



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Concluding observations on the combined fifteenth and
sixteenth periodic reports of Colombia**

Addendum

**Information received from Colombia on follow-up to the
concluding observations***

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Introduction

1. Colombia is a country that, while well on the path of progress, still faces some significant challenges and difficulties. It has, however, demonstrated its commitment to improving respect for and the enjoyment of human rights by the entire population without any distinctions whatsoever. The efforts that it has deployed to that end need to be viewed from the perspective of a nation that has been grappling with a conflict for nearly five decades, including all the complexities that entails.

2. Guaranteeing the rights of the country's ethnic groups is a shared objective of all State institutions, which have been working in coordination to align their action and mainstream a differentiated, pluralistic approach across their various programmes.

3. With that objective in mind, the Government has focused on strengthening the institutional framework by consolidating coordination mechanisms, boosting technical and investigative skills, generating and analysing data and formulating strategies to ensure that budget allocations reflect a differentiated approach and are appropriate to meet ethnic groups' needs.

4. Recent years have seen a shift in policy and legislation in Colombia towards ensuring full enjoyment of human rights and making the organization and operation of the State more efficient and coherent. The institutional and legislative reform has followed two principal thrusts: one is to safeguard the human rights of the entire population and the other is to guarantee the rights of victims of human rights violations by ensuring full redress and reconciliation and thereby prepare the way for moving towards an end to the armed conflict.

5. The commitment of the Government of Colombia to complying with the highest standard of respect for human rights is evidenced in the advances made in the human rights situation. Challenges remain, to be sure, but the Government's resolve to overcome them is more than clear. A key element in its commitment is following up on the recommendations issued by the Committee on the Elimination of Racial Discrimination. Immediately upon receiving the Committee's final report in August 2015, the Ministry of Foreign Affairs circulated it to all State institutions having responsibilities in the areas addressed so that they could take appropriate action to ensure fuller respect for the human rights of the country's ethnic minorities.

6. With a view to providing a comprehensive response to the recommendations contained in paragraphs 12, 16, 30 and 36 of the concluding observations on the combined fifteenth and sixteenth periodic reports of Colombia, the information furnished refers to the period 2015-2016 and presents the overall action plan launched to implement the recommendations and, in general, safeguard human rights throughout the country.

Recommendation concerning the impact of the armed conflict and peace negotiations (para. 12)

7. Colombia considers the progress made in the peace negotiations with the Fuerzas Armadas Revolucionarias de Colombia — Ejército del Pueblo (FARC-EP) to be one of the most important steps of all towards enhancing the quality of life of all Colombians and ensuring respect for human rights. With an eye to having policies in place to cope with the aftermath of the armed conflict, the State framework to prevent human rights violations has been strengthened through the mainstreaming of a differentiated approach that offers specific protection for minorities and other vulnerable populations.

Risk reports issued under the Early Warning System

8. As part of its efforts to raise awareness about the risk reports issued by the Ombudsman under the Early Warning System and to ensure that the reports are acted upon, over the past year the Ministry of the Interior organized meetings to assess, follow up on and then reassess reports that had been issued.

9. Between August 2015 and April 2016, a total of 23 assessment sessions were held in 49 municipalities across the country; 17 follow-up sessions were held; and 9 on-the-ground reassessment sessions were held. In addition to Bogotá, the following departments were involved: Antioquia, Arauca, Bolívar, Casanare, Cauca, Córdoba, Cundinamarca, Chocó, Guaviare, Huila, Meta, Nariño, Norte de Santander, Putumayo, Quindío, Santander, Sucre, Valle del Cauca, Vaupés and Vichada.

10. Looking to avert human rights violations or infringements of international humanitarian law among the civilian population, the Ministry of the Interior has issued — at the various stages, i.e., assessment, follow-up and reassessment — recommendations to national and local authorities in the following thematic areas: safety and protection measures, support for victims and vulnerable populations, prevention of the recruitment and use of children and adolescents, providing of support through a differentiated approach, strengthening of the judicial framework, coverage of unmet basic needs and issues related to mining and the environment.

Effective implementation of Act No. 1719 of 2014

11. Pursuant to the adoption of Act No. 1719 of 2014, the National Directorate for District Prosecution Services and Citizen Security Directorates, a part of the Office of the Attorney General, has adopted plans, guidelines and methodological strategies geared towards enhancing the efficiency and effectiveness of investigations and ensuring compliance with the differentiated obligations imposed by law. Four strategies were formulated:

- *Dissemination of the Act and follow-up on implementation.* Each district prosecution service was made responsible for disseminating the Act and for following up on its implementation. Workshops and other events were held to familiarize prosecutors, civil servants and members of the criminal investigation police with the Act.
- *Training.* Training events were organized for civil servants and staff at district prosecution services and citizen security directorates on the topic of criminal investigation techniques with a differentiated approach in cases involving sexual violence committed in the context of the internal armed conflict.
- *Investigation using differentiated methodologies.* The head of each district directorate has been mandated to keep a record of the number of investigations launched into cases involving sexual aggression or violence and the measures taken in each case to provide victims with support, protection and restitution of their rights. Under the Act, investigations into cases involving this type of violence are launched ex officio and immediately as a matter of urgency regardless of when they occurred or the venue.
- *Establishment of specialized teams to provide support and technical assistance for cases involving sexual violence whether or not committed in the context of the armed conflict.* Expert committees have been set up in each of the country's 35 district prosecution service directorates and have been assigned responsibility for the legal and technical monitoring and follow-up of cases. The committee members include directors and deputy directors of prosecution services and the criminal investigation police, psychologists, the prosecutor handling the case, criminal police investigators

and a prosecutor specializing in human rights, gender and differentiated approaches and with experience in the prosecution of sex offences. The latter official plays a strategic role by following investigations and identifying opportunities for the coordination of work across regions. Thus far, 101 cases of sexual violence committed in the context of the armed conflict have been reviewed. As the complex situation surrounding the perpetration of such crimes in the context of the armed conflict makes it necessary to investigate the specific circumstances of each case, it was necessary to devise strategies that use contextual investigation tools.

12. Drawing on studies conducted by the National Directorate for Analysis and Contextualization, the National Directorate for District Prosecution Services and Citizen Security Directorates and the National Subdirectorates for Public Policies, a strategy was designed for giving priority to the investigation of acts of sexual violence committed in the context of the armed conflict. The strategy has had a differentiated impact on women inasmuch as:

- It enables a criminal investigation to be launched without the need for a crime notification¹ to first be made. Work can thus proceed on an investigation and task forces can be set up to expand the regional presence of the Attorney General's Office in the investigation and prosecution of cases of sexual violence committed in the context of the armed conflict.
- It enables work to proceed on investigations for which a crime notification has already been made, as the case can be transferred to the National Directorate of Prosecution Services Specialized in Transitional Justice and reviewed for possible reassignment of priority in the investigation caseload.
- It creates an opportunity — in the investigation and prosecution of cases of sexual violence — for cases that have been closed and filed to be reviewed and possibly reopened, and it allows for follow-up on priority activities approved by the National Committee on Prioritization of the Attorney General's Office.

Prevention of the recruitment of indigenous and Afro-Colombian children in the context of the armed conflict and measures for demobilization and reintegration

13. By way of the Presidential Advisory Office for Human Rights, the Intersectoral Commission for the Prevention of the Recruitment and Use of and Sexual Violence against Children and Adolescents by Illegal Armed Groups and Organized Criminal Groups (decree No. 0552 of 2012) has taken steps using a differentiated approach — under the Public Policy on the Prevention of Recruitment (National Social and Economic Policy Council (CONPES) document 3673 of 2010) — in such activities as the identification of priority territories and the drafting of a road map for prevention in areas where indigenous and Afro-Colombian communities are at risk. In particular, all the presidential programmes concerning indigenous and Afro-Colombian communities have been integrated pursuant to decree No. 0552 of 2012, which is currently being reformulated.

14. Steps taken directly with ethnic communities to prevent such recruitment included activities and projects in 11 departments for a total coverage of 31 municipalities. A special project was undertaken for the Nasa indigenous community at the Las Mercedes and

¹ A crime notification (*noticia criminal*) refers to the report or information received by the criminal investigation police or the Attorney General's Office concerning the commission of one or more acts displaying characteristics of a crime. It may be received in a variety of formats or from different sources; it may be in oral or written form and may be presented by any means that allow the author to be identified. In Colombia, a crime notification is mandatory in order to initiate an investigation in the case of certain crimes.

Barbacoas reserves in the Department of Tolima and for participation in the Assembly of the Barronegro reserve of the U'wa community in the Department of Casanare. The breakdown was as follows:

<i>Department</i>	<i>Municipality</i>
Meta	Puerto Rico, Uribe, Vistahermosa, Mapiripán
Caquetá	San Vicente del Caguán
Boyacá	Cubará
Guaviare	San José del Guaviare, Calamar, El Retorno, Miraflores
Guajira	Riohacha, Dibulla, Maicao
Chocó	Quibdó, Itsmina, Medio Atrato, Tadó, Alto Baudo
Valle del Cauca	Cali, Tuluá, Jamundí, Buenaventura, Trujillo, Palmira, Florida
Cauca	Bordo Patía, Santander de Quilichao
Vichada	Cumaribo, Puerto Carreño

15. Special mention needs to be made of the prevention strategies that have been designed. They include the Indigenous Intercultural School for Young People and Adults in Cauca, the Ethnic Generations and Welfare Programme of the Colombian Family Welfare Institute, the Prevention, Detection and Comprehensive Support Strategy for Indigenous Communities and the Ethno-Education Project of the Ministry of Education.

16. On 9 June 2015, Act No. 1753 was passed into law, launching the “Everyone for a New Country” National Development Plan. Under article 123 of the Act, the Presidential Advisory Office for Human Rights holds responsibility for the area of prevention of recruitment and it should adopt an ethnic approach and perspective in all action it takes. Pursuant to that mandate, the Office is engaged in the following activities:

- Establishment of road maps from an ethnic perspective.
- Implementation of the comprehensive plan to care for children who have disengaged from FARC-EP, using a differential approach for those under 18 years of age who are members of an ethnic community.
- Formulation of a new public policy that involves working with ethnic communities, including participation by children of those communities.

Participation by members of indigenous and Afro-Colombian peoples in the peace negotiations

17. The Government of Colombia attached special importance to having broad and pluralistic participation of society in the peace negotiations by way of proposals that would enrich the round-table discussions around the six items on the agenda for the negotiations with FARC-EP in Havana. At the negotiations a presentation was made by a group of victims of the armed conflict who voiced their views on the end to that conflict. With support from the United Nations Development Programme (UNDP), the National University of Colombia and the Episcopal Conference, the criteria of ensuring balance and pluralism were used to select the group of victims who would travel to Havana. The group included representatives of the Black and Afro-Colombian communities, indigenous

peoples, women, the lesbian, gay, bisexual, transgender and intersex community, the business sector, trade unions, the military, the police and campesinos.

18. In June 2016, six organizations representing the country's indigenous communities were involved in work to ensure that an ethnic and territorial approach was included in the implementation of the peace agreement, which was the last item on the agreed agenda when the talks began. The following organizations took part: Organización Nacional Indígena de Colombia, Confederación Indígena Tayrona, Organización de Pueblos Indígenas de la Amazonia Colombiana, Organización Zonal Indígena del Putumayo, Cabildo Mayor Indígena de la Zona del Bajo Atrato and Autoridades Tradicionales Indígenas Gobierno Mayor.

19. The idea behind meeting with these ethnic minorities was that, from the standpoint of the victims, the peace agreement should create real tools for consultation so that the decisions taken, and those to be taken, reflect their respective legal traditions and jurisdictions.

20. The recent Final Agreement accords special attention to the fundamental rights of women and of vulnerable groups in society, such as indigenous peoples and members of Afrodescendent communities. The points referring to the fostering of a political culture, plans for transitional justice and support for victims, mechanisms for national dialogue and consensus, strengthening of rural regions and other issues are all presented using a differentiated approach based on ethnic and cultural diversity that allows for these populations to be given special attention.

21. Some of the most important contributions are found among the items relating to the structural transformation of the country's rural areas and the focus on the local level, with the ultimate objective of eradicating poverty and fully meeting the needs of vulnerable population groups, which include Afro-Colombians and indigenous communities. This means having a clear understanding of the differences in accordance with the circumstances in each local area.

22. Another important sphere is support for family-based and campesino economic systems, such as the protection of traditional means of production for the indigenous, Black, Afrodescendent, Raizal and Palenquero communities by ensuring full access to the land and to social and productive goods and services. The focus has been placed on inter-ethnic and cross-cultural linkages that will foster progress towards development and peaceful coexistence.

Resources available to the Attorney General's Office for the effective performance of its functions

23. The Attorney General's Office is currently implementing the budget allocated for the expansion and skills upgrading of its staff. Of the estimated total of 1,087,200 million Colombian pesos, some 390,000 million pesos relate to the 2016 budget year. The overarching objective is to expand, update and improve the skills levels of staff so that the Office can better perform its functions over time.

Recommendation concerning indigenous peoples facing extinction or living in isolation or at a stage of initial contact (para. 16)

24. The Government acknowledges that many of the country's indigenous communities live in a situation of vulnerability and it is making every effort to ensure that they are protected and their rights are respected. Making good on all the commitments that have been assumed is, in the end, a process: the effort is well under way, however, and advances

can be seen every day. The Ministry of the Interior has established a number of different mechanisms to address the needs of these communities on a priority basis, as described in the following paragraphs.

Hitnú community

25. Beginning in August 2015, different activities, events and visits have been organized with the Hitnú community to secure engagement and identify paths of action with a view to addressing problem areas where this community's rights are not being respected. Among other initiatives, a local wildlife protection programme is under way. Gatherings have been organized to revive and restore the natural and cultural authority of the Hitnú community; and a protocol was prepared for the start-up of meetings to be held by the community's traditional authorities.

Wayúu community

26. During the period, agreements have been signed with indigenous associations, such as Sumuywajat, to organize meetings for the purpose of assessing impacts on Wayúu communities and, on the basis of those assessments, prepare avenues of action for 110 communities living in reserves and an additional 129 in the municipality of Maicao, with priority being given to those located in the border area near Venezuela.

27. Pre-consultations are under way with the Wayúu authorities in municipalities in the Department of La Guajira, such as Manaure and Uribia, in parallel with the effort to disseminate Constitutional Court decision No. 004 of 2009. Wayúu traditional authorities have been invited to participate as delegates in the round-table discussions and to select representatives to take part in the design and implementation of the protection plan for those sectors.

Awá community

28. In August 2015, advances were made in following up — jointly with the Awá authorities and the respective entities — on the Emergency Interim Contingency Response Plan (decision No. 174 of 2011). In addition, work was begun on defining the territorial rights component of the Awá ethnic protection plan and, in October 2015, the Cultural and Environmental Management Plan of the Awá Community was finalized (as part of the rights component) under the leadership of the Ministry for Environmental Affairs and Sustainable Development in conjunction with the Awá indigenous authorities in Nariño and Putumayo and with support from the Ministry of the Interior through its Directorate for Indigenous, Roma and Minority Affairs.

29. In 2016, headway was made towards a consensus-based definition and the preparation of logical frameworks for the second phase of the governance component under the Awá ethnic protection plan, and consensus was achieved within the Committee for Consultation with the Awá Community on a calendar of meetings (decree No. 1137 of 2010) such that, by the end of 2016, the road map should be finalized for implementing all the rights-related components contained in the plan.

Nükak-makú community

30. With support from the German Cooperation Agency and Universidad Externado of Colombia, work began on a project to boost the organizational capacity of the Nükak and Jiw indigenous communities and thereby prepare local institutions and mestizo society to better manage inter-ethnic and cross-cultural conflicts.

31. In accordance with the guidelines and mission of the Directorate for Indigenous, Roma and Minority Affairs and within the framework of the ethnic protection plans

overseen by the Ministry of the Interior, activities have been proposed to ensure compliance with Constitutional Court decision No. 004, such as completion of studies that are still pending and organizational capacity-building for indigenous communities. Plans include the strengthening of forums for inter-institutional dialogue and consensus-building to support greater protection of the fundamental rights of the Awá, Nükak, Wayúu and Hitnú indigenous peoples.

Recommendation concerning the Afro-Colombian population in Buenaventura (para. 30)

32. The Colombian State takes very seriously the matter of the vulnerable situation in which the Afro-Colombian population of Buenaventura lives, aware of the severe violence they have endured. It has adopted policies to strengthen institutions and create tools that will help to lower the levels of violence. Despite the substantial improvement observed in the situation, efforts are ongoing in order to re-establish peace and order in Buenaventura.

Protection of the life and safety of the residents of Buenaventura

33. With regard to criminal investigations, the Attorney General's Office embarked in 2013 on a strategic priority action plan for the municipality of Buenaventura to address — through a differentiated approach to Afro-Colombian communities — the serious human rights violations committed against residents of Buenaventura. The mechanism has three components:

- Institutional strengthening, which aims to increase the Office's presence in the region and consists of:
 - Establishment of two district subdirectorates for Buenaventura: one for the criminal investigation police and one for providing support to victims and users;
 - Expansion of the staff of prosecutors, assistants and investigators in order to strengthen the investigation and prosecution functions in the district. Currently, there are 24 prosecutors, 24 assistants and 26 investigators, which represents an increase of 32 over the previous staffing level.
- Prioritization of cases, in line with the decision to give contextualized priority in all investigations of human rights violations to those committed in Buenaventura:
 - A special task force has been established specifically to address the matter of unidentified partial human remains that have been found;
 - Specialized prosecutors, specialized criminal investigation police officers and staff of the Technical Investigation Corps have been assigned to the municipality to provide an effective response to the crime situation in Buenaventura.

34. In the wake of these actions, crime dropped 48 per cent as compared with 2012. Fewer homicides were reported, of which only one involved dismemberment; 35 arrests were made for this type of crime; and 7 convictions were handed down.

35. The strategy for fighting crime in Buenaventura includes the following elements as well:

- Scientific and technical support and guidance for investigations are provided by the special group of high-level experts assigned to the Technical Investigation Corps.

- Efforts are under way to define the situational context of human rights violations in Buenaventura with a view to strengthening criminal investigations and thereby significantly reducing crime. These efforts are led by the Valle del Cauca District Directorate under the National Directorate for District Prosecution Services and Citizen Security Directorates. As of this writing, three studies have been completed: one on the situation of enforced disappearances, one on forced displacements and one on murders involving dismemberment.
- Focus is placed on increasing awareness of the urgency of taking prompt action to provide an immediate response: establishment of an urgent search mechanism in the Immediate Response Unit of the Attorney General's Office.
- Special training is provided to staff of the Attorney General's Office.
- A special strategy has been adopted to give priority to protecting witnesses who provide important testimony in proceedings.

Right to prior consultation

36. The Ministry of the Interior has been implementing Presidential Directive No. 10 of 7 November 2013 with a view to the effective establishment and operation of the arrangements for participation defined therein. Procedures have been harmonized and care has been taken to define clearly the steps, outcomes and proofs relating to each phase. The directive prepares the way for procedures to be implemented in accordance with International Labour Organization Convention No. 169 (1989) and with the decisions of the high courts of Colombia such that prior consultations can be conducted with greater administrative efficiency, thereby ensuring the exercise of this right in line with the principles of administrative expeditiousness, efficacy and resourcefulness.

37. As to the action taken in Buenaventura with regard to the recommendation in question, the Ministry of the Interior has guaranteed the exercise of this right. Prior consultations have been held for eight projects within the jurisdiction of the District of Buenaventura.

38. The Directorate for Prior Consultation under the Ministry of the Interior is responsible for coordinating and launching in a timely fashion prior consultations for all projects, works and activities requiring such consultations once it receives a request from the executing agency to launch the consultation process. Priority is given to building capacity among Afrodescendent communities in Buenaventura by taking a differentiated approach to the right of prior consultation. Training events, advisory services and technical assistance have been offered to ensure steady improvement in guaranteeing this right for ethnic minorities.

Round-table discussions

39. During 2015 and up to the present, no round-table discussions have been scheduled or held in Buenaventura between government representatives, the private sector and members of the Afro-Colombian communities who would be affected inasmuch as the topics involved relate to the ethnic rights of this population group with regard to prior consultation and the safeguarding of rights.

Recommendation concerning the right to safe drinking water (para. 36)

Access to water for the Wayúu community

40. As from the middle of 2015, the Government has been a driving force in the "Partnership for Water and for Life" Plan in La Guajira. This strategy, which is pursued

through cooperation with local authorities, international organizations and the private sector, is aimed at devising solutions to the water, health and nutrition problems of the rural areas located in the north of the department. The Plan comprises short-, medium- and long-term actions to address the emergency situation and eliminate its various underlying causes; implementation involves coordinating work by the national government, by the regional and local governments, by traditional authorities and by the community in general.

41. For the current year, the Office of the President has requested that a CONPES paper be prepared for La Guajira so that action under the Plan can be expanded and deepened. Visits are also being conducted by sector authorities to monitor the work being done by over 10 different offices active in the region. Staff from nine central government offices have made field visits to the areas inhabited by Wayúu communities in the Alta Guajira region, specifically in the municipalities of Uribia, Manaure, Maicao and Riohacha. The visits are intended to establish a direct line of communication with the traditional authorities in order to discuss short-, medium- and long-term measures — under a differentiated approach — regarding water supply and access to health and nutrition services for children and adolescents of this ethnic group.

42. In addition, an invitation was extended to the traditional authorities of over 500 indigenous communities of the region to take part in working groups with the Ministry of Environmental Affairs and Land-Use Development, Ministry of Health and Social Protection, Ministry of Foreign Affairs, Ministry of Housing and Urban and Rural Planning, Ministry of Education, Colombian Family Welfare Institute, Mining and Energy Planning Unit, Ministry of the Interior and the Office of the President.

43. The following functions are among those carried out by the working groups:

- Appointing persons to represent the traditional authorities for purposes of monitoring and following up on the distribution of water to very remote communities.
- Establishing, on the basis of information gathered by traditional authorities, how emergency humanitarian aid should be distributed to those communities that have not received any.
- Taking decisions on new wells, tanks, mills, productive projects and comprehensive community-supported actions.
- Ensuring that line ministries commit to inspect the operation of plants and mills and monitor water quality at specific points as agreed with the community.
- The Government has established a special procedure for reporting children and adolescents who urgently require health care, and the community has confirmed its willingness to report such cases. The Secretariat of Health and the health promotion units will locate the individuals reported, conduct an assessment and establish the treatment that should be provided.

44. As part of the humanitarian action under way to contain the emergency situation caused by the shortage of water in the region, so far in 2016 a total of 423,578,447 litres of water have been delivered. Currently, 116 tank trucks are in operation, and 507 water storage tanks have been delivered. Similarly, 222 water supply projects involving desalination units and repairs to wells and canals have been undertaken and have benefited over 33,000 persons. In addition, 259,036 humanitarian aid kits have been delivered, including items for personal hygiene, food, blankets and hammocks.

45. Among the entrepreneurship support activities launched to address these needs in the region, 70 productive projects are in operation that involve water supply and solar energy, and an additional 45 are in the construction phase.

46. In the municipality of Manaure, the Borders for Prosperity Plan of the Ministry of Foreign Affairs, the United Nations Children's Fund (UNICEF) and Oxfam delivered 500-litre storage tanks and ceramic water filters to 308 families, with benefits accruing to over 2,000 members of the Wayúu community. This was part of a project to rehabilitate several water supply points with a view to reducing the high levels of morbidity and mortality among vulnerable populations suffering from the drought triggered by the El Niño phenomenon and currently without access to water.
