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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Colombia

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

The numbers below refer to the recommendations that appear in section I of the report of the Working Group entitled “Summary of the proceedings of the review process”.

I. The following recommendations formulated during the interactive dialogue have been examined by Colombia and enjoy its support

115.1. Accepted. Colombia accepts the recommendations made in the report of the Special Representative that are compatible with the normative framework and current public policies and with its capacity to implement them, taking into account the observations and comments made on the document.

115.2. Accepted.

115.3. Accepted. Colombia accepts the recommendations made in the report of the Special Representative that are compatible with the normative framework and current public policies and with its capacity to implement them, taking into account the observations and comments made on the document.

115.4. Accepted.

115.5. Accepted.

115.6. Accepted. Ongoing, on the understanding that the competence of the military courts is defined by the Constitution, which clearly determines that extrajudicial killings will never be addressed by military courts.

II. The following recommendations enjoy the support of Colombia, which considers that they have already been implemented or are currently being implemented

116.1. Accepted. Ongoing.

116.2. Accepted. Ongoing.

116.3. Accepted. Ongoing.

116.4. Accepted. Ongoing.

116.5. Accepted. Ongoing. During 2012, the Centre for Historical Memory’s Programme on Agreements to Contribute to Historical Truth and Reparation formed and trained its team and set up the 10 first regional offices.

116.6. Accepted. Ongoing.

116.7. Accepted. Ongoing.

116.8. Accepted. Ongoing.

116.9. Accepted. There is a desire for peace on the part of the national Government; however the dialogue depends on the will of both parties.

116.10. Accepted. There is a desire for peace on the part of the national Government; however the dialogue depends on the will of both parties.

116.11. Accepted. There is a desire for peace on the part of the national Government; however the dialogue depends on the will of both parties.

- 116.12. Accepted. There is a desire for peace on the part of the national Government; however the dialogue depends on the will of both parties.
- 116.13. Accepted. There is a desire for peace on the part of the national Government; however the dialogue depends on the will of both parties.
- 116.14. Accepted. There is a desire for peace on the part of the national Government; however the dialogue depends on the will of both parties.
- 116.15. Accepted. Ongoing.
- 116.16. Accepted. Ongoing.
- 116.17. Accepted. Ongoing.
- 116.18. Accepted. Ongoing.
- 116.19. Accepted. Ongoing.
- 116.20. Accepted. Ongoing.
- 116.21. Accepted. Ongoing. The National Protection Unit is currently carrying out the necessary risk assessments, on the basis of clearly defined criteria, and whenever necessary provides protective measures for members of the family group. Risk assessment and collective protective measures are undertaken. We are endeavouring to improve the effectiveness of the Protection Programme and to implement measures more expeditiously.
- 116.22. Accepted. Ongoing.
- 116.23. Accepted. Ongoing.
- 116.24. Accepted. Ongoing.
- 116.25. Accepted. Ongoing.
- 116.26. Accepted. Ongoing.
- 116.27. Accepted. Ongoing.
- 116.28. Accepted. Ongoing.
- 116.29. Accepted. Ongoing.
- 116.30. Accepted. Ongoing.
- 116.31. Accepted. Ongoing.
- 116.32. Accepted. Implemented.
- 116.33. Accepted. Ongoing.
- 116.34. Accepted. Ongoing.
- 116.35. Accepted. Ongoing.
- 116.36. Accepted. Ongoing.
- 116.37. Accepted. Ongoing.
- 116.38. Accepted. Ongoing.
- 116.39. Accepted. Ongoing.
- 116.40. Accepted. Ongoing.
- 116.41. Accepted. Ongoing.

- 116.42. Accepted. Ongoing.
- 116.43. Accepted. Ongoing.
- 116.44. Accepted. Ongoing.
- 116.45. Accepted. Ongoing.
- 116.46. Accepted. Ongoing. Colombia renews its commitment to recommendation 9, made by the Philippines during the first review cycle.
- 116.47. Accepted. Ongoing.
- 116.48. Accepted. Ongoing.
- 116.49. Accepted. Ongoing.
- 116.50. Accepted. Ongoing.
- 116.51. Accepted. Ongoing.
- 116.52. Accepted. Ongoing.
- 116.53. Accepted. Ongoing.
- 116.54. Accepted. Ongoing.
- 116.55. Accepted. Ongoing.
- 116.56. Accepted. Ongoing.
- 116.57. Accepted. Ongoing.
- 116.58. Accepted. Ongoing.
- 116.59. Accepted. Ongoing.
- 116.60. Accepted. Ongoing.
- 116.61. Accepted. Ongoing.
- 116.62. Accepted. Ongoing.
- 116.63. Accepted. Ongoing.
- 116.64. Accepted. Ongoing.
- 116.65. Accepted. Ongoing.
- 116.66. Accepted. Ongoing.
- 116.67. Accepted. Ongoing.
- 116.68. Accepted. Ongoing.
- 116.69. Accepted. Ongoing.
- 116.70. Accepted. Ongoing.
- 116.71. Accepted. Ongoing.
- 116.72. Accepted. Ongoing.
- 116.73. Accepted. Ongoing.
- 116.74. Accepted. Ongoing.
- 116.75. Accepted. Ongoing.
- 116.76. Accepted. Ongoing.

- 116.77. Accepted. Ongoing.
- 116.78. Accepted. Ongoing.
- 116.79. Accepted. Ongoing.
- 116.80. Accepted. Ongoing.
- 116.81. Accepted. Ongoing.
- 116.82. Accepted. Ongoing.
- 116.83. Accepted. Implemented.
- 116.84. Accepted. Ongoing.
- 116.85. Accepted. Ongoing.
- 116.86. Accepted. Ongoing, in conformity with voluntary commitment 56 made by Colombia to reduce the poverty index to 28 per cent and the extreme poverty index to 8.8 per cent by 2015.
- 116.87. Accepted. Ongoing.
- 116.88. Accepted. Ongoing.
- 116.89. Accepted. Ongoing.
- 116.90. Accepted. Ongoing.
- 116.91. Accepted. Ongoing.
- 116.92. Accepted. Ongoing.
- 116.93. Accepted. Ongoing.
- 116.94. Accepted. Ongoing.
- 116.95. Accepted. Ongoing.
- 116.96. Accepted. Ongoing. The Ministry of Labour has made efforts to advance with both technical and financial measures to strengthen Colombia's labour inspectorate. In this connection, during 2012 its staff was increased by 100 inspectors, of whom there are now 624 distributed among 34 territorial branches throughout the country. The inspectorate is responsible for ensuring compliance with the commitments made by the Government to Colombia's people and with those taken on under international agreements, agreements with international organizations and with other Governments. The inspectors are receiving specialized training to enable them to carry out inspections of workplaces run by cooperatives.
- 116.97. Accepted. Ongoing.
- 116.98. Accepted. Ongoing.
- 116.99. Accepted. Implemented. Colombia has implemented voluntary commitment 67, which it accepted during the first review cycle, to provide free basic education for all children.
- 116.100. Accepted. Ongoing.
- 116.101. Accepted. Ongoing.
- 116.102. Accepted. Ongoing.
- 116.103. Accepted. Ongoing.
- 116.104. Accepted. Ongoing.

- 116.105. Accepted. Ongoing.
- 116.106. Accepted. Ongoing.
- 116.107. Accepted. Ongoing.
- 116.108. Accepted. Ongoing.
- 116.109. Accepted. Ongoing.
- 116.110. Accepted. Ongoing.
- 116.111. Accepted. Ongoing.
- 116.112. Accepted. Ongoing. It should be made clear that as far as Colombia is concerned, there are no demobilized children, but children who were formerly linked to illegal armed groups.
- 116.113. Accepted. Ongoing.
- 116.114. Accepted. Ongoing. It should be made clear that as far as Colombia is concerned, there are no child soldiers, but children who were unlawfully recruited and used by illegal armed groups. In no case do the armed forces recruit minors into their ranks.
- 116.115. Accepted. Ongoing. It should be made clear that as far as Colombia is concerned, there are no child soldiers, but children who were unlawfully recruited and used by illegal armed groups. In no case do the armed forces recruit minors into their ranks.
- 116.116. Accepted. Ongoing. It should be made clear that as far as Colombia is concerned, there are no demobilized children, but children who were formerly linked to illegal armed groups.
- 116.117. Accepted. Ongoing. It should be made clear that as far as Colombia is concerned, there are no demobilized children, but children who were formerly linked to illegal armed groups.
- 116.118. Accepted. Ongoing.
- 116.119. Accepted. This is being achieved by means of Decree Laws 4633 and 4635 of 2011.
- 116.120. Accepted. Ongoing (Gabon 2).

III. Colombia takes note of the following recommendations

- 117.1. Takes note.
- 117.2. Takes note.
- 117.3. Takes note.
- 117.4. Takes note.
- 117.5. Takes note.
- 117.6. Takes note.
- 117.7. Takes note.
- 117.8. See voluntary commitment 1.

IV. The following recommendations do not enjoy the support of Colombia

118.1. Colombia shows the utmost responsibility in meeting its international commitments; analysis of the signing and ratification of international instruments is done on a case-by-case basis.

118.2. Colombia has a comprehensive normative framework for preventing and punishing torture; first and foremost is Article 12 of the Constitution. Colombia has implemented, and continues to implement via its institutions, a range of measures and actions for the purpose of preventing the crime of torture. These include a number of guidelines from the National Institute of Prisons and Penitentiaries, the human rights committees, the position of human rights ambassador and inspections by monitoring bodies and international agencies such as ICRC. Progress is also being made with inter-agency cooperation to prevent torture, thanks to which state agencies with responsibility in this area decide on and take concerted and coordinated action to promote the right to integrity of the person and the complete prohibition of all forms of torture and other cruel, inhuman or degrading treatment or punishment. Furthermore, the Penitentiary Code is being reformed in order fully to guarantee the rights of persons deprived of their liberty in Colombia. The reform is currently being discussed by the Colombian Congress.

118.3. The comment made in respect of recommendation 3 applies.

118.4. The comment made in respect of recommendation 3 applies.

118.5. The comment made in respect of recommendation 3 applies.

118.6. The comment made in respect of recommendation 3 applies.

118.7. Colombia is already a party to United Nations reporting mechanisms, such as the Committee on the Rights of the Child, the Special Representative of the Secretary-General for Children and Armed Conflict and the Working Group of the Security Council on children and armed conflict. Moreover, and in conformity with the monitoring and reporting mechanism established by Security Council resolution 1612 (2005) on children in armed conflict, a working group comprising the United Nations, a number of non-governmental organizations and the Ombudsman's Office has been set up in Colombia.

118.8. There are currently legal, institutional and public policy mechanisms in Colombia that strive to guarantee and further the effective enjoyment of economic, social and cultural rights. Colombia presents reports on compliance under the International Covenant on Economic, Social and Cultural Rights and the Additional Protocol to the American Convention on Human Rights. It should be emphasized that Colombia is part of the Inter-American Human Rights System, which is available as a final appeal body when domestic procedures have been exhausted, been unreasonably prolonged or failed to provide an effective remedy.

118.9. The comment made in respect of the previous recommendation applies.

118.10. The comment made in respect of recommendation 118.7 applies.

118.11. The comment made in respect of recommendation 118.7 applies.

118.12. The comment made in respect of recommendation 118.7 applies.

118.13. Colombia possesses a comprehensive body of law that affords protection from and punishes this offence, together with relevant public policies. In July 2012, Colombia ratified the International Convention for the Protection of All Persons

from Enforced Disappearance and has made progress in implementing the Convention. In addition, since 2005 Colombia has been a party to the Inter-American Convention on Forced Disappearance of Persons. Currently, persons who consider that they have been the victims of enforced disappearance have an effective remedy in the inter-American human rights system, under the principle of subsidiarity.

118.14. Colombia possesses legislation that penalizes these crimes, in conformity with the Constitution and its international commitments.

118.15. Not Accepted.

118.16. Colombia has an institutional framework to combat violence and impunity and to maintain public order.

118.17. Colombia renews its commitment to prevent the recruitment of children and adolescents by illegal armed groups. The armed forces neither recruit nor employ children.

118.18. In Colombia cases involving human rights violations are heard by the civil courts.

118.19. The military courts do not assume jurisdiction over civil matters.

118.20. According to the Colombian Constitutional Court (C-577/2011) the concept of the family is far broader.

118.21. See voluntary commitment 3.

118.22. The efforts made by Colombia have brought about a dramatic reduction in such acts, as has been recognized by the Office of the United Nations High Commissioner for Human Rights in Colombia.

118.23. The Government of Colombia continues to seek alternative means of providing care and comprehensive reparation for women affected by the scourge of violence, offences against liberty and sexual freedom as part of gender-specific policies designed to ensure that the different sectors and levels of the public administration provide due reparation for violations of those rights and ensure their affective enjoyment.

118.24. Colombia has taken effective measures to investigate, bring to trial and punish those responsible for such acts.

118.25. Military criminal justice does not lead to impunity. In Colombia there is no overall impunity.

118.26. See voluntary commitment 1.
