



International Covenant on Civil and Political Rights

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Human Rights Committee

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List of issues to be taken up in connection with the consideration of the sixth periodic report of Colombia (CCPR/C/COL/6)

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please indicate what steps have been taken at the national level to implement Act No. 288 of 1996. In particular, please indicate what follow-up has been given to the Views of the Human Rights Committee, and what compensation paid to victims, in the following cases: 45/1979, *Suárez de Guerrero*; 161/1983, *Herrera Rubio*; 195/1985, *Delgado Páez*; 687/1996, *Rojas García*; and 778/1997, *Coronel et al.* In addition, the Committee would appreciate a response regarding communication No. 612/1995, *Arhuacos*. In respect of communication No. 1361/2005, “C”, please provide up-to-date information regarding the adoption of new legislation and other measures taken on the victim’s behalf.

2. According to the report of the State party (paras. 43–49), the Justice and Peace Act (Act No. 975 of 2005) does not permit amnesty or pardon for war crimes or crimes against humanity. Please indicate how long the trials have been going on and how many convictions have been handed down. How many of the more than 30,000 demobilized paramilitaries are under investigation under the Act? How many demobilized paramilitaries have received pardons under Decree No. 128 of 2003, article 13, and what arrangements have been made to avoid granting pardons to persons guilty of serious violations of human rights? What strategy is in place to ensure that gross systematic violations by demobilized individuals not currently involved in justice and peace proceedings do not go unpunished? Please explain the legal situation of the 19,000 members of demobilized paramilitary groups found by the Constitutional Court not to be subject to prosecution under the Justice and Peace Act.

3. According to the State party’s report (para. 225), there were 150,000 victims of the armed conflict registered under the Justice and Peace Act in 2008. Please provide up-to-date information on:

(a) The amount allocated from national funds to the Victims’ Compensation Fund (Act No. 975 of 2005, art. 54) and how many victims have benefited from this programme;

(b) The State funds allocated to the individual reparation programme by the administrative channel (Decree No. 1290 of 2008) and how many victims have benefited from this programme. In terms of making reparations to victims, please indicate what safeguards exist to ensure that there is no discrimination in the treatment of victims, for example on the basis of category of perpetrator, and that the victims of acts by agents of the State receive the same treatment as the victims of illegal armed groups.

4. Please provide information on the work of the National Commission on Reparation and Reconciliation, established by the Justice and Peace Act (Act No. 975, arts. 50–51), and on the steps taken with respect to the regional commissions and the establishment of a regional support network for victims. Please also indicate the progress made in implementing an institutional programme for collective reparations.

5. Please indicate how victims' right to the truth is guaranteed. What is the outcome of investigations initiated on the basis of information regarding funding and collaboration between State officials, elected politicians and paramilitaries disclosed by paramilitary leaders in *versión libre* statements under the Justice and Peace Act?

6. With reference to paragraph 225 of the State party's report, please provide up-to-date information on the investigations into the mass graves found since 2004 based on the testimony of demobilized paramilitaries. Please indicate the total number of bodies exhumed, how many have been identified, the steps being taken to ensure that bodies are correctly identified, and what part families and civil society play in identification.

7. Please indicate what progress has been made in the preparation and adoption of a national plan of action on human rights in consultation with civil society, and what steps are being taken to involve civil society in that process.

Equal rights of men and women, principle of non-discrimination (arts. 3 and 26)

8. With regard to the Affirmative Policy for Women Builders of Peace and Development and the Strategic Plan for the Defence of Women's Rights referred to in paragraphs 133 and 141 of the State party's report, please provide information on the concrete measures taken to protect women and girls from physical harm and prevent acts of sexual violence, including in situations of forced displacement. Please also indicate whether any evaluation of the implementation of the policy and of the strategic plan has been carried out and with what result.

9. Please state what steps have been taken to ensure the effective implementation and legal regulation of Act No. 1257 of 4 December 2008, on awareness-raising, prevention and punishment in respect of acts of violence and discrimination against women, amendments to the Criminal Code, the Code of Criminal Procedure and Act No. 294 of 1996, and the introduction of new provisions.

10. Please indicate what progress has been made in adopting legislation against racial discrimination in order to better protect the indigenous and Afro-Colombian populations.

Right to life and prohibition of torture and cruel, inhuman or degrading treatment (arts. 6 and 7)

11. The Committee notes with concern the high frequency of extrajudicial executions of civilians who, as the State party acknowledges (para. 260), are reported by the security forces as "killed in combat". It is also concerned at reports that financial incentives are used to encourage soldiers to report deaths in combat. Please give the number of allegations of

extrajudicial executions between 2004 and 2009 and provide up-to-date information on investigations of members of the security forces in connection with such acts (progress and results of investigations, status of proceedings, number of cases closed, any judicial decisions); please also provide information on any corrective measures taken and measures to make reparation and prevent any recurrence of this practice.

12. Please provide information on the State party's current strategy for combating forced disappearances and on progress in implementing the National Plan on the Search for Disappeared Persons.

13. Please provide additional information about the steps being taken to protect witnesses and victims with a view to ensuring their security and physical safety:

(a) How many persons are beneficiaries of the Victim and Witness Protection Programme set up pursuant to the Justice and Peace Act, referred to in the State party's report (paras. 220–224 and 678)? Bearing in mind that many victims were displaced by the armed conflict, how many of those have been attacked or killed for seeking restitution of land and reparation? What measures have been taken to protect these victims, and are the views of beneficiaries taken into account when designing and implementing them?

(b) With reference to paragraphs 211 to 219 and 233 to 235 of the State party's report, please indicate how many people are currently covered by the protection programme of the Ministry of the Interior and Justice and by the Victim and Witness Protection Programme of the Attorney-General's Office. How many people have been killed or subjected to harassment or threats since joining those programmes?

(c) Please provide information on the measures taken to protect persons and communities who are the subject of precautionary or provisional measures under the Inter-American system of human rights, and indicate how many of them have been killed or subjected to harassment.

14. Please provide up-to-date figures on the number of persons forcibly displaced as a result of threats to their security and physical safety in the context of the armed conflict. With reference to Constitutional Court decision T-025 of 2004, please state what concrete steps have been taken to comply with order No. 092 of 2008, and orders Nos. 004 and 005 of 2009, particularly to protect women, children, Afro-Colombians and indigenous people. Please indicate what progress has been made in implementing the recommendations of the Representative of the Secretary-General on the human rights of internally displaced persons following his mission to Colombia in 2006 (A/HRC/4/38/Add.3).

15. Please indicate what preventive measures have been taken to give the Office of the Procurator-General and the Office of the Ombudsman, including community ombudsmen, a stronger presence in regions where there is a high risk of clashes between armed factions and of displacement of the civilian population.

16. With reference to the early warning system (SAT) mentioned in the State party's report (para. 379), please indicate how many risk reports have been published, how many of those have led to early warnings, and how many of those situations involved serious human rights violations in the context of the armed conflict. Please clarify the role of the civil authorities, including at the departmental and local levels, in devising preventive measures. Please indicate whether SAT is considered to have all the financial, human and material resources it needs to carry out its work efficiently and sustainably.

17. The Committee notes the absence of any quantitative data on article 7 of the Covenant in the State party's report. Please provide information for the period 2004–2009 concerning:

(a) Cases of alleged torture and other cruel, inhuman or degrading treatment, indicating the number of cases in which the police, the army and the prison system, respectively, were involved, and statistics identifying the institutions responsible, the place where the acts were committed, and the sex, age and ethnic origin of the victims;

(b) Progress in and the outcome of each investigation into allegations of torture or other cruel, inhuman or degrading treatment, and the penalties imposed in the event of conviction;

(c) The number of police, army and prison officers who have been suspended from their duties for acts of torture or other cruel, inhuman or degrading treatment as a preventive measure or sanction, or who have been subsequently dismissed, and the number of allegations of torture or cruel, inhuman or degrading treatment that resulted in exoneration;

(d) The judicial authority that was in charge of the investigations in each case.

18. Please indicate what practical measures have been taken to guarantee that women can access safe legal abortion in cases covered by Constitutional Court decision C-355 of 2006 (State party report, paras. 510–511).

Right to liberty and security of person, and right of detainees to be treated with humanity and dignity (arts. 9 and 10)

19. Please indicate what measures have been taken to implement the recommendations of the Working Group on Arbitrary Detention following its mission to Colombia in 2008 (A/HRC/10/21/Add.3).

20. Please provide up-to-date statistics on the prison population by prison, indicating sex, age and ethnic origin, in respect both of convicts and of persons in pretrial detention. Please also provide figures for prison overcrowding in 2007 and 2008. Please indicate what steps have been taken to separate persons awaiting trial from convicted prisoners, and provide information on existing policies and provisions on the use of solitary confinement and the main reasons for its use.

21. Please indicate what steps have been taken to investigate and punish the monitoring of judges and human rights defenders by the intelligence services.

Fair trial and due process (art. 14)

22. In the context of military criminal justice, the Committee takes note of the information in the State party's report (para. 260) to the effect that 226 investigations have been referred to the ordinary courts. Please indicate how many cases have not been referred to the ordinary courts but remain under military criminal jurisdiction, and how many are the subject of a conflict of jurisdiction and why. Please provide information on what progress has been made towards the reform of military criminal justice so as to guarantee compliance with international human rights standards.

23. Please indicate how victims seeking reparation under the Justice and Peace Act are guaranteed a quality defence. What is the average number of victims represented by each court defender from the Office of the Ombudsman assigned to victims involved in proceedings under the Act?

Freedom of conscience (art. 18)

24. With reference to its recommendation issued in 2004 (CCPR/CO/80/COL, para. 17), the Committee regrets the lack of information in the State party's report on the steps taken to guarantee that conscientious objectors are able to opt for alternative service whose duration would not have punitive effects.

Freedom of expression (art. 19)

25. With reference to the Committee's recommendation issued in 2004 (CCPR/CO/80/COL, para. 18), information received indicates that threats against and stigmatization of human rights defenders, including by officials who discredit their work, have not ceased. The Committee takes note of the information given in the State party's report (paras. 652–657) but would nevertheless like it to explain what measures have been taken to prevent and punish pronouncements that put human rights defenders at risk.

Rights of the child (art. 24)

26. With reference to paragraphs 524 and 569–570 of the State party's report, please state the number of children handed over by demobilized paramilitaries under Act No. 975. Please indicate what steps have been taken to ensure that those responsible for recruiting or using children in paramilitary and guerrilla groups are investigated and punished.

27. With reference to paragraph 524 of the State party's report, please provide information on the preventive measures taken to ensure that children used in armed conflict are not questioned by the police on capture. What special medical and psychosocial support is provided to demobilized child soldiers?

Rights of minorities (art. 27)

28. Please indicate what steps the State party has taken to protect the enjoyment of collective property rights in territories adjudged to indigenous and Afro-Colombian communities. In particular, what steps have been taken to facilitate the restitution of land to displaced communities and declare invalid the titles issued for parts of collective land sold by individuals? Please comment on the measures taken to prevent collusion between illegal armed groups and private actors with financial interests in exploiting natural resources and growing biofuels.

29. Please indicate what progress has been made in adopting legislation to regulate the right to prior consultation in accordance with the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), in order to ensure that all prior consultations are undertaken in a manner which respects the cultural rights and the free and informed consent of the affected communities. Please describe the status of the bill on prior consultation and indicate whether it is being drafted in consultation with the indigenous peoples.

Dissemination of the Covenant

30. Please indicate what measures have been taken to disseminate information on the submission of this report and its consideration by the Committee and, in particular, on the Committee's concluding observations. Please indicate whether NGOs were consulted as

part of the process of drafting the report and whether they were informed that Colombia's report was to be considered by the Committee.
