ culture and protection of people at extraordinary risk through the creation of the National Protection Unit (UNP) and the Committee to Evaluate Risks and Recommend Measures,³⁶ as well as cultural aspects,³⁷ along with other important initiatives.³⁸

17. To facilitate the transition from armed conflict towards a stable peace, Congress approved a “legal framework for peace” that authorizes the creation of extrajudicial transitional justice mechanisms, the establishment of criteria for selection and prioritization of cases, and the suspension of a penalty’s enforcement. In addition, in September 2012, the Government began a dialogue with the Revolutionary Armed Forces of Colombia (FARC) guerrillas for which it adopted a road map that precisely defines the terms of discussion to reach a final agreement ending the armed conflict, which is an enormous challenge for the nation.

C. Dialogue with international organizations

18. International organizations have a total of 29 offices in the country. They include, among others, the United Nations,³⁹ the Organization of American States, the International Committee of the Red Cross, the World Bank and 10 cooperation and/or development agencies.

19. Since 2008 there have been 22 visits to Colombia by senior leaders or representatives of United Nations system entities and inter-American human rights institutions.⁴⁰ Particularly noteworthy were the visit of the Secretary-General of the United Nations in June 2011, which was the occasion for approval of the Victims and Land Restitution Act; the visit of Margot Wallstrom, the Secretary-General’s Special Representative on Sexual Violence in Conflict; visits by Michelle Bachelet and Babatunde Osotimehin, the respective executive directors of the United Nations agencies UN-Women and the United Nations Population Fund; and visits by T. Alexander Aleinikoff, the United Nations Deputy High Commissioner for Refugees, and Anders Kompass, Director of the OHCHR Field Operations and Technical Cooperation Division.

20. In addition, the President of the International Criminal Court, Judge Sang-Hyun Song, and the President of Colombia signed an agreement between Colombia and the Court on the application of penalties imposed by the Court. Colombia is the first country in the Americas and the seventh in the world to sign such an instrument.

21. Colombia stands out for its progress in the inter-American system of human rights. In December 2012, as a result of a visit by the Inter-American Commission on Human Rights, coverage of Colombia was withdrawn from chapter IV of that body’s annual report.

III. Progress, priorities and challenges in the promotion and protection of human rights

A. Implementation of the National Development Plan for 2010–2014, “Prosperity for All”

22. The National Development Plan “Prosperity for All” establishes human rights goals and points the way towards social inclusion and reconciliation. Chapter 5, “Consolidating peace”, refers in its section C to the comprehensive policy for human rights and international humanitarian law and to transitional justice, with the purpose of ensuring the rule of law. The latter includes the consolidation of security, full observance of human rights, and an effectively functioning justice system, which involves taking steps to consolidate peace and reduce impunity, together with the creation of strategies for integrating human rights into culture and citizenship; respect for the right to life, liberty and integrity of the person; combating discrimination; and respect for distinctive identities.

B. Formulation of a comprehensive public policy on human rights and international humanitarian law

23. The improvements in the human rights situation in Colombia demonstrate the Government’s commitment to complying with the highest standard of safeguarding human rights. Although difficult tasks and challenges still lie ahead, the Government’s will to overcome them is evident. As the present report demonstrates, the plans and actions under way take into account various obligations, recommendations and/or international commitments, including those taken on by Colombia in the framework of the UPR.

24. The formulation of the Presidential Programme on Human Rights and International Humanitarian Law,⁴¹ which constitutes a national challenge, has taken into account the earlier process undertaken as part of the National Human Rights Action Plan and other initiatives that sought to define a framework for effective action in the field of human rights and international humanitarian law. With the creation of the National System of Human Rights and International Humanitarian Law and the process of the National Conference on Human Rights and International Humanitarian Law, public policy is drawing on local-level inputs. This policy is a broad umbrella that incorporates the country’s international obligations and commitments and is nourished by constructive dialogue with social organizations and the international community and by the transitional justice process.

25. In the framework of the National System of Human Rights and International Humanitarian Law,⁴² all entities dealing with human rights and international humanitarian law have begun cooperating at the institutional level, which translates into dialogue between 55 national-level entities, 5 presidential programmes, 90 directorates and subsidiary units and 8 high-level offices.

C. Economic, social, cultural and environmental rights

Poverty

26. The Government has worked to strengthen the middle class and to achieve a more equitable society by improving capacities and opportunities for access to various social services by those living in poverty and extreme poverty.

27. Colombia has voluntarily committed itself to reducing the proportion of people living in poverty⁴³ to 28.5 per cent and the proportion of those living in extreme poverty to

8.8 per cent by 2015. Thus, between 2010 and 2011, the national poverty rate decreased from 37.2 per cent to 34.1 per cent and the rate of extreme poverty fell from 12.3 per cent to 10.6 per cent. These decreases result from targeted policies and comprehensive strategies with a differential approach, economic growth, and income redistribution favouring the poorest.

28. To tackle the huge challenge of reducing poverty, the new National Agency for Eradicating Extreme Poverty launched the United Network,⁴⁴ a programme offering social services to those living in poverty or extreme poverty. The More Families in Action⁴⁵ programme involves periodic conditional transfers of money to supplement incomes and improve the health and education of children under the age of 18 in families living in conditions of poverty and vulnerability. In 2011 a total of 2,210,412 families were helped, of which 382,126 (17.3 per cent) were displaced and 69,485 (3.1 per cent) were indigenous.

Food security

29. The National Food and Nutritional Security Policy has been instituted and the Intersectoral Food and Nutritional Security Commission⁴⁶ established as the highest-level body for directing and coordinating the implementation of related policies and programmes. In addition, there is the Food Safety Network (ReSA), whose purpose is to promote the generation of food for own consumption. In June 2012, more than 2,490 families were assisted through ReSA food security projects. In particular, 56,997 women benefited from income supplement programmes; they are the main recipients of conditional transfers.

Employment and productivity

30. The Productive Partnerships project seeks to promote business development partnerships between the private sector and poor rural communities to increase competitiveness.

31. It is estimated that in 2011, under the “First Job” Act,⁴⁷ 155,753 businesses were created and 395,266 young people obtained their first job. The Let’s Work Together programme provided 15,208 people with an individual workplan that included referrals for recognition of credentials, vocational and literacy training, and skills certification, with the aim of boosting individual capacities.⁴⁸

32. Programmes established to target the needs of populations under special constitutional protection include Rural Youth,⁴⁹ Rural Women, Women Savers in Action,⁵⁰ and the Rural Opportunities Programme for small rural producers, young people, women, indigenous people and Afro-Colombians.⁵¹

33. Steps were taken to institutionalize the creation of jobs incorporating a gender approach and benefiting employers of women who have been victims of violence.⁵² Teleworking,⁵³ which benefits various specific populations,⁵⁴ is also being promoted.

Decent housing

34. The High-Priority Housing Act,⁵⁵ which provides for the delivery of 100,000 units of free housing in various parts of the country to populations assigned priority,⁵⁶ was enacted. The Ministry of Agriculture, to facilitate access to rural needs-based housing and the formalization of rural property rights, has implemented strategic programmes with a differential approach aimed at vulnerable groups.⁵⁷ The Government⁵⁸ has also implemented programmes to facilitate access to rural needs-based housing and the formalization of rural property rights.

35. Land and rural development legislation is being enacted.⁵⁹ The goal is to encourage comprehensive, differentiated rural development.

Education⁶⁰

36. The Government has instituted⁶¹ free education⁶² for all students in State institutions between the “transition” and eleventh-grade levels. The Government is implementing a system for tracking information on free education, which will make it possible to monitor the resources allocated to free education.

37. Likewise, efforts are under way to increase coverage at various educational levels. In 2011, Colombia achieved universal coverage at the basic primary and secondary levels and narrowed the gap between urban and rural coverage.⁶³ In addition, priority was given to the allocation of resources to those territorial entities with the greatest educational backwardness, the largest proportions of rural inhabitants and the highest levels of vulnerable and diverse populations.⁶⁴

38. The creation of the Intersectoral Commission for Comprehensive Early Childhood Care in 2011 established quality standards⁶⁵ for the care of children in public child development centres, which served 589,826 children, an increase of 24,300 over 2010. In addition, 72 kindergartens, multipurpose centres and early child development centres were built.

39. The National Programme for Literacy and Basic and Intermediate Education for Young People and Adults is designed to support the education of illiterate young people and adults, and thus tackle the great challenge of reducing illiteracy among people between the ages of 15 and 24 to 1 per cent. Between 2005 and August 2012, a total of 212,716 young people between the ages of 15 and 24 were taught to read and write.

Information and communication technologies

40. To improve the quality of life of all Colombians, the Government promotes access to and the effective use and widespread adoption of information and communication technologies. The strategic framework of the Digital Living plan⁶⁶ includes 85 initiatives to develop the country’s digital “ecosystem”, including infrastructure, services, applications and social networks, and technology acquisition.

Health care

41. In 2009 Colombia met its commitment to unify the mandatory health plan⁶⁷ for boys and girls, which has benefited 15,838,549 children under the age of 17.⁶⁸ In 2011 a benefits plan was established for people over the age of 60. In July 2012 the health-care systems were unified, so that all those affiliated with the subsidized health plan enjoy the same benefits as those affiliated with the contributory plan. More than 42.5 million people affiliated with the two schemes now have the same benefits.

42. The general health insurance scheme has maintained coverage of around 96 per cent. This figure means that 2.3 million new members were enrolled in the scheme between 2010 and 2012.⁶⁹ It is estimated that in 1993 only 4.3 per cent of the poorest were covered. In 2003 the figure reached 48 per cent and in 2011 it approached 90 per cent. Extra efforts will be needed to reach 100 per cent, in particular in territories where the population is scattered. To tackle the remaining challenges, Colombia has implemented a four-year health plan and has implemented a law to strengthen the system.⁷⁰

43. The Government is committed to reducing maternal morbidity and infant mortality and to promoting children’s healthy development and has established an intersectoral commission to promote and safeguard sexual and reproductive rights. Also, since January 2012, the SIVIGILA national public health monitoring system⁷¹ of the National Health Institute has included mandatory monitoring of extreme maternal morbidity, and an extreme neonatal morbidity surveillance model has been developed.

44. A public health plan for 2012–2021⁷² has been established, and a programmatic HIV management model has been implemented. The implementation of the “First Thousand Days” approach⁷³ is under way.

Social protection

45. To address the needs of the elderly, who constitute 10 per cent of the total population, the Government established the National Policy on Ageing and Old Age 2007–2019 and designed and implemented a social protection programme for the elderly;⁷⁴ a national training programme for the comprehensive care of the elderly; the Juan Luis Londoño de la Cuesta national feeding programme for the elderly, and a comprehensive approach to fostering participation by the elderly in society.

46. To protect them from the economic risk associated with the inability to earn an income, the Government has designed two main mechanisms, one preventive and the other involving assistance. The first is based on the pension system⁷⁵ and the second⁷⁶ provides a legal basis for identifying cases in which periodic allowances lower than the minimum wage may be given to poor people who do not meet the conditions for entitlement to a pension.⁷⁷

47. In addition, the Elder Colombia programme has been launched to tackle the challenge of protecting elderly people who are homeless and have no pension or are living in poverty or extreme poverty.⁷⁸ Under this programme, 627,428 elderly adults receive a bimonthly grant to finance their basic needs and improve their quality of life.

Culture

48. The Government has devoted additional resources to culture.⁷⁹ It has established a national reading and writing programme, “Reading Is My Story”; cofinanced initiatives and projects by NGOs and other organizations; implemented a national “Stimuli” programme; and provided support to a national “Coordination” programme. Through the Life and Work award it has recognized the work of Colombian artists, researchers and cultural managers. Finally, efforts have been made to institutionalize public art performances.⁸⁰

Environment

49. Protecting the environment also safeguards the enjoyment of other rights.⁸¹ The relevant institutional framework was strengthened with the creation of the National Environmental Licensing Authority (ANLA), which is tasked with handling the issuance of environmental permits and licences and other environment-related procedures in a transparent and efficient manner to achieve a sustainable balance between environmental protection and the country’s development. A new unit in the Attorney General’s Office focuses on crimes against the environment and natural resources.

50. Colombia has been actively involved in the Clean Development Mechanism⁸² and has a portfolio of 182 projects to reduce greenhouse gas emissions (including 77 new projects added since August 2010). The conceptual framework for the National Plan to Adapt to Climate Change has been set, and imports of all types of hazardous waste have been banned. Colombia has national policies for environmental education⁸³ and for integrated management of biodiversity and ecosystem services. In addition, it is implementing the Integration and Climate Change programme through a national pilot project on adjustment to climate change focusing on component B (high mountain environments) and has developed a policy for integrated solid waste management.

51. The design of these and other relevant policies to guarantee the full exercise and enjoyment of economic, social, cultural and environmental rights demonstrates a willingness and commitment to continue to comply with international commitments.

D. Combating violence and maintaining public order⁸⁴

Preventing violence

52. In a context of armed conflict, with the ensuing complexities and difficulties, Colombia has been working to strengthen the rule of law and democracy, to achieve peace and ensure the safety of all its citizens so that they can fully exercise their human rights.

53. In 2012 the Ministry of the Interior provided the 32 departments with advice and technical assistance for preventive management of the risk of violations of the right to life, liberty, integrity of the person and personal security, which includes strengthening of preventive mechanisms⁸⁵ and the formulation and/or updating of comprehensive plans for prevention and protection.⁸⁶ Thirty-two plans were formulated and/or updated, one by each department. Plans have been developed as part of the prevention strategy for the land restitution process,⁸⁷ and 51 of 58 municipalities involved in the territorial consolidation strategy have comprehensive prevention and protection plans.⁸⁸

Fostering opportunities for dialogue with civil society

54. Recognizing the legitimate role of social organizations as builders of democracy, the Government has worked to strengthen the dialogue with them, and has established the National Round Table on Safeguards. Various thematic sessions have also been held. The Government has recognized the work of advocates, social and communal leaders in various regions of the country,⁸⁹ and proposals put forward through this forum have already resulted in tangible steps. Despite these developments, work must continue to further strengthen and expand the dialogue with civil society, particularly in the regions.

Protecting persons at risk

55. The protection programme, the only one of its kind in the world, witnessed major advances stemming from the discussions held at the National Round Table on Safeguards. It was assigned to an independent entity, the National Protection Unit, and regulates the principles and processes of protection, incorporating a differential approach in the means used and in devising risk studies.⁹⁰ The Unit currently protects more than 10,000 people.

Training the armed forces

56. The Ministry of Defence has developed instruments to design, develop, assess and adjust its operations in full compliance with international standards in the field of human rights and international humanitarian law.⁹¹ Initiatives to train the armed forces in human rights and international humanitarian law include, among others, the Education System Strategic Plan (PESE), the Single Teaching Model for Human Rights and International Humanitarian Law, group training in regional scenarios and analysis of lessons learned.⁹²

Combating criminal gangs

57. The protection of the civilian population⁹³ has been and will continue to be a priority for the Government, which has adopted various policies and institutional strategies in this respect. 2012 was the most successful year in terms of protection of the right to life, with the largest decline in violent deaths in the past 40 years.

58. Combating criminal gangs⁹⁴ is one of the biggest challenges for the public security forces. A comprehensive policy has been defined with the aim of dismantling criminal gangs to protect the population. The policy has a strategic, comprehensive and multidimensional approach, in which the indicators of success will be the final dismantling of the gangs, the re-establishment of state authority over the territory and the protection of the population.

59. The comprehensive strategy against these gangs includes the following eight elements: developing profiles of the gangs; consolidation and analysis of information needed to understand their dynamics; prosecution; combating corruption; strategy coordination with the national policy of territorial consolidation; design of a comprehensive and unified strategy to tackle gang financing; prevention of recidivism; and a proactive communication strategy.

60. The Government has, through the public security forces, succeeded in dismantling 29 per cent of the gangs and has captured 5,175 gang members. There has also been a 35 per cent decrease in the membership of the armed gang known as Los Rastrojos, as 1,910 of their members, including 9 regional ringleaders, have been caught.⁹⁵

61. The new anti-gang unit in the Attorney General's office redefined its structure to organize investigations targeting the groups of gangs identified, rather than crimes or geographic areas. The foregoing involves applying an anti-crime policy focusing on coordinated actions at the institutional and international levels.⁹⁶ As a result of investigations of cases involving criminal gangs, as of November 2008, the National Human Rights Unit of the Attorney General's Office had been assigned 50 cases and 20 persons had been convicted. Between 2011 and 2012 the anti-gang unit was assigned 181 cases, with 1 case at the trial stage and 7 convictions handed down against 9 people.

Combating illegal armed groups

62. The armed forces, in fulfilment of their constitutional role, have stepped up their operations against armed groups operating outside the law⁹⁷ in order to assert control over the national territory, provide security, neutralize the capabilities of these groups and disrupt their power bases. The period under discussion has seen significant results in terms of demobilization, rendition and subjugation of illegal armed groups, thanks to the effective design, implementation, evaluation and periodic adjustment of strategies such as the comprehensive security and defence policy for prosperity and the Sword of Honour 2012–2014 plan.⁹⁸

63. The army carries out operations to defend national sovereignty, territorial integrity and the constitutional order. It is also responsible for enforcing Government policies such as the democratic security policy (2002–2006), the policy for the consolidation of democratic security (2006–2010) and the current comprehensive security and defence policy for prosperity.

Trafficking in persons

64. The Comprehensive National Strategy to Combat Trafficking in Persons⁹⁹ has been adopted and work is now under way to draw up the new National Strategy 2013–2018. In 2011, the institutions responsible for implementing the strategy were successfully set up throughout the country; this has helped to publicize the preventive campaign under the slogan "*Con la Trata de Personas No hay Trato* (No deal with human trafficking)". In addition, a round-the-clock free national human trafficking hotline was made available to members of the public.

65. Via its Directorate for Territorial Governance, the Ministry of the Interior has carried out a number of projects designed to take up the still unfinished task of strengthening the institutional capacity of territorial bodies to deal with trafficking in persons; in this connection it is encouraging governors and mayors to take the necessary decisions and to allocate more resources in their budgets to safeguarding the rights of victims of trafficking. During 2011 and 2012, action was taken in response to 57 alleged cases of trafficking in persons.

Torture and other cruel, inhuman or degrading treatment or punishment

66. On the basis of the recommendations made by the Committee against Torture, Colombia has been laying down the lines of a national mechanism to prevent torture, which is coordinated by the Ministry of Justice in conjunction with the other bodies that compose the Inter-agency Committee for the Prevention of Torture.¹⁰⁰

Killing of protected persons¹⁰¹

67. The National Round Table on Safeguards was set up by common agreement between the State and civil society; with the support of the international community it has made it possible for organizations that uphold human rights, together with social and community leaders fully to perform their task.¹⁰²

68. Killings of protected persons have been vigorously condemned by the State and a number of measures have been taken to prevent, investigate and bring them to court; these measures include the transfer to the ordinary courts of investigations initially undertaken by the military courts.

69. As a result, the armed forces have implemented 15 measures adopted by the Ministry of Defence in 2008,¹⁰³ 7 of which are being monitored by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Colombia.¹⁰⁴ Thanks to these measures there has been a significant reduction in complaints or claims involving alleged killings of protected persons. During 2012, no such complaints were received.¹⁰⁵

70. A number of members of the armed forces have been tried and sentenced as perpetrators or accomplices, depending on their degree of responsibility, in specific cases involving murder, aggravated enforced disappearance, peculation by appropriation and forging of official documents.¹⁰⁶ As of 31 August 2012, the Attorney General's Office had registered 1,727 cases of homicide in which State agents were allegedly involved, with 1,948 persons charged, 108 cases at the trial stage and 458 convictions.

Enforced disappearance

71. On 11 July 2012, Colombia ratified the International Convention for the Protection of All Persons from Enforced Disappearance¹⁰⁷ and has kept up its efforts to prevent and bring to court such acts by means of a dialogue with NGOs and multilateral agencies, in coordination with the Commission on the Search for Disappeared Persons.¹⁰⁸

72. In addition, the necessary conditions were met for the establishment of the National DNA Profiles Bank¹⁰⁹ to help with the search for disappeared persons and with other acts relating to the memory of victims and their relatives.¹¹⁰

73. A comparison of the results of investigations into cases of enforced disappearance shows that in November 2008, 202 cases had been assigned to the National Human Rights and International Humanitarian Law Unit of the Attorney General's Office; 1 case was at the trial stage and convictions had been handed down in 9 cases against 24 persons, while as of 31 August 2012, 334 had been assigned to the Unit, with 22 at the trial stage and 195 convictions involving 182 persons.¹¹¹

Sexual violence¹¹²

74. The Office of the Attorney General has taken steps to identify cases involving sexual violence,¹¹³ and is undertaking the relevant follow-up measures, via legal-technical committees, to evaluate the progress made by the investigations, share good practices and experience and identify the obstacles and shortcomings that have affected progress.

75. Public policy to prevent forced recruitment¹¹⁴ includes a component for the prevention of sexual violence in connection with the armed conflict and has strengthened the Intersectoral Commission for the Prevention of Forced Recruitment. Furthermore, the security forces have incorporated the topic of sexual violence into various training programmes and have produced a training guide for teachers teaching extracurricular courses on sexual violence in connection with the armed conflict.

76. A comparison of the results of investigations into cases of sexual violence¹¹⁵ shows that in November 2008, 65 cases had been assigned to the National Human Rights and International Humanitarian Law Unit of the Attorney General's Office, with 1 case at the trial stage, while as of 31 August 2012, 181 cases had been assigned to the Unit, with 1 at the trial stage and 7 convictions involving 9 persons.¹¹⁶

Forced recruitment

77. The Intersectoral Commission for the Prevention of Forced Recruitment is progressing with preparations for the observatory for the prevention of the recruitment and use of children and of sexual violence against children, whose tasks will include follow-up of the actions undertaken by the institutions concerned.¹¹⁷ Means of promoting awareness of forced recruitment have been developed.¹¹⁸

78. One such strategy has been the "Proposal for the municipal authorities to prioritize addressing risk factors to which children and adolescents are exposed in Colombia", the purpose of which is to adapt the institutional response and to make strategies available to the authorities of municipalities in Colombia in which specific risk factors are present.¹¹⁹

79. A comparison of the results of investigations into cases of forced recruitment shows that in November 2008, 141 cases had been assigned to the National Human Rights and International Humanitarian Law Unit of the Attorney General's Office, with 2 cases at the trial stage and 3 convictions, while as of 31 August 2012, 238 cases had been assigned to the Unit, with 6 at the trial stage and 50 convictions involving 48 persons.¹²⁰ In this connection, the conviction handed down against the so-called "El Alemán", commander of the self-defence militia disbanded in 2005 and 2006, for forced recruitment as part of the Justice and Peace process is particularly significant.¹²¹

Anti-personnel mines, unexploded munitions and education about the threat posed by mines

80. According to the Presidential Programme of Comprehensive Action against Anti-Personnel Mines (PAICMA), in 2011, 549 persons were victims of anti-personnel mines laid and unexploded munitions left by illegal armed groups and 262 in 2012. The total number of victims between 1990 and September 2012 is 10,001.

81. A child- and adolescent-based approach has been adopted towards education on the threat posed by mines so as to take into account the need to adapt measures to the victims. In addition, comprehensive assistance is provided to the victims of anti-personnel mines, unexploded munitions and improvised explosive devices by the National Disability System and the assistance available locally has been reinforced. The Humanitarian Demining Programme has come into operation and 93.26 per cent of those who fell victim to mines in 2012 received assistance.¹²²

E. Combating impunity and ensuring access to justice¹²³

82. The policy of combating impunity in cases involving human rights violations and breaches of international humanitarian law has been given a fresh impetus thanks to the involvement of the Office of the Attorney General, the Office of the Procurator-General,

the Ombudsman's Office, the High Council of the Judiciary and the National Institute of Prisons and Penitentiaries. The aim of the policy is to strengthen the State's capacity to investigate, bring to court and punish such acts. It has also helped to build up human and operational resources and to improve the investigatory skills of judicial professionals.

83. Progress has been made with a strategy to provide specialized training in human rights and international humanitarian law for judicial professionals.¹²⁴ Between 2011 and 2012, nine training courses were held for approximately 350 professionals.

84. In order better to investigate violations of human rights and provide victims with assistance, a special registration unit has been set up in the Office of the Attorney General, as part of the National Unit for Justice and Peace, to provide comprehensive assistance and guidance for victims of illegal organized armed groups, together with the National Human Rights Procurator's Unit for disappearances and forced displacements and the National Human Rights Procurator's Unit for demobilized persons.

85. In 2012, in order more appropriately and effectively to handle investigations into cases, the Office of the Attorney General adopted Directive 0001,¹²⁵ whose purpose is to establish a new system of criminal investigation and to introduce and gradually put into practice guidelines for selection and setting priorities, and resolution 1810, setting up the National Unit for Analysis and Contexts.¹²⁶

86. As part of the Sectoral Plan for the Development of the Judicial Branch for 2011–2014,¹²⁷ an effort will be made to improve the quality and fairness of legal proceedings by constantly improving managerial and administrative skills, recruiting professionals by means of competitive examinations, periodic performance evaluations, raising the level of professionalization of and providing further training for officials, providing access to information on case law and legislation and strengthening incentives.¹²⁸ In addition, a judicial culture has been developed in which the gender perspective is an essential tool in putting into practice the right to equality.¹²⁹

87. Progress has been made in bringing to justice cases in which human rights militants were the victims. In November 2008, 35 cases were assigned to the National Human Rights and International Humanitarian Law Unit of the Attorney General's Office, with 7 cases at the trial stage and 14 persons convicted, whereas on 31 August 2012, 50 cases were assigned to the Unit, with 2 at the trial stage and 36 convictions handed down against 49 persons.¹³⁰

88. Where investigations into alleged links between illegal armed groups and State officials or politicians are concerned, the Supreme Court of Justice has carried out investigations against and convicted those members of Congress with links to illegal groups. Noteworthy steps have been the adoption of security measures and the opening of a number of investigations in 2012, together with the conviction of 7 former members of Congress and local administrative officials.¹³¹ The National Justice and Peace Unit compiled 2,540 files on links with illegal armed groups, of which 1,124 concern politicians, 1,023 members of the law-enforcement forces and 393 civil servants.¹³²

Comprehensive reparation for the victims of the conflict

89. The approval of the Victims and Land Restitution Act¹³³ marks a step forward in the recognition of the Colombian armed conflict and for its victims. The purpose of the Act is to guarantee the Rights to truth, justice, comprehensive reparation and the assurance of non-repetition.

90. The main actions carried out under this new legislation may be summarized as the development of a methodology for drawing up contingency plans for all known types of act that leave victims. These include focusing areas of intervention on those municipalities

most affected by violence, on the basis of an index showing the risk of victimization – IRV; implementation of efficient and efficacious comprehensive care and assistance mechanisms for victims, with an individualized approach; mapping the Individual Road to Reparation (comprehensive, individualized and transformative), designing the support programme to ensure that the money received by victims as administrative compensation is suitably invested;¹³⁴ setting up the comprehensive information system — the single register of victims (RUV) — to ensure victims may be traced from the time they make a statement until they are no longer vulnerable and that they are also able effectively to participate.¹³⁵

91. During 2012 reparation was provided to 153,013 victims. Of the victims who received compensation, 24,994 voluntarily agreed to a support programme under which the State helps them to make better use of and to invest the financial compensation received. Reparation is comprehensive, and the State also offers individual and collective roads to reparation, individualized treatment, vocational, technical and technological training programmes or preferential access to public education. In the same connection, the Unit helped 51,565 victims to draw up their individualized plans to obtain reparation.

92. In compliance with the Act, the Victims' Unit provided a response to 1,108 humanitarian emergencies, 90 of which involved mass displacements, and carried out 795 humanitarian missions, 528 of them preventive. The victims of events other than displacements received humanitarian assistance worth US\$ 6.3 million in response to 10,138 requests.

93. As regards land, the Act provides for the adoption of measures for legal and material restitution or payment of compensation to populations who lost or had to abandon their land as a result of the conflict.¹³⁶ In addition, in 2012, 14 agrarian judges were appointed and are currently receiving training. A total of 14,200 applications for restitution concerning 1,085,782 hectares have been submitted.¹³⁷ In December 2012, the first land to be returned as a result of a court decision under the Justice and Peace Act was handed over in the Mampuján case.

F. Business and human rights

94. Colombia has negotiated, signed and ratified major trade agreements with third countries in recent years. In the framework of these agreements, clauses have been negotiated to encourage respect for, promote and guarantee human rights.

95. With the aim of introducing a human rights-based approach to entrepreneurial activities, work is going ahead to establish a working group within the National System of Human Rights and International Humanitarian Law; this approach on the one hand identifies and brings together contributions to the drafting of the chapter on Enterprise and Human Rights of the Presidential Programme on Human Rights and International Humanitarian Law, and on the other pinpoints linkages and opportunities for improving the institutional response and ensuring due diligence in respect of complaints and claims concerning infringements of human rights resulting, whether directly or indirectly, from entrepreneurial activities.¹³⁸

G. Equality and non-discrimination

96. Colombia possesses a constitutional and legislative framework that ensures equality and freedom from discrimination as the pillars underpinning rights. Since December 2011, with the adoption of the Anti-discrimination Act,¹³⁹ persons who commit discriminatory acts on grounds of ethnicity, sex or sexual orientation are liable to penal and financial penalties.¹⁴⁰

97. In 2011, the Office of the Attorney General 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.¹⁴¹

Women

98. Colombia acknowledges the fundamental role played by women¹⁴² and the challenges that still remain in order effectively to guarantee their rights. Accordingly, actions have been undertaken to guarantee gender equality and to empower women. Noteworthy developments are the guidelines for a national policy of gender equality for women,¹⁴³ whose launch in 2012 was attended by the Executive Directors of UN-Women and of UNFPA. The policy has been built through a highly participative process that was supported and accompanied by national women's networks and organizations.¹⁴⁴ Currently, work is under way to develop the National Economic and Social Policy Councils on gender and women victims of the armed conflict and the Ad-hoc Plan for Comprehensive Assistance and Reparation for Women Victims of Forced Displacement and/or other Offences connected with the Armed Conflict. Work is under way within the Intersectoral Commission to Eradicate violence against Women and the Legal Commission on Equity for Women in Congress.

99. As regards protection, a committee to evaluate risks and recommend measures (CERREM) for women has been set up. It involves organizations that make up the women's social movement in Colombia. In addition, the Ad hoc Protocol on the Gender Perspective and Women's Rights¹⁴⁵ has been issued; it incorporates the gender perspective into the protection of women at risk for which the National Protection Unit is responsible.

Indigenous populations

100. In November 2011 agreement was reached on the "Programme to Guarantee the Rights of Indigenous Peoples", which sets out the broad lines of public policy in respect of these communities and makes available tools to provide comprehensive assistance, protections and safeguards for the rights of those peoples at risk of disappearing either physically or culturally.¹⁴⁶

101. Information from the system for georeferencing indigenous reservations is being checked in order to strengthen the system for the protections of these territories.¹⁴⁷ In this connection, 246 reservations have already been georeferenced. Currently, the boundaries of 900 reservations are being identified for incorporation into the system and 17 plans for the safeguard of indigenous peoples have been drawn up.¹⁴⁸

102. The implementing regulations for the Victims' Act relating to indigenous populations and Afro-Colombians were the subject of prior consultation. In addition, work has been under way to draw up the Programme for Prevention and Protection of the rights to life, liberty, integrity and security of persons, groups and communities¹⁴⁹ 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 task, with special emphasis on women.¹⁵⁰

Afro-Colombian, Black, Raizal and Palenquero communities

103. Colombia attaches fundamental importance to strengthening the protection of those populations that require greater attention,¹⁵¹ and for this reason implements policies that promote affirmative action. In this connection, the strategic policy lines of the National Development Plan 2010–2014 include the following three specific components targeting

ethnic groups; promotion of equal opportunities for the population belonging to ethnic groups in terms of access to the benefits of development via a differentiated approach; protection for the fundamental rights of the ethnic population and strengthening their own organizations and forms of government.

104. Decree 4679 of 2010, for its part, facilitates the implementation of strategies to help progress towards improving the quality of life of indigenous populations. To achieve this objective, the Presidential Programme for Afro-Colombians is structured around the following strategic policy lines: (a) Training human capital, with the aim of training and developing a new Afro-Colombian, Black, Palenquero and Raizal leadership, with a sound academic background; (b) Economic development, so as to organize the development of production among the Afro-Colombian population; (c) Backwardness of the institutional structure: steps will be taken to enhance the presence of State institutions among the Afro-Colombian population; (d) Strengthening institutions, with a view to improving local governance.

Displaced populations

105. For the first time, the Victims' Act has made provision for access by victims to measures that offer comprehensive reparation as well as providing for the establishment of 20 Territorial Directorates which ensure coverage of all the departments and regions of Colombia and whose specialized staff guarantee access to the new measures for comprehensive reparation.¹⁵²

106. The Colombian army is continually conducting operations to eliminate the factors responsible for the insecurity that causes the forced displacement of whole communities.¹⁵³

107. A technical board on income generation has been established for the purpose of improving the enjoyment of human rights by the displaced population and providing them with support.¹⁵⁴ A review has also been undertaken of the methods used to measure actual enjoyment of human rights by the victims of the armed conflict.¹⁵⁵

108. In collaboration with the local authorities, steps have been taken to enrol the displaced population in the General Health and Social Security System (SGSSS) under the Integrated Territorial Management Programme for the Social Advancement of Populations assigned Priority and the Integrated Plan for Women affected by Forced Displacement, as a complement to the National Plan for Reparation and Comprehensive Assistance.¹⁵⁶

109. A comparison of the results of investigations into cases of forced displacement shows that in November 2008, 162 cases had been assigned to the Office of the Attorney General's National Human Rights and International Humanitarian Law Unit; 5 cases were at the trial stage and 7 convictions had been handed down, while as of 31 August 2012, 13,892 cases were being investigated by the National Human Rights Procurator's Unit for disappearances and forced displacements. Since it was set up, the Unit has achieved 99 convictions, 47 of them for forced disappearance, 27 for the crime of forced displacement and 25 for other offences. Cases of forced displacement have also been the object of continuous differentiated follow-up, taking into account, for example, cases involving women leaders, indigenous communities and Afro-Colombians.¹⁵⁷

Children and adolescents

110. State policy in respect of children and adolescents¹⁵⁸ is set out in its development plans, the most recent of which is the "Prosperity for All" plan. During the period under review, the "From birth for life" National Strategy for Early Childhood was drawn up and implemented; it seeks to combine efforts by the public and private sectors, civil society organizations and international cooperation on behalf of early childhood in Colombia.

111. The design and implementation of the “From birth for life” National Strategy for Early Childhood involves an increase in funds, which amount to more than \$6 billion for the present four-year period. The strategy focuses on 1.2 million children living in poverty or extreme poverty. The Intersectoral Committee for Comprehensive Care during Early Childhood was also established.¹⁵⁹

112. In Colombia, policy to combat child labour is summarized in the National Strategy for the Prevention and Elimination of the Worst Forms of Child Labour, 2008–2015 and for the protection of young workers. This inter-agency effort has resulted in a policy that is more ambitious and broad, incorporated into the social protection system and integrated into the “United Network” strategy to combat extreme poverty and displacement.

Members of the LGBTI community

113. The Government of Colombia recognizes the need for the State to promote actions to guarantee the right to equality and to freedom from discrimination of lesbian, gay, bisexual, transgender and intersex people.¹⁶⁰ Accordingly, it has included in the National Development Plan¹⁶¹ the need to undertake actions for the development of a public policy on behalf of this sector of society,¹⁶² as a challenge in the years to come.

114. During 2011, the Constitutional Court handed down two decisions in which it recognized the right of same-sex couples to the marital share¹⁶³ and urged Congress to adopt legislation, before 20 June 2013, on the rights of same-sex couples in order to put an end to the deficiencies in their protection.¹⁶⁴

115. The first national meeting of the LGBTI community was held under the slogan “Out of respect for the Constitution”. The meeting provided an opportunity to work with local authorities to provide a platform for other voices among Colombia’s population. A manifesto setting out a number of proposals and requests to the Government was also signed by 109 organizations and militants attending the meeting.

116. In November 2012, a wish list¹⁶⁵ was signed to encourage and strengthen affirmative action to mitigate the vulnerability of the human rights of the LGBTI community.

Members of trade union organizations

117. Colombia has maintained its commitment to trade unionism and has continued to implement policies to afford protection, combat impunity and guarantee trade-union freedom. In 2011 the scope of the protection provided to trade union militants was extended to persons attempting to set up a trade union and to former trade unionists still under threat on account of their trade union activities. In addition, the budget allocated for the protection of trade unionists has increased significantly.¹⁶⁶ Currently, the National Protection Unit assigns some 25 per cent of its budget to protecting trade unionists.

118. During 2010, 1,040 trade unionists benefited from protective measures, in 2011, 1,186 and in 2012 approximately 1,300, representing 12.4 per cent of all persons protected under the Programme.¹⁶⁷ The National Protection Unit provides follow-up of protective measures with the vast majority of trade unions, via its representatives on the trade union committee to evaluate risks and recommend measures (CERREM). Similarly, periodic meetings are organized with the main trade unions such as the National Union of Food Industry Workers (SINALTRAINAL).

119. The National Protection Unit also participates in the Intersectoral Workers Human Rights Committee, a body headed by the Ministry of Labour which seeks, with the participation of different institutions responsible for workers’ issues, to reach agreements better to safeguard trade-union activities.

120. As a reflection of the challenge that this represents, there has been a decline in violence against trade unionists. In 2008 there were 38 cases of violence against trade unionists, while by 2011 the number had fallen to 30. A total of 473 convictions have been handed down and the records show that 595 persons were sentenced. As of 30 April 2012, the records show that 1,504 investigations had been opened into homicides of trade unionists, with 611 at the preliminary investigation stage and 326 at the examination or inquiry stage. The Inter-agency Human Rights Committee serves as an additional forum for dialogue in which to follow-up investigations into violence against trade unionists.

Persons deprived of liberty

121. The State endeavours to guarantee the rights of persons deprived of their liberty and to solve the problem of overcrowding in places of detention. In this connection, a series of actions and strategies have been defined for implementation over the short, medium and long terms.¹⁶⁸ 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.¹⁶⁹

122. Between 2010 and 2011 a total of 10 prisons were built and a steering committee was set up to determine and implement a set of strategies, programmes and projects to rehabilitate and relocate some existing places of detention and create 26,000 new places in prison nationally to relieve overcrowding.¹⁷⁰

123. During the period, measures were taken to improve health care for persons detained in places of detention operated by the National Institute of Prisons and Penitentiaries. Progress has also been made towards ensuring respect for the rights of members of the LGBTI community, of indigenous communities and of Afro-Colombians held in detention facilities and prisons in Colombia through awareness-raising and training measures to develop recognition for diversity.

Persons with disabilities

124. According to the 2005 census, there were 2,624,898 persons with permanent disabilities, representing 6.3 per cent of the total population.¹⁷¹ As part of its commitment to them, the State ratified the Convention on the Rights of Persons with Disabilities, and in order to comply with its provisions, it has introduced new legislation¹⁷² together with the National Disability System.

125. Noteworthy developments have been the drafting of the Action Plan for Disability 2012–2018 and the establishment of the National Council on Disability (CND), together with the creation of departmental, district, municipal and local committees on disability. Other noteworthy developments have been the introduction of the national online register to locate and classify people with disabilities; the drafting and implementation of the “Nation-Territory Encounters” strategy to strengthen the National Disability System; the dissemination of good practices for social inclusion and the dissemination of practical guidelines in respect of visual rehabilitation and traumatic amputation, with an emphasis on the victims of anti-personnel mines and unexploded munitions. The guideline and leaflet on a differential approach to ensuring effective enjoyment of the rights of displaced persons with disabilities were published, the National Observatory on Disability came into operation and the “Inclusive Colombia” strategy was launched.

126. It should be mentioned that Colombia led the process leading to the formulation of the Andean Policy for the Prevention of Disability and for the Care and Comprehensive Rehabilitation of Persons with Disabilities.¹⁷³

Relations with the security forces

127. The security forces have developed various strategies for responding to the needs of citizens. They include the establishment of offices to provide citizens with assistance and for indigenous affairs and the drafting of protocols on relations with the public. At present there are 146 liaison officers in the three branches of the armed forces. Campaigns to prevent the forced recruitment of minors by illegal armed groups have been organized. Precise instructions have been issued prohibiting the involvement of children and adolescents in logistic or intelligence operations, as well as on correct ways of effectively dealing with children and adolescents demobilized or recovered from illegal armed groups. The strategies used in dealing with special groups will be further developed and a policy in respect of indigenous peoples is being drawn up, in consultation with the indigenous communities.

IV. Follow-up to the recommendations and/or voluntary undertakings made by Colombia under the first round of the UPR

128. Colombia has established a follow-up mechanism,¹⁷⁴ comprising a matrix in which the voluntary commitments and recommendations accepted by Colombia are divided into seven chapters and 17 topics.¹⁷⁵ To date, seven follow-up reports have been written. The seventh report is provided in annex to this document in order to show the mechanism together with the most recent progress made in complying with and implementing each of the recommendations and/or voluntary commitments.

129. The policies implemented by the State and its commitment to ensuring respect for and guaranteeing human rights have made it possible fully to implement 49 recommendations and/or voluntary commitments. Implementation of the remaining 84 commitments is under way.¹⁷⁶

130. The topics in respect of which the level of implementation is greatest concern communication, consultation and a transparent and constructive dialogue with international organizations, vulnerable populations and civil society organizations;¹⁷⁷ policy on reparation for victims;¹⁷⁸ progress in investigating human rights violations;¹⁷⁹ attention to human rights standards;¹⁸⁰ enforced disappearance;¹⁸¹ anti-personnel mines and unexploded munitions;¹⁸² enhancing the differentiated approach;¹⁸³ legal recognition of human rights defenders;¹⁸⁴ prison policy;¹⁸⁵ protection;¹⁸⁶ guidelines for the security forces;¹⁸⁷ and aspects related to health¹⁸⁸ and education.¹⁸⁹ In contrast, the issues that have posed the greatest challenges are combating impunity, consolidating peace, forced displacement and reparation for the victims of the armed conflict and forced recruitment.

131. In order to renew our commitment permanently to comply with the recommendations and/or our voluntary commitments, we must mention a number of them that need to be reformulated and reinterpreted on account of the reform of Colombia's institutional structure. The recommendations relating to reparation for victims, the restitution of land and historical memory¹⁹⁰ need to be adapted to the existing normative and institutional framework. Similarly, as a result of the creation of the National Information System, it is appropriate to unify the recommendations relating to information systems and interoperability.¹⁹¹

V. National initiatives and commitments

132. The State renews its commitment to respect and guarantee human rights, bearing in mind the progress made and the challenges that remain, in order to ensure that human rights are effectively put into practice within the framework of the voluntary and transparent dialogue provided for by the UPR.

133. The State will continue periodic follow-up of the recommendations and/or voluntary commitments made by Colombia. Follow-up will be annual and will seek to provide reliable and relevant information.

VI. Colombia's expectations as regards technical assistance

134. Colombia has benefited from numerous measures of international cooperation that have made a decisive contribution to strengthening national human rights capacity; in turn, it would like to offer its cooperation to other countries to share the progress and efforts it has made in implementing domestic actions and mechanisms to develop and effectively guarantee human rights. Many of the mechanisms developed, together with the challenges that remain, contain valuable experience and are suitable for replication through a horizontal and fluid dialogue, and by consolidating alliances with other countries and organizations.

135. Challenges in the sphere of cooperation concern compliance with the guidelines of the National Development Plan 2012–2014 “Prosperity for All”,¹⁹² together with the expansion of our contribution to South-South cooperation.¹⁹³

136. Specifically, Colombia would like to present, as an example of good practices, its follow-up mechanism for the recommendations made by the United Nations system of protection, the System of Recommendations on Human Rights (SISREDH).

137. In the light of the State's successful experience of developing the National System of Human Rights and International Humanitarian Law, Colombia believes that by sharing this tool, it will make major contribution that may serve as a reference in designing policy on human rights and international humanitarian law.

138. As regards the universal periodic review, the follow-up mechanism adopted by Colombia represents a valuable contribution for those States concerned by this mechanism and which may decide to initiate a transparent and trustworthy consultation process.

139. Finally, Colombia is also willing to make available the actions carried out by the State in connection with the implementation of the United Nations “Protect, Respect and Remedy” Framework for business and human rights.¹⁹⁴ The work undertaken in this sphere represents a body of experience that may provide a positive contribution towards developing good international practices in the area of human rights.

VII. Conclusions

140. The State has made a legislative and institutional commitment to ensure full enjoyment of and respect for the human rights not only of the population who are the victims of the conflict, but also of the population at large, by means of structural measures designed to become permanent. All the actions that are described in this document testify to the efforts and achievements made and the challenges faced by the State in effectively guaranteeing human rights.

141. Government policy to strengthen democracy, secure the legitimacy of the State, consolidate the rule of law and introduce zero tolerance for violations of human rights and of international humanitarian law has built a foundation on which Colombia has been able to experience considerable economic growth in the last four years, making it possible to improve social indicators and to reduce social inequality.

142. The State's commitment to complying with its international obligations has led it to develop follow-up methodologies such as that for the UPR and the System of Recommendations on Human Rights. A constructive approach to the recommendations and their actual formulation on the basis of a careful diagnosis of the Colombian situation will make it possible not only to comply with the recommendations, but also to base compliance on national policies, with positive repercussions for the human rights situation in Colombia.

143. Linking together the different recommendations made by the United Nations system and grouping those that pursue the same objectives in order to facilitate their follow-up and implementation, even gradually, is a genuine challenge for Colombia, taking into account the variety of the recommendations and their frequently contradictory nature, in view of which the need for support from the United Nations is essential.

144. Colombia commends this process of evaluation in the belief that the discussion as part of a constructive, transparent, and inclusive dialogue between equals may help to improve the human rights situation in all the Member States of the United Nations.

Notes

¹ DPS, Alta Consejería Presidencial para la Paz, Comisión Intersectorial para la Prevención del Reclutamiento Forzado, UAEARIV, UAEGRTD, ACPEM, Consejo Superior de la Judicatura (rama judicial), Defensoría del Pueblo, DNP, FGN, ICBF, INMLCF, INPEC, Ministerio de Agricultura, MDN, MEN, Ministerio de Salud y de la Protección Social, MRE, Ministerio del Interior, MCIT, PGN, PAICMA, PPDDHHYDIH, Registraduría Nacional del Estado Civil, PONAL, Ministerio de Justicia y del Derecho, Alto Consejero para la Convivencia y la Seguridad Ciudadana, Alto Asesor Presidencial de Seguridad Nacional, Programa Presidencial para la Formulación de Estrategias y Acciones para el Desarrollo de la Población Afrocolombiana, Negra, Palenquera y Raizal, Programa Presidencial para la Formulación de Estrategias y Acciones para el Desarrollo Integral de los Pueblos Indígenas de Colombia, APC, Ministerio de trabajo, Agencia Colombiana de Reintegración, Ministerio de Hacienda, Corte Suprema de Justicia, Ministerio de Minas y Energía y Congreso de la República de Colombia.

² Adjunto se anexa el último de los informes periódicos elaborados (anexo 4).

³ En el Capítulo IV presente informe se explica en qué consiste el mecanismo de seguimiento periódico EPU.

⁴ Durante el 2011, el PPDH-DIH con apoyo del Ministerio Público (Defensoría del Pueblo, Procuraduría General de la Nación, Personerías Departamentales y Veedurías Departamentales) desarrolló visitas a las ciudades de Barranquilla, San Andrés, Popayán, Cali, Medellín, Cartagena, Cúcuta y Bucaramanga. Dichas ciudades fueron priorizadas con base en un estudio del Observatorio de Derechos Humanos del PPDH-DIH. En efecto, estas ciudades son capitales de algunos departamentos en los cuales se presentan problemáticas relacionadas con los temas abordados en las recomendaciones y/o compromisos voluntarios adquiridos por Colombia en el marco del EPU. El Estado consideró que abordar estos espacios significaría implementar regionalmente y dar a conocer las obligaciones que competen no solo a las entidades del orden nacional, sino también del orden territorial, quienes están en la obligación de adecuar sus políticas a los estándares, obligaciones y recomendaciones internacionales en materia de DDHH.

⁵ De acuerdo con el artículo 1 de la Constitución Política, Colombia es un Estado social de Derecho, organizado en forma de República unitaria, descentralizada, con autonomía de sus entidades territoriales. Los 32 departamentos en los que está dividido administrativamente el Estado colombiano son los siguientes: Amazonas, Antioquia, Arauca, San Andrés, Atlántico, Bolívar, Boyacá, Caldas, Caquetá, Casanare, Cauca, Cesar, Córdoba, Chocó, Cundinamarca, Guainía,

Guaviare, Huila, La Guajira, Magdalena, Meta, Nariño, Norte de Santander, Putumayo, Quindío, Risaralda, Santander, Sucre, Tolima, Valle del Cauca, Vaupés y Vichada.

- ⁶ Para conocer la Encuesta Electrónica puede dirigirse al siguiente link <http://www.derechoshumanos.gov.co/EPU/Paginas/AbcEpu.aspx>.
- ⁷ A través del Decreto 321 del 2 de marzo de 2000 se creó un organismo interinstitucional que vela por la política nacional tanto en materia de Derechos Humanos como en DIH, modificado por el Decreto 4100 de 2011 denominado “*Comisión Intersectorial de Derechos Humanos y DIH*, coordina y orienta el Sistema Nacional de DDHH y DIH y es la instancia de definición, promoción, orientación, articulación, seguimiento y evaluación de la Política Integral y respuesta e impulso al cumplimiento de los compromisos internacionales en esas materias. Esta instancia es presidida por el Vicepresidente de la república y cuenta con la asistencia de los Ministros concernidos.
- ⁸ Este espacio tiene como objetivo acordar estrategias y acciones que permitan a las organizaciones defensoras de DDHH, líderes sociales y comunales, ejercer sus labores plenamente. Propicia la constitución de escenarios regionales y mesas territoriales, junto con las autoridades departamentales y las organizaciones de la sociedad civil del orden regional. La decisión del gobierno nacional de crear este espacio, muestra el compromiso de esta administración con la protección y garantía del trabajo de los defensores de derechos humanos y líderes sociales y comunales.
- ⁹ Anexo 4 – Séptimo informe de seguimiento. Ver recomendaciones y/o compromisos voluntarios 3, 4, 5 y 114. No obstante esta Declaración, así como el SNDDHHyDIH, conforman el escenario para el cumplimiento de todas las recomendaciones y compromisos adquiridos por Colombia en el marco del EPU.
- ¹⁰ Este es un proceso único en el mundo, como lo señaló la Alta Comisionada de las Naciones Unidas en el saludo que envió con ocasión de la Conferencia, en el que señaló, entre otras cosas, que “*La Búsqueda de un consenso nacional por medio de foros regionales y departamentales, que contaron con la participación de representantes de entidades del Estado, autoridades locales, la Defensoría del Pueblo, el Congreso y de la sociedad civil y la comunidad internacional, es único y demuestra el verdadero compromiso de colocar a los individuos, como titulares de derechos, en el centro de la formulación de políticas*” Declaración de la Alta Comisionada de las Naciones Unidas para los Derechos Humanos, Navy Pillay (grabación en video) conferencia Nacional de Derechos Humanos, 11 de diciembre de 2012.
- ¹¹ El PNUD hace las veces de Secretaría Técnica de la Conferencia Nacional de Derechos Humanos. Anexo 4 – Séptimo informe de seguimiento. Ver Bloques temáticos de Cooperación Internacional y Plan Nacional de Acción.
- ¹² El proceso en los departamentos es el pilar fundamental en este camino de construcción colectiva. Para facilitar la participación cualitativa de los diferentes departamentos se han organizado foros en cada uno de ellos, que sirvan para generar insumos y propuestas para la política pública. Los diálogos sociales regionales en derechos humanos, liderados por Vicepresidencia, así como otros procesos que se estén llevando a cabo desde los firmantes, como el de Garantías para los Defensores de Derechos Humanos y Líderes Sociales y Comunales y los trabajos que adelanten en los escenarios locales o departamentales de derechos humanos, se podrán articular a los propósitos del proceso de la Conferencia Nacional.
- ¹³ Los encuentros departamentales se realizaron en los departamentos de Atlántico, Quindío, Boyacá, Sucre, Tolima, Meta, Guainía, Caquetá, Putumayo, La Guajira, Antioquia, Magdalena, Vaupés, Arauca, Córdoba, Casanare, Cesar, Chocó, Bolívar, Santander, Guaviare, Norte de Santander, Amazonas, Nariño y Cundinamarca.
- ¹⁴ En este trabajo se consultó a la ciudadanía en temas relacionados con: derecho a la vida, a la libertad, a la integridad y a la seguridad personal; derecho a la igualdad y a la no discriminación; Derecho Internacional Humanitario y conflicto armado; acceso a la justicia, lucha contra la impunidad y la corrupción; cultura y educación en derechos humanos y paz; derechos económicos, sociales, culturales y ambientales, y derecho de las víctimas.
- ¹⁵ Compuesto por el Programa Presidencial de Derechos Humanos y DIH, el Ministerio del Interior y el Ministerio de Relaciones Exteriores.
- ¹⁶ La reunión aludida contó con la participación de representantes de la Plataforma de Derechos Humanos, Democracia y Desarrollo, la Fundación Nidia Erika Bautista, Sisma Mujer, Reiniciar, el Colectivo de Abogados José Alvear Restrepo y la Comisión Colombiana de Juristas.
- ¹⁷ Entidad responsable de la planeación, levantamiento, procesamiento, análisis y difusión de las

- estadísticas oficiales de Colombia.
- ¹⁸ De acuerdo con el último censo realizado en el 2005, el total de la población nacional a dicho año era de 41.468.384.
- ¹⁹ Ver Anexo 2 – Marco Institucional y Reformas a la administración Pública.
- ²⁰ El Congreso de la República mediante la Ley 1444 de 2011, “Por medio de la cual se escinden unos Ministerios, se otorgan precisas facultades extraordinarias al Presidente de la República para modificar la estructura de la administración pública y la planta de personal de la Fiscalía general de la nación y se dictan otras disposiciones” otorgó precisas facultades al Presidente de la República para poner en marcha esta reforma del andamiaje institucional del Estado.
- ²¹ El Sistema fue creado mediante el Decreto 4100 de 2011. Ver anexo 4 – Séptimo informe de seguimiento. Ver recomendaciones y/o compromisos voluntarios 3, 4, 5 y 114 y Anexo 5 – Organigrama SNDDHHyDIH.
- ²² Durante el proceso de construcción de este sistema de información se ha fortalecido el Observatorio de Derechos Humanos, el diseño de la arquitectura del Sistema construido por el PPDH-DIH y se desarrolló el Sistema de Información Geográfico – SIG- destinado a la georeferenciación de dinámicas actuales de los derechos humanos, con base en la información cuantitativa disponible. Adicionalmente, se retomó el Proyecto de Interoperabilidad -INSIDE- impulsado hacia el año 2008 por el PPDH-DIH. Anexo 4 – Séptimo informe de seguimiento. Ver recomendaciones y/o compromisos voluntarios 15 y 38.
- ²³ El sistema Nacional está dividido en seis subsistemas y dos ejes transversales. Los Subsistemas están divididos con un enfoque de Derechos en los siguientes: Ciudadanía, Cultura y Educación en DDHH; Derechos Civiles y Políticos; DIH y Conflicto Armado; Derechos Económicos, Sociales, Culturales y Ambientales; Justicia e Igualdad; No discriminación y Respeto a las Identidades. Los ejes transversales son Asuntos Internacionales y Comunicaciones.
- ²⁴ Decreto 4155 de 2011.
- ²⁵ Decreto 4803 de 2011.
- ²⁶ Decreto 4802 de 2011.
- ²⁷ Decreto 4161 de 2011.
- ²⁸ Decreto 4160 de 2011. Anexo 4 – Séptimo informe de seguimiento. Ver Bloques temáticos DESC y poblaciones vulnerables.
- ²⁹ Decretos 4633, 4634, 4635, 4800, 4801, 4802, 4803 y 4829 de 2011.
- ³⁰ Anexo 4 – Séptimo informe de seguimiento. Ver Bloque temático de Procesos en el marco de la Ley de Justicia y Paz.
- ³¹ Reorganización del Ministerio del Interior, creación de Programas presidenciales para Población Afrocolombiana, Negra, Palenquera y Raizal (ANPR), así como para Pueblos Indígenas de Colombia, Programas Especiales, Programa Presidencial para la Formulación de Estrategias y Acciones para el Desarrollo Integral de la Población Afrocolombiana, Negra, Palenquera y Raizal (ANPR), Programa Presidencial para la formulación de estrategias y acciones para el desarrollo integral de los Pueblos Indígenas de Colombia, Alta Consejería Presidencial para la Equidad de la Mujer, Sistema Nacional de Discapacidad, Consejo Nacional de Discapacidad, Comités Departamentales, Distritales, municipales y locales de discapacidad, entre otros.
- ³² Creación del Ministerio de Justicia Ley 1444 de 2011, definición de situación de desmovilizados, Ley 1424 de 2010, creación de la Agencia Nacional de Defensa Jurídica del Estado con el objetivo de lograr un orden cohesionado y racionalizado en la representación jurídica del Estado en las instancias nacionales e internacionales, creación de la Consejería Presidencial de Programas Especiales (CPPE). Reforma a la justicia.
- ³³ Creación Ministerio de Salud y Protección Social, reorganización Ministerio de Trabajo, fortalecimiento de Instituto Nacional de Salud, reforma el Sistema de Seguridad Social en Salud, SGSSS y puesta en marcha de la Empresa Colombiana de Pensiones, Colpensiones.
- ³⁴ Estatuto de Seguridad Ciudadana, Ley 1453 de 2011, y creación de la Alta Consejería para la Convivencia y Seguridad Ciudadana, Supresión del DAS y reasignación de sus funciones en 2 entidades nuevas y en la Policía Nacional (información de antecedentes) y Fiscalía General de la Nación (Policía Judicial).
- ³⁵ Ley de Vivienda Social mediante la cual se adelantan las subastas para construir y entregar viviendas completamente gratis, en los próximos dos años, al menos 100 mil viviendas de interés social o prioritario a las familias más necesitadas de Colombia, creación del Ministerio de Vivienda, Ciudad y

- Territorio, Reorganización del Ministerio de Ambiente y Desarrollo Sostenible.
- ³⁶ El CERREM que está compuesto por 13 entidades, 5 miembros permanentes y 8 entidades invitadas, tiene como objeto llevar a cabo la valoración integral del riesgo, así como la recomendación de medidas de protección y acciones complementarias, teniendo en cuenta el concepto y las recomendaciones del Grupo de Valoración Preliminar, así como los insumos que aportan los delegados de las instituciones que lo conforman en el marco de sus competencias para la decisión de la adopción de las medidas o las posibles acciones complementarias que se requieran de acuerdo al tipo de población atendida. De esta manera el CERREM toma una decisión final respecto al caso, la cual es notificada al Director de la Unidad Nacional de Protección, con el fin de implementar de manera inmediata las medidas de protección requeridas.
- ³⁷ Con la propuesta de 4 proyectos de ley para el sector.
- ³⁸ Ver Anexo 2 – Marco Institucional y Reformas a la administración Pública.
- ³⁹ En noviembre de 2010, el Gobierno de Colombia y la OACNUDH renovaron hasta el 31 de octubre de 2013 el mandato por medio del cual la Oficina ejerce su trabajo en el país desde abril de 1997. El mandato incluye prestarle asistencia técnica al Gobierno en la creación de un “Centro Nacional de Derechos Humanos”, que se encargará de elaborar, coordinar y hacer un seguimiento a la conformación de una política pública integral en derechos humanos la cual ya se encuentra en desarrollo.
- ⁴⁰ La disposición de Colombia de someterse al escrutinio internacional en materia de derechos humanos ha sido reconocida, entre otros, por Juan Pablo Corlazzoli, ex Representante en Colombia de OACNUDH, en un informe que presentó en enero de 2011 y que fue encargado por el Parlamento Europeo (Juan Pablo Corlazzoli, Analysis of the Human Rights Situation in Colombia, Brussels, European Parliament, 2011, pp. 4 y 5).
- ⁴¹ Anexo 4 – Séptimo informe de seguimiento. Ver Bloque temático de Plan nacional de Acción.
- ⁴² Anexo 5 – Organigrama SNDDHH y DIH.
- ⁴³ Anexo 4 – Séptimo informe de seguimiento. Ver recomendaciones y/o compromisos voluntarios 56, 57, 58, 59.
- ⁴⁴ Antes se denominaba la Red Juntos. El Plan Nacional de Prosperidad Social, liderado por la Alta Consejería para la Prosperidad Social, tiene como objetivo fortalecer la estrategia de Colombia para la superación de la pobreza, promoviendo acciones coordinadas para reducir significativamente la desigualdad. En el marco de este Plan, se propuso el lanzamiento de la Estrategia “UNIDOS” como la segunda fase de “JUNTOS”. Esta segunda fase articula de manera concreta la Estrategia de Superación de Pobreza con la Política de Prosperidad para Todos. En este sentido, el Plan Nacional de Desarrollo 2010–2014 “Prosperidad para Todos” recoge las nuevas metas y tareas en torno a la implementación de la Estrategia.
- ⁴⁵ “Familias en Acción” en el 2012, pasó a ser un derecho para la población en situación de vulnerabilidad (Ley de la República) y se denomina “Más Familias en Acción”. Tiene un carácter permanente, con cobertura universal y en donde se apropiaron más recursos para mejorar la salud, nutrición y educación de cerca de 4 millones de NNA.
- ⁴⁶ Creado mediante el Decreto 2055 de 2009. La CISAN está conformada por once entidades: Ministerio de Agricultura y Desarrollo Rural, Ministerio de Salud y Protección Social, Ministerio de Comercio, Ministerio de Educación Nacional, Unidad de Consolidación Territorial, Ministerio de Ambiente y Desarrollo Social, Departamento Nacional de Planeación, Instituto Colombiano de Bienestar Familiar, Departamento para la Prosperidad Social, Instituto Colombiano de Desarrollo Rural, y Asociación Colombiana de Facultades de Nutrición y Dietética.
- ⁴⁷ Ley 1429 de 2010.
- ⁴⁸ Los logros alcanzados por este programa son producto de la articulación y sinergia de las entidades del nivel nacional para el diseño e implementación del programa (Ministerio del Trabajo, DPS y DNP).
- ⁴⁹ Su objetivo es incentivar la incorporación de jóvenes rurales para que adelanten estudios técnicos, tecnológicos o profesionales en ciencias agropecuarias, mediante la financiación de los costos de la matrículas a estudiantes rurales en situación de vulnerabilidad. Los participantes pertenecen al Sisbén I y II. El Sisbén es el sistema de información diseñado por el Gobierno Nacional para identificar a los hogares pobres y vulnerables. Es una encuesta que sirve para identificar y clasificar a las personas que no pueden cubrir sus necesidades básicas para que el estado pueda otorgarles subsidios que les permitan tener vivienda, educación y salud, entre otros. Los niveles I y II son aquellos con mayor

- número de necesidades insatisfechas.
- ⁵⁰ A través del cual 64,000 mujeres ahorraron más de US\$ 10,800,000 para invertir en proyectos productivos y que a su vez han contribuido a disminuir el interés del crédito de usura de 19% a 5%.
- ⁵¹ Tiene por objeto financiar proyectos presentados por organizaciones de pequeños productores rurales, jóvenes, mujeres, indígenas y afrocolombianos pertenecientes a los niveles 1 y 2 del SISBEN.
- ⁵² Se reglamentó el artículo 23 de la ley 1257 de 2008 con lo cual se busca beneficiar a quienes contraten a mujeres víctimas de la violencia.
- ⁵³ La reglamentación de la Ley 1221 de 2008 mediante el Decreto 884 de 2012 tuvo como objetivo sentar las bases para que las entidades públicas y privadas implementen el teletrabajo con la debida seguridad jurídica que otorga la ley.
- ⁵⁴ En particular a las personas con discapacidad, madres cabezas de familia, madres lactantes, personas desmovilizadas en proceso de reintegración, entre otros.
- ⁵⁵ Ley 1537 de 2012.
- ⁵⁶ Serán beneficiarios de la vivienda gratuita, a título de subsidio en especie, quienes cumplan con los criterios de priorización y focalización que defina al Gobierno Nacional. La asignación beneficiará en forma preferente a la población que se encuentre en alguna de las siguientes condiciones: **a)** que esté vinculada a programas sociales del Estado que tengan por objeto la superación de la pobreza extrema o que se encuentre dentro del rango de pobreza extrema, **b)** que esté en situación de desplazamiento, **c)** que haya sido afectada por desastres naturales, calamidades públicas o emergencias y/o **d)** que se encuentre habitando en zonas de alto riesgo no mitigable.
- ⁵⁷ Población en situación de desplazamiento, beneficiarios de la política de restitución de tierras que requieran atención integral y a los hogares campesinos de los niveles 1 y 2 del Sisben.
- ⁵⁸ Por medio del Ministerio de Agricultura y el Incoder. El Incoder tiene como Misión ejecutar políticas de desarrollo rural, en coordinación con las comunidades e instituciones públicas y privadas relacionadas con el sector agropecuario, forestal y pesquero, facilitando el acceso de los pobladores rurales a los factores productivos y sociales, para contribuir a mejorar su calidad de vida y al desarrollo socioeconómico del país.
- ⁵⁹ Anexo 4 – Séptimo informe de seguimiento. Ver recomendación y/o compromisos voluntario 52.
- ⁶⁰ Anexo 4 – Séptimo informe de seguimiento. Ver recomendaciones y/o compromisos voluntarios 67 – 74.
- ⁶¹ Decreto 4807 de 2011.
- ⁶² La gratuidad educativa se entiende como la exención del pago de derechos académicos y servicios complementarios.
- ⁶³ La cobertura neta urbano-rural entre 2010 y 2011 mostró una disminución de 2 puntos, en 2010 se encontraba en 15.53 p.p y en 2011 disminuyó a 13.51 puntos porcentuales.
- ⁶⁴ Incluyendo población perteneciente al Sisben I y II.
- ⁶⁵ Los estándares de calidad son: Familia, comunidad y redes sociales (1 al 8), salud y nutrición (9 al 26), proceso pedagógico (27 al 34), talento humano (35 al 40), ambientes educativos y protectores (41 al 62) y administrativo y de gestión (62 al 71).
- ⁶⁶ Luego de hacer el diagnóstico de la situación actual de Colombia en materia de TIC se diseñó el plan Vive Digital con el objetivo de “Impulsar la masificación del uso de Internet, para dar un salto hacia la Prosperidad democrática” en el país.
- ⁶⁷ El POS vigente en Colombia, definido por la Comisión de Regulación en Salud, CRES, en el Acuerdo 029 de 2011, es un conjunto de: 5.874 actividades, procedimientos e intervenciones en salud y servicios hospitalarios, y más de 730 medicamentos para la atención de toda y cualquier condición de salud, enfermedad o patología para usuarios de todas las edades. Incluye un conjunto de acciones de prevención de la enfermedad y de recuperación de la salud desde la medicina preventiva hasta diversos tratamientos avanzados de todas y cualquiera de las enfermedades o condiciones que hacen necesaria la atención en salud. Cfr. <http://www.pos.gov.co/Paginas/InicioPOS.aspx>.
- ⁶⁸ El 33% corresponde a niños en la primera infancia (0 y 5 años), 34% de infancia (6 y 11 años) y 33% adolescentes (entre 12 y 17 años).
- ⁶⁹ Según un informe publicado a inicios de diciembre de 2012 por la Asociación Internacional de la Seguridad Social (AISS), titulado “Las Américas: mejorando la cobertura a través de transformaciones innovadoras en la seguridad social, “ Colombia se encuentra entre los países que ofrecen una amplia cobertura, junto a países como **Estados Unidos, Argentina y Brasil**. <http://www.risalc.org/portal/publicaciones/ficha/?id=2497>.

- ⁷⁰ Ley 1438 de 2011.
- ⁷¹ El Sistema Nacional de Vigilancia en Salud Pública –SIVIGILA–, se ha creado para realizar la provisión en forma sistemática y oportuna, de información sobre la dinámica de los eventos que afecten o puedan afectar la salud de la población Colombiana, con el fin de orientar las políticas y la planificación en salud pública, tomar las decisiones para la prevención y control de enfermedades y factores de riesgo en salud, optimizar el seguimiento y evaluación de las intervenciones y racionalizar y optimizar los recursos disponibles y lograr la efectividad de las acciones en esta materia, propendiendo por la protección de la salud individual y colectiva. <http://www.ins.gov.co/lineas-de-accion/Subdireccion-Vigilancia/sivigila/Paginas/sivigila.aspx>.
- ⁷² El Plan Decenal de Salud Pública 2012–2021, PDSP, es una expresión concreta de una política pública de Estado, que reconoce la salud como un derecho humano interdependiente con otros y como dimensión central del desarrollo humano.
- ⁷³ Dicho esquema comprende contenidos desarrollados en todas las atenciones establecidas en la ruta de atención durante el periodo que transcurre desde la preconcepción hasta cumplir los dos años de edad, como son: Derechos sexuales y derechos reproductivos, Calidad en la prestación de los servicios salud y de educación inicial, Afecto y vínculos, Redes sociales y comunitarias de apoyo para el cuidado y la crianza.
- ⁷⁴ Programa asistencial cuyo objetivo principal es el de proteger al adulto mayor, que se encuentra en estado de indigencia o de extrema pobreza, contra el riesgo económico de la imposibilidad de generar ingresos y contra el riesgo derivado de la exclusión social.
- ⁷⁵ Dentro de este sistema existen dos regímenes, uno contributivo y otro subsidiado.
- ⁷⁶ Acto Legislativo 01 de 2005, modificatorio del artículo 48 de la Constitución Política.
- ⁷⁷ De acuerdo con este mandato constitucional se ha procedido al diseño de un mecanismo de ahorro para la vejez denominado Beneficios Económicos Periódicos-BEPs, que forma parte del Sistema de Protección Social y es independiente del Sistema General de Pensiones, consistente en la formación de un ahorro a largo plazo para lo cual podrán utilizarse incentivos puntuales y aleatorios que estimulen a las personas a ingresar y a permanecer ahorrando bajo este esquema de ahorro para la vejez. Los BEPs serán resultado de este ahorro y estos incentivos y la idea es que les permitan a las personas de bajos ingresos recibir un apoyo que posibilite atender sus necesidades de recursos en la vejez. Estos beneficios serán administrados por Colpensiones, entidad que reemplaza al Instituto Colombiano de Seguros Sociales y que se ocupa del régimen pensional de prima media con prestación definida.
- ⁷⁸ Este programa cuenta hoy 627.428 beneficiarios adultos mayores que cada dos meses reciben un subsidio para financiar sus necesidades básicas y mejorar su calidad de vida. El Gobierno Nacional busca alcanzar la cobertura universal durante los próximos cinco años.
- ⁷⁹ El presupuesto para la cultura aumentó en 35.65%, pasó US\$ 57 millones en 2011, a US\$ 82 millones para 2012.
- ⁸⁰ Ley 1493 del 26 de diciembre de 2011, mediante la cual se formalizan espectáculos públicos de las artes escénicas, tiene como propósito formalizar y fortalecer el sector de los espectáculos públicos de las artes escénicas en Colombia, a través de la implementación de diferentes medidas que favorecen el incremento en sus recursos, generan incentivos tributarios, racionalizan las cargas impositivas y simplifican los trámites, procedimientos y requisitos para la realización de este tipo de eventos.
- ⁸¹ En este periodo se han gestionado recursos de cooperación internacional y banca multilateral por US\$ 267.668.297, para la implementación de proyectos ambientales y de desarrollo sostenible, de los cuales US\$ 58.400.000 ya han sido aprobados.
- ⁸² Mecanismos para un Desarrollo Limpio (MDL) es un acuerdo suscrito en el Protocolo de Kyoto establecido en su artículo 12, que permite a los gobiernos de los países industrializados (también llamados países desarrollados o países del Anexo 1 del Protocolo de Kyoto) y a las empresas (personas naturales o jurídicas, entidades públicas o privadas) suscribir acuerdos para cumplir con metas de reducción de gases de efecto invernadero (GEI) en el primer periodo de compromiso comprendido entre los años 2008–2012, invirtiendo en proyectos de reducción de emisiones en países en vías de desarrollo (también denominados países no incluidos en el Anexo 1 del Protocolo de Kyoto) como una alternativa para adquirir reducciones certificadas de emisiones (RCE) a menores costos que en sus mercados.
- ⁸³ Estas estrategias incluyen actividades relacionadas con la creación de espacios de concertación y articulación entre diferentes sectores e instituciones; la inclusión de la educación ambiental en los

- currículos de preescolar, básica y media; la promoción y fortalecimiento de los grupos de la sociedad civil, apoyo y promoción de planes y acciones de comunicación y promoción de la etnoeducación.
- ⁸⁴ Anexo 4 – Séptimo informe de seguimiento. Ver Bloques temático lucha contra la violencia y mantenimiento del orden público.
- ⁸⁵ Anexo 4 – Séptimo informe de seguimiento. Ver recomendación y/o compromiso voluntario 6.
- ⁸⁶ Son instrumentos de planeación construidos entre representantes de la sociedad civil, autoridades étnicas, territoriales y fuerza pública, tienen como fin establecer el marco de actuación y las orientaciones de acción en materia de prevención (temprana, urgente y garantías de no repetición). Para su formulación se realiza un proceso de identificación de factores de riesgo (amenazas, vulnerabilidades y capacidades institucionales y sociales), posteriormente se definen acciones tendientes a eliminar las amenazas o disminuir su impacto en la comunidad, reducir vulnerabilidades y fortalecer capacidades institucionales y sociales. y permiten definir los criterios de articulación y coordinación interinstitucional entre los diferentes niveles de administración pública (nación, departamento y municipio). En el marco de los Comités Territoriales de Justicia Transicional se realiza la formulación y/o actualización de los Planes, así como su seguimiento y evaluación.
- ⁸⁷ En Chibolo — Magdalena, Jiguamiandó y Curbaradó — Chocó y La Porcelana-Antioquia.
- ⁸⁸ Montes de María (Bolívar: San Jacinto y Carmen de Bolívar; Sucre: San Onofre y Ovejas); Nudo del Paramillo (Antioquia: Anorí, Briceño, Cáceres, Caucasia, El Bagre, Ituango, Nechí, Tarazá, Valdivia y Zaragoza; Córdoba: Montelibano, Puerto Libertador, Tierralta, San José de Ure y Valencia); Bajo Putumayo (Putumayo: Puerto Leguizamo, Puerto Asís, San Miguel y Valle del Guamuez); Macarena y Río Caguán (Meta: Mesetas, La Macarena, Puerto Rico, San José de Arana, Vista Hermosa y Uribe; Caquetá: Cartagena del Chairá, San Vicente y La Montañita); Catatumbo (Norte de Santander: Convención, El Carmen, el Tarra; Hacarí, San Calixto, Teorema, Tibú), Cordillera Central (Tolima: Ataco, Chaparral, Planadas, Rioblanco; Valle del Cauca: Florida y Pradera; Cauca: Caloto, Corinto, Miranda, Santander de Quilichao, Toribio) y Tumaco (Nariño: Tumaco). Los 7 municipios del departamento de Arauca fueron priorizados por la Estrategia en el mes de noviembre de 2012, por lo que la formulación de los Planes se realizará en el año 2013.
- ⁸⁹ En departamentos como Cauca, Atlántico, Santander, Norte de Santander, Risaralda, Antioquia y Bogotá.
- ⁹⁰ Decreto 4912 de 2011 que también crea al Grupo de Valoración de Riesgo, instancia encargada de la evaluación del nivel de riesgo en cada caso, de acuerdo a la información suministrada por el Cuerpo Técnico de Recopilación y Análisis de Información-CTRAI, cuyos analistas han sido capacitados en evaluación del riesgo con enfoque de género. Una vez realizada la evaluación de riesgo, el CERREM es el órgano encargado de recomendación de las medidas de protección y complementarias. Debe destacarse el interés de establecer protocolos poblacionales con enfoque diferencial. En ese marco, se creó un CERREM de mujeres, con la participación de las entidades del Estado concernidas y de organizaciones de mujeres, además de agencias invitadas como el ACNUR, y ONU-Mujeres, entre otros. Además se expidió la Resolución 805, cuyo borrador fue discutido con las organizaciones de mujeres, que contiene medidas y rutas específicas para la protección de mujeres defensoras y líderes sociales en condición de riesgo extraordinario.
- ⁹¹ Anexo 4 – Séptimo informe de seguimiento. Ver recomendación y/o compromiso voluntario 10.
- ⁹² Estas estrategias comprenden escenarios curriculares y extracurriculares⁹². Los anteriores instrumentos abarcan, entre otros, los ámbitos de la doctrina, instrucción, la disciplina; por ejemplo, en términos operacionales se destaca la eficacia de la Directiva 300-28 de 2008 mediante la cual el Comando General de las Fuerzas Militares reorientó la medición de los resultados operacionales, privilegiando las desmovilizaciones y capturas, frente a las muertes en combate.
- ⁹³ Anexo 4 – Séptimo informe de seguimiento. Ver recomendación y/o compromiso voluntario 6.
- ⁹⁴ Anexo 4 – Séptimo informe de seguimiento. Ver recomendaciones y/o compromisos voluntarios 7 y 8.
- ⁹⁵ Estos cabecillas han sido capturados en los departamentos de Norte de Santander, Antioquia, Córdoba, Nariño y Valle.
- ⁹⁶ PONAL, FFMM, UIAF, CTI, DIJIN, FGN y Consejo Superior de la Judicatura.
- ⁹⁷ Anexo 4 – Séptimo informe de seguimiento. Ver recomendaciones y/o compromisos voluntarios 7 y 8.
- ⁹⁸ Los siete informes de seguimiento a las recomendaciones y compromisos voluntarios detallan la exitosa aplicación y efectividad de los mencionados instrumentos de Política Pública.

- ⁹⁹ Esta estrategia está contemplada en el Decreto 4786 de 2008.
- ¹⁰⁰ Actualmente se está elaborando el decreto que materializará lo dispuesto en el Protocolo Facultativo a la Convención contra la Tortura, así como la normativa interna en materia penal, y penitenciaria.
- ¹⁰¹ Ver Anexo 4 – Séptimo informe de Seguimiento a las recomendaciones y Compromisos voluntarios Capítulo de Homicidio en Persona Protegida 3.
- ¹⁰² Anexo 4 – Séptimo informe de seguimiento. Ver recomendaciones y/o compromisos voluntarios 114, 116, 118, 119, 120, 125, 126, 128, 129, 130.
- ¹⁰³ En cumplimiento de la Directiva 208 de 2008 emitida por el Comando General de las FFMM.
- ¹⁰⁴ Para la implementación y avance de estas medidas el Ministerio de Defensa Nacional suscribió un Convenio de Colaboración con la Oficina del Alto Comisionado el 9 de diciembre de 2009, que rindió su primer informe en noviembre de 2011.
- ¹⁰⁵ A nivel nacional, el Ejército Nacional cuenta con la página Web de atención ciudadana, a la cual puede acceder cualquier persona para la recepción de la queja correspondiente. Cuando ésta se relaciona con hechos que tengan que ver con muertes en desarrollo de operaciones militares que se califiquen como presuntos homicidios en persona protegida, se direccionan a la jefatura de Derechos Humanos y DIH para su análisis y seguimiento. A nivel regional. En todas las Unidades operativas Mayores del Ejército se reciben las quejas que tienen que ver con presuntas violaciones a los Derechos Humanos o infracciones al DIH a través de la Oficina de Atención al Ciudadano. Igualmente, se reciben quejas a través de la Cancillería enviadas por personas o instituciones nacionales e internacionales y entes gubernamentales. Una vez recibida la queja por cualquiera de los medios anotados, se identifica la jurisdicción en la cual presuntamente se cometieron los hechos, origen de la misma, y se solicita a la Unidad Militar adelantar el trámite respectivo encaminado a su esclarecimiento, así como el impulso de las acciones disciplinarias y penales a que haya lugar. La Unidad Militar debe dar respuesta dentro del término establecido por la Jefatura de Derechos Humanos acerca de las acciones adelantadas hasta la resolución del caso, del cual se hace el seguimiento correspondiente.
- ¹⁰⁶ El 15 de julio de 2011 se llevó a cabo lectura de fallo al Sargento Viceprimero (retirado) del Ejército Jesús Eduardo Niampira Benavides y al Teniente (retirado) del Ejército Eduardo Antonio Villany Realpe, condenados como coautores de los delitos de doble homicidio agravado, doble desaparición forzada agravada, peculado por apropiación y falsedad ideológica en documento público, al Teniente Coronel (retirado) del Ejército Wilson Javier Castro Pinto como coautor de los delitos de doble homicidio agravado, doble desaparición forzada agravada y peculado por apropiación, al Soldado Profesional del Ejército Guillermo Pacheco Anzola, como cómplice de los delitos de doble homicidio agravado y doble desaparición forzada agravada y como coautor de los delitos de peculado por apropiación y falsedad ideológica en documento público y al Soldado Profesional del Ejército Juan Carlos Álvarez, como coautor de los delitos de doble homicidio agravado y doble desaparición forzada agravada. Además, fueron condenados los Soldados Profesionales del Ejército Nelson Ospina Tabárez, Benancio Puentes Guapacha y Germán Augusto Oliveros Tabares, como cómplices de los delitos de doble homicidio agravado y doble desaparición forzada agravada. Anexo 4 - Séptimo informe de seguimiento. Ver recomendaciones y/o compromisos voluntarios 3, 16, 17, 16.1, 19 y 26.
- ¹⁰⁷ Anexo 4 – Séptimo informe de seguimiento. Ver recomendaciones y/o compromisos voluntarios 24 y 25.
- ¹⁰⁸ Anexo 4 – Séptimo informe de seguimiento. Ver recomendaciones y/o compromisos voluntarios 17, 21, 22, 23, 24, 25.
- ¹⁰⁹ En el marco de la Ley 1408 de 2010.
- ¹¹⁰ Anexo 4 – Séptimo informe de seguimiento. Ver recomendación y/o compromiso voluntario 23.
- ¹¹¹ Anexo 4 – Séptimo informe de seguimiento. Ver recomendaciones y/o compromisos voluntarios 41.1.
- ¹¹² Anexo 4 – Séptimo informe de seguimiento. Ver recomendaciones y/o compromisos voluntarios 47, 93, 96, 108.
- ¹¹³ A las que alude el Auto 092 de 2008 de la Corte Constitucional.
- ¹¹⁴ Mediante el Decreto 0552 de 2012.
- ¹¹⁵ Asignados luego del Auto 092 de la Corte Constitucional.
- ¹¹⁶ Anexo 4 – Séptimo informe de seguimiento. Ver recomendación y/o compromiso voluntario 47.1.
- ¹¹⁷ Anexo 4 – Séptimo informe de seguimiento. Ver recomendaciones y/o compromisos voluntarios 14, 47, 104, 105, 106.
- ¹¹⁸ Ver Séptimo Informe de Seguimiento recomendaciones y compromisos voluntarios 14, 47, 48, 103,

- 104, 105, 106, 124.
- ¹¹⁹ Presencia de actores armados ilegales; presencia de cultivos ilícitos; altos índices de homicidio; accidentes o incidentes por minas antipersonal y municiones sin explotar; altos índices de violencia intrafamiliar; presencia de las peores formas de trabajo infantil; índice de Necesidades Básicas Insatisfechas (NBI) superior al promedio nacional (45.39%); familias desplazadas por amenaza de reclutamiento de menores de edad; registro de niños desvinculados de grupos armados ilegales o grupos delictivos organizados; información de riesgo del Sistema de Alertas Tempranas de la Defensoría del Pueblo; altos índices violencia contra niños, niñas y adolescentes; promedio de población étnica superior al promedio nacional (13.6%).
- ¹²⁰ Anexo 4 – Séptimo informe de seguimiento. Ver recomendaciones y/o compromiso voluntario 106.1.
- ¹²¹ El excomandante del bloque Élder Cárdenas de las Autodefensas Unidas de Colombia, fue condenado por su responsabilidad en el **reclutamiento ilícito de 309 menores de 18 años**.
- ¹²² Séptimo Informe de Seguimiento a recomendaciones y/o compromisos voluntarios 27–33, 97, 98, 107.
- ¹²³ Anexo 4 – Séptimo informe de seguimiento. Bloque temático de Justicia y Lucha contra la Impunidad.
- ¹²⁴ FGN, PGN, Justicia Penal Militar, Rama Judicial y el INMLCF.
- ¹²⁵ Por medio de la cual se adoptan unos criterio de priorización de situaciones y casos, y se crea un nuevo sistema investigativo penal y de gestión de aquellos en la FGN.
- ¹²⁶ La Unidad se crea como instrumento de política criminal enfocada a enfrentar principalmente fenómenos de delincuencia organizada, mediante el uso de herramientas de análisis criminal y creación de contextos, con el objetivo de articular la información aislada que actualmente se encuentra en las diversas unidades de fiscalía. Igualmente, asumirá los procesos que hagan parte de las situaciones y los casos priorizados por el Comité de Priorización de Situaciones y Casos de la Fiscalía General de la Nación.
- ¹²⁷ Tiene como propósito acercar la justicia al ciudadano y hacer cada vez más eficaz y eficiente la función judicial. Además, consagró la calidad como uno de sus principales objetivos.
- ¹²⁸ Anexo 4 – Séptimo informe de seguimiento. Ver recomendaciones y/o compromisos voluntarios 34, 35, 36, 41, 43.
- ¹²⁹ Desde el 2000 se ha venido trabajando procesos de transversalización con enfoque de género, incorporando dicha perspectiva en los cursos de Formación Judicial y en los Módulos de Aprendizaje.
- ¹³⁰ Anexo 4 – Séptimo informe de seguimiento. Ver recomendaciones y/o compromisos voluntarios 120.1, 124.1.
- ¹³¹ 18-01/12. Contra los excongresistas Luis Alberto Gil Castillo y Alfonso Riaño Castillo, 01-02/12. Contra el ex Senador de la República Miguel Pinedo Vidal, 08-02/12. Contra los excongresistas José María Imbeth y Jorge Luis Feris y contra el ex Gobernador del Departamento de Córdoba, Jesús María López, 11-04/12. Contra el ex Senador Javier Cáceres, 31-05/12. Contra el ex Senador Mario Salomón Nader, 13-06/12. Sentencia anticipada contra los ex Representantes a la Cámara, Nelson Naranjo y Rafael Castillo Sánchez, 20-06/12. Sentencia anticipada contra el ex Gobernador del Departamento de Bolívar, Libardo Simancas Torres. Ver Séptimo Informe de Seguimiento recomendación número 12, 13, 26, 44 y 44.1.
- ¹³² Anexo 4 – Séptimo informe de seguimiento. Ver recomendaciones y/o compromisos voluntarios 12, 44, 4.1.
- ¹³³ Anexo 4 – Séptimo informe de seguimiento. Ver Bloque temático de Procesos en el Marco de la Ley de Justicia y Paz y recomendaciones y/o compromisos voluntarios 18, 31, 83, 84, 85, 86, 87, 90, 91, 97, 96, 99.
- ¹³⁴ Orientado a educación, vivienda, negocios productivos y adquisición de inmuebles rurales, para contribuir a la reconstrucción de sus proyectos de vida.
- ¹³⁵ Para mayor información ver Sector de la Inclusión Social y la Reconciliación. Informe de Rendición de Cuentas. Y recomendaciones y/o compromisos voluntarios 15, 18, 45, 48, 51, 83, 85, 86, 87, 90, 92, 99. Noviembre 3 de 2011 – Agosto 31 de 2012 <http://www.dps.gov.co/documentos/InfoDPS/INFORME-SECTOR.pdf>.
- ¹³⁶ Para este propósito se creó la UAEGRTD que ha venido operando desde principios de 2012.
- ¹³⁷ Los departamentos en donde más se registran solicitudes son: Antioquia (13,4), Bolívar (10,2), Cesar (8,5) y Tolima (8,1).
- ¹³⁸ Algunos de los escenarios en los cuales se trabaja en el marco de un diálogo tripartito, sociedad civil,

empresa y Gobierno, son: Guías Colombia, Comité Minero Energético de Seguridad y DDHH–CME–, Plan Nacional de Implementación de los Principios Voluntarios en Seguridad y DDHH, Red del Pacto Global en Colombia, Proyecto “Desarrollo en Colombia del Marco de Naciones Unidas: Proteger, Respetar y Remediar”, capacitaciones en territorio sobre Responsabilidad Social Empresarial y derechos humanos y empresa, e impulso al Grupo Social y Empresarial del Sector Defensa –GSED–.

¹³⁹ Ley 1482 de 2011.

¹⁴⁰ La nueva Ley contempla penas de uno a tres años y multas económicas que oscilan entre 10 y 15 salarios mínimos. Así mismo fue lanzado el Primer Observatorio de Discriminación Racial con el propósito de hacer seguimiento a los casos de segregación en diferentes regiones y genera insumos para la formulación de una política pública que contrarreste este fenómeno.

¹⁴¹ Anexo 4 – Séptimo informe de seguimiento. Ver recomendaciones y/o compromisos voluntarios 76, 77. La FGN trabaja en conjunto con el ICBF, en el diseño de un programa metodológico específico para la investigación de violaciones a derechos humanos y derecho internacional humanitario, cuyas víctimas sean niños, niñas y/o adolescentes. También se da enfoque diferencial a tercera edad, afrocolombianos, poblaciones indígenas, personas con discapacidad y población LGBTI.

¹⁴² Anexo 4 – Séptimo informe de seguimiento. Ver Bloque temático de Mujeres.

¹⁴³ La política de equidad de género fue un proceso de construcción participativa mediante 13 eventos regionales en Pasto, Neiva, Quibdó, Cartagena, Villavicencio, Bucaramanga, Medellín, San Andrés, Bogotá, Leticia, Puerto Inirida, Puerto Carreño y Mitú; 11 Encuentros Sectoriales; 2 talleres con mujeres indígenas en Bogotá; y 3 encuentros con mujeres afrocolombianas, negras, raizales y palenqueras en Cali, Bogotá y Cartagena. Los encuentros con las mujeres colombianas fueron parte fundamental para el diagnóstico, e identificación de necesidades y expectativas de las mujeres; con esta información se construyeron el contenido de los ejes estratégicos de la política de equidad.

¹⁴⁴ Pertenecen a este grupo las siguientes organizaciones: la Conferencia Nacional de Organizaciones Afrocolombianas (C.N.O.A), la Confluencia Nacional de Redes de Mujeres de Colombia, la Alianza Iniciativa de Mujeres Colombianas por la Paz (IMP), la Coordinación Nacional de Mujeres en Situación de Desplazamiento, la Mesa de Incidencia Política de las Mujeres Rurales Colombianas, la Red de Educación Popular entre Mujeres (REPEM), la Red Nacional de Mujeres, la Red Mujer y Hábitat de América Latina, la Ruta Pacífica de las Mujeres, La Casa de la Mujer, el Programa Mujeres y Violencias, la Corporación Sisma Mujer, la Mesa Nacional de Seguimiento a la Ley 1257, y la Red Nacional de Mujeres Afrocolombianas Kambiri.

¹⁴⁵ Resolución 0805 de 2012.

¹⁴⁶ Por instrucción de la Corte Constitucional de Colombia, se han determinado 35 pueblos en total que deben ser beneficiarios de estos planes.

¹⁴⁷ Dando cumplimiento al Auto 008 de 2009 de la Corte Constitucional para la población desplazada.

¹⁴⁸ Anexo 4 – Séptimo informe de seguimiento. Ver recomendaciones y/o compromisos voluntarios 80 y 81.

¹⁴⁹ A cargo del Ministerio del interior y de la UNP.

¹⁵⁰ Anexo 4 – Séptimo informe de seguimiento. Ver recomendaciones y/o compromisos voluntarios 18, 75, 76, 78, 79.

¹⁵¹ Anexo 4 – Séptimo informe de seguimiento. Ver Bloque temático Poblaciones Indígenas y Afrocolombianas.

¹⁵² Anexo 4 – Séptimo informe de seguimiento. Ver recomendaciones y/o compromisos voluntarios 85 y 91.

¹⁵³ Se creó el Centro de Observación para el Proceso de Restitución, que busca dar acompañamiento a los integrantes de la Fuerza Pública en su participación dentro del proceso, y hacer seguimiento a nuestras actuaciones en el marco de la ley y a nivel local y regional se crean los COLR (Comité local de Restitución) conformado por los representantes locales y regionales de las FFMM, la PONAL, la Unidad de Restitución y el Ministerio público, teniendo como función principal la revisión de las condiciones para el desarrollo de las tareas de campo necesarias dentro de las etapas del proceso de restitución. Ver Anexo 5 – Séptimo informe de seguimiento. Ver recomendaciones y/o compromisos voluntarios 18, 52, 80.

¹⁵⁴ Dedicada a la implementación del CONPES 3616 de 2009, que contiene los "Lineamientos para la política de generación de ingresos a favor de la población en situación de pobreza extrema y/o desplazada por la violencia", que a su vez son considerados como insumos para el CONPES 3726 de

- mayo de 2012, que contiene, entre otros, la Ruta de Asistencia para las Víctimas de la Violencia.
- ¹⁵⁵ Anexo 4 – Séptimo informe de seguimiento. Ver recomendaciones y/o compromisos voluntario 88.
- ¹⁵⁶ Anexo 4 – Séptimo informe de seguimiento. Ver recomendación y/o compromiso voluntario 86.
- ¹⁵⁷ Anexo 4 – Séptimo informe de seguimiento. Ver recomendación y/o compromiso voluntario 17.1.
- ¹⁵⁸ Anexo 4 – Séptimo informe de seguimiento. Ver Bloque temático de Niños y Niñas.
- ¹⁵⁹ A través del Decreto 4875 de 2011.
- ¹⁶⁰ Anexo 4 – Séptimo informe de seguimiento. Ver recomendaciones y/o compromisos voluntarios 112, 113.
- ¹⁶¹ **Plan Nacional de Desarrollo Prosperidad para todos. 2010-2014. “Derechos Humanos y Derecho Internacional Humanitario. Igualdad y No Discriminación** *El Gobierno nacional entiende que es una necesidad para el país desarrollar el derecho a la igualdad y no discriminación. Por tal motivo adoptará y promoverá, de forma participativa, las medidas necesarias para contribuir a eliminar prácticas discriminatorias en las diferentes esferas de la sociedad y del Estado; promoverá prácticas sociales que respeten, reconozcan y valoren la diversidad; y garantizará el desarrollo y cumplimiento de políticas y mecanismos tendientes a superar la desigualdad material y formal que afecta a los sujetos y grupos poblacionales históricamente discriminados por motivos de etnia sexo, identidad de género y orientación sexual, edad, discapacidad, condición social y económica. Además, se impulsará el cumplimiento de las Sentencias Constitucionales sobre los derechos de estos grupos.*
- ¹⁶² El Ministerio del Interior tiene como mandato liderar la formulación, adopción y seguimiento de la política pública para la población LGBTDecreto 2893 del 11 de Agosto de 2011. Artículo 11.
- ¹⁶³ Sentencia C-283/11.
- ¹⁶⁴ Sentencia C-577/11. Si para dicha fecha el Congreso no ha expedido la legislación correspondiente, las parejas del mismo sexo podrán acudir ante notario o juez competente para formalizar y solemnizar su vínculo contractual.
- ¹⁶⁵ Encabezado por el Vicepresidente, junto con el Ministerio del Interior, la PGN, la PONAL y la FGN.
- ¹⁶⁶ Anexo 4 – Séptimo informe de seguimiento. Ver recomendaciones y/o compromisos voluntarios 115, 116.
- ¹⁶⁷ Es importante resaltar que mediante la Ley 1309 del 2009 se aumentan las sanciones por actos de violencia contra sindicalistas y amplían los términos para que la figura de prescripción de las acciones penales en esos casos ocurra.
- ¹⁶⁸ Que se traducen en: la clasificación de los establecimientos de reclusión; la realización de brigadas de atención integral; traslados de internos; proyección de nuevos cupos penitenciarios y el acercamiento con el sistema de justicia, a fin de dar cumplimiento a los subrogados penales y a la aplicación de penas alternativas distintas a la detención o prisión intramural.
- ¹⁶⁹ Entre otras acciones se resaltan, la elaboración de directivas e instrucciones permanentes en materia de derechos humanos y generación de mecanismos de participación e interlocución entre la administración y las personas privadas de libertad; en la implementación de módulos virtuales; intercambios académicos; aplicación de encuestas y realización de sensibilizaciones en temas de trascendencia nacional e internacional. También se ha hecho seguimiento y verificación de la situación de las personas privadas de libertad beneficiarias de medidas cautelares y/o provisionales ordenadas los órganos del SIDH, con el objeto de remitir los informes que nos sean requeridos.
- ¹⁷⁰ Anexo 4 – Séptimo informe de seguimiento. Ver recomendación y/o compromiso voluntarios 132.
- ¹⁷¹ La limitación permanente de mayor prevalencia según el censo, es la de la visión con un 43.2%, seguida por la limitación en la movilidad con un 29.5% y en tercer lugar la limitación para oír con un 17.4%.
- ¹⁷² Se elaboró el CONPES en Discapacidad y se expidió la Ley 1306 de 2009 por la cual se dictan normas para la Protección de Personas con Discapacidad Mental y se establece el Régimen de la Representación Legal de Incapaces Emancipados.
- ¹⁷³ Su difusión se inició en el marco de la cumbre de Vicepresidentes por la democracia y la solidaridad “América sin Barreras”, en Ecuador en diciembre de 2010.
- ¹⁷⁴ El Estado considera que el mecanismo de seguimiento de las recomendaciones y/o compromisos voluntarios adquiridos por Colombia en el marco del EPU, ha hecho parte del compromiso del Estado por lograr la efectiva implementación de cada una de las recomendaciones y/o compromisos. Con los planes estratégicos, operativos y prioridades de cada entidad responsable se ha logrado un cumplimiento gradual de las recomendaciones.

- ¹⁷⁵ Cooperación Internacional; Plan Nacional de Acción en Derechos Humanos y DIH, actualmente Sistema Nacional de Derechos Humanos y DIH; Derechos Civiles y Políticos (lucha contra la violencia y mantenimiento del orden público, homicidio en persona protegida, tortura, detenciones arbitrarias y desapariciones, minas antipersonal); Justicia y Lucha contra la Impunidad (Procesos en el marco de la ley de justicia y paz); Derechos Económicos, Sociales y Culturales. (salud, pobreza, educación); Poblaciones Vulnerables (Poblaciones indígenas y afrocolombianas, personas en situación de desplazamiento, mujeres, niños y niñas, LGBTI, defensores de derechos humanos, personas privadas de la libertad); Justicia.
- ¹⁷⁶ Ver Anexo 6 – Grado de cumplimiento de Recomendaciones y Compromisos Voluntarios.
- ¹⁷⁷ Recomendaciones y/o compromisos voluntarios 1, 3, 14, 38, 76, 79, 88, 110, 118, 38.
- ¹⁷⁸ Recomendaciones y/o compromisos voluntarios 18, 91.
- ¹⁷⁹ Pueden ser observados en el séptimo informe de seguimiento Bloque temático Justicia.
- ¹⁸⁰ Recomendaciones y/o compromisos voluntarios 77, 78.
- ¹⁸¹ Recomendaciones y/o compromisos voluntarios 22, 24, 25.
- ¹⁸² Recomendaciones y/o compromisos voluntarios 29, 30, 32, 33.
- ¹⁸³ Recomendaciones y/o compromisos voluntarios 90, 99.
- ¹⁸⁴ Recomendaciones y/o compromisos voluntarios 120, 126, 129, 128, 131.
- ¹⁸⁵ Recomendaciones y/o compromisos voluntarios 132, 133.
- ¹⁸⁶ Recomendaciones y/o compromisos voluntarios 117.
- ¹⁸⁷ Recomendaciones y/o compromisos voluntarios 10, 26.
- ¹⁸⁸ Recomendaciones y/o compromisos voluntarios 61, 62, 64.
- ¹⁸⁹ Recomendaciones y/o compromisos voluntarios 67, 69, 70, 72, 73, 74.
- ¹⁹⁰ Recomendaciones y/o compromisos voluntarios 48, 51, 52, 53, 54.
- ¹⁹¹ Recomendaciones y/o compromisos voluntarios 15, 38.
- ¹⁹² Con el fin de cumplir a cabalidad estos desafíos, el Gobierno Nacional diseñó la Estrategia Nacional de Cooperación 2012–2014, la cual es un instrumento que refleja los objetivos estratégicos de la cooperación internacional en Colombia, establece las prioridades para la definición de la cooperación que recibe el país y consolida las fortalezas que pone a disposición de otros países, para intercambiar experiencias que contribuyan con sus procesos de desarrollo.
- ¹⁹³ Hemos venido apoyando a nuestros vecinos de Mesoamérica y de la cuenca del Caribe. Para fortalecer esa oferta de cooperación, nuestra Agencia Presidencial de Cooperación pasará de ejecutar 1 millón de dólares anuales a cerca de 8 millones de dólares — a partir de 2013 — entendiendo que podemos hacer mucho más para compartir nuestras historias de éxito.
- ¹⁹⁴ Del Representante Especial del Secretario General sobre la cuestión de los derechos humanos y las empresas transnacionales y otras empresas comerciales.