



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

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Item 4 of the provisional agenda

**Consideration of reports, comments and information submitted
by States parties under article 9 of the Convention**

List of themes in relation to the combined fifteenth and sixteenth periodic reports of Colombia (CERD/C/COL/15-16)

Note by the Country Rapporteur

The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (A/65/18, para. 85) that the Country Rapporteur would send the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. A non-exhaustive list of such themes is given in this document, and other issues may be raised in the course of the dialogue. No written replies are required.

1. Lack of information on the demographic composition of the population

Updated statistical data on the demographic composition of the population of Colombia, particularly with respect to the Afro-Colombian, Black, Palenquero and Raizal populations (CERD/C/COL/15-16, paras. 11 and 12). Information on the measures adopted to improve census methodology with a view to improving and promoting the self-identification of persons belonging to ethnic or indigenous groups (CERD/C/COL/CO/14, para. 24).

2. Legal, institutional and public policy framework for combating racial discrimination (arts. 2, 4, 6 and 7)

(a) The definition and prohibition of racial discrimination and the implementation of Act No. 1482 of 2011. Measures taken to ensure that national criminal laws are in conformity with article 4 of the Convention (CERD/C/COL/CO/14, para. 13, and CERD/C/COL/15-16, para. 48);



(b) Information on the implementation of various national policies and plans adopted by the State party:

(i) The National Development Plan, which is designed to eliminate discrimination and thus guarantee real equality (CERD/C/COL/15-16, paras. 13, 20 and 32);

(ii) The Presidential Programme to formulate strategies and actions for the Comprehensive Development of the Afro-Colombian, Black, Palenquero and Raizal Populations (CERD/C/COL/15-16, paras. 18, 37 and 38);

(iii) The Presidential Programme to formulate strategies and actions for the Comprehensive Development of the Indigenous Peoples of Colombia (CERD/C/COL/15-16, paras. 18 and 40);

(c) Operation and impact of activities carried out by the Observatory on Discrimination and Racism, in its capacity as a mechanism to monitor and follow up acts of discrimination and racism (CERD/C/COL/15-16, para. 41);

(d) Measures taken to strengthen the Early Warning System of the Office of the Ombudsman and the role of the Inter-Agency Early Warning Committee. Measures taken to fully implement the recommendations of the System (CERD/C/COL/CO/14, para. 15, and CERD/C/COL/15-16, paras. 82 and 83).

3. Situation of indigenous peoples, ethnic communities and other minorities (arts. 1 and 2–7)

(a) The disproportionate impact of internal armed conflict on indigenous peoples and Afro-Colombians (CERD/C/COL/CO/14, para. 14) and measures taken for their protection, particularly with respect to the presence of State and non-State armed groups in their territories;

(b) Measures taken to protect members of indigenous peoples and Afro-Colombians who are subject to forced displacement and threats of cultural or physical extermination, in particular the results of implementation of the Programme to Guarantee the Rights of Indigenous Peoples Affected by Displacement, or at risk of displacement; the Ethnic Protection Plan for the Awa People (CERD/C/COL/15-16, paras. 30 and 66) and the measures mentioned in paragraph 67 of the State party report;

(c) Special measures taken to combat racism and structural discrimination that affect the enjoyment of economic, social and cultural rights by indigenous peoples, and Afro-Colombians and Roma, particularly access to employment, education and health care (CERD/C/COL/CO/14, para. 18);

(d) Measures taken to restore land and to implement the Victims and Land Restitution Act (Act No. 1448 of 2011) and the decrees on reparations for indigenous peoples, and Afro-Colombians and Roma. The measures taken by the Land Restitution Unit to carry out the project “Protection of Land and Heritage of Displaced Populations”;

(e) Implementation of the 10-year public health plan, the healthy environment strategy for indigenous communities and the operation of the Indigenous and Intercultural Health System (CERD/C/COL/15-16, para. 120 (a) and (b));

(f) Measures taken to ensure that Afro-Colombian and indigenous children and adolescents have access to education and health services and that they are registered at birth with the civil registry.

(g) The effect of implementing the Illicit Crop Eradication Programme by Aerial Spraying with Glyphosate and the negative impact of aerial spraying on the crops of indigenous peoples and Afro-Colombian communities;

(h) Measures taken, with the participation and cooperation of the Raizal community, to improve their living and working conditions and their level of health and education.

4. Participation of indigenous peoples and Afro-Colombians in political and public life (arts. 2, 5 and 6)

(a) Information on the bill to regulate the right to prior consultation (CERD/C/COL/15-16, para. 31). Information on prior consultation procedures for licences and the authorization of projects for the exploration and exploitation of natural resources, and also the consultations held with artisanal Raizal fishermen (CERD/C/COL/CO/14, para. 20);

(b) Measures taken to promote the representation and participation of the Afro-Colombian population and members of indigenous groups in the political sphere (CERD/C/COL/15-16, para. 16).

5. Human rights defenders (art. 5)

Measures taken to provide protection for human rights defenders, particularly with respect to those belonging to indigenous peoples or the Afro-Colombian community who are threatened or persecuted. Information on the operation of the National Protection Unit (CERD/C/COL/15-16, para. 73) and other mechanisms established to investigate such matters.

6. Situation of indigenous and Afro-Colombian women

(a) The impact of armed conflict on indigenous women and children, particularly in relation to sexual violence and the forced recruitment of indigenous children by illegal armed groups;

(b) The situation of multiple discrimination against Afro-Colombian women and the measures taken by the State party to combat that discrimination, particularly in relation to the implementation of the National Public Policy on Gender Equity; also measures to ensure their access to restitution of land rights under Act No. 1448 of 2011 and to encourage their participation in political life and decision-making;

(c) Measures taken to guarantee access for indigenous and Afro-Colombian women to health-care services, including sexual and reproductive health, education and employment opportunities in urban and rural areas.

7. Peace, justice and reparation negotiation process (arts. 2 and 5)

Further information on the development of the negotiation process for peace, justice and reparation and on the extent to which it has taken into account the specific needs and circumstances of indigenous and Afro-Colombian communities.

8. Justice system and action against racial discrimination (arts. 5 and 6)

The administration of criminal justice and criminal justice measures taken to protect the rights of Afro-Colombians and indigenous peoples and the operation of the National Houses of Justice Programme (CERD/C/COL/CO/14, para. 21, and CERD/C/COL/15-16, paras. 54 and 55).