



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

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Committee on the Elimination of Racial Discrimination

**Combined twentieth and twenty-first periodic
reports submitted by Colombia under article 9 of
the Convention, due in 2022*, ****

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* The present document is being issued without formal editing
** The annexes to the present report are available on the Committee's website.



I. Introduction

1. Colombia is a multi-ethnic, multicultural State which recognizes and defends its ethnic and cultural diversity while striving to put an end to any form of discrimination.
2. In line with these efforts, the State ratified the International Convention on the Elimination of All Forms of Racial Discrimination by Act No. 22 of 1981. It hereby presents its combined twentieth and twenty-first periodic reports for consideration by the Committee on the Elimination of Racial Discrimination. The reports reflect the main advances, obstacles and challenges faced by the State in its implementation and development of the Convention between 2019 and 2022, a period preceding the term of the current Government, which took office on 7 August 2022.
3. The report is divided into two parts. The first contains general information on the regulatory framework for the protection of ethnic peoples, cultural diversity and the prohibition of racial discrimination. The second section reviews the main measures taken to implement the Convention and the recommendations made by the Committee in its concluding observations on the preceding report.
4. Colombia reaffirms its commitment to respect, guarantee and promote fundamental rights and to fully observe the international instruments it has ratified and specifically the International Convention on the Elimination of All Forms of Racial Discrimination.
5. The monetary amounts indicated in the report are expressed in Colombian pesos (Col\$). As of 10 June 2022, the Representative Market Rate for the Colombian peso against the United States dollar (US\$) was \$3,833.34 Colombian pesos to 1 United States dollar.

II. General framework for the protection and promotion of the right to non-discrimination

A. Demographic composition of the population - ethnic communities and minorities (recommendations made in para. 5 of [CERD/C/COL/CO/17-19](#))

6. Colombia is home to white, mestizo, Indigenous, Afrodescendent and Rrom populations. The country's ethnic population is made up of three major groups: (a) Indigenous Peoples; (b) black, Afro-Colombian, Raizal (communities of San Andrés and Providencia) and Palenquero (community of San Basilio de Palenque in Bolívar) population groups; and (c) the Rrom people.
7. The results of the 2018 national population and housing census indicate that 1,905,617 persons in the country self-identify as members of Indigenous Peoples and that 2,649 persons self-identify as members of the gypsy or Rrom population.¹
8. Regarding the population of African descent, based on the results of the 2018 quality of life survey, the National Department of Statistics (DANE) has determined that the black, Afro-Colombian, Raizal and Palenquero population in 2018 numbered 4,671,160 people, which amounts to 9.34 per cent of the total population of Colombia.^{2,3}
9. With regard to this population group, it should be clarified that, during the presentation of the combined seventeenth to nineteenth periodic reports of Colombia, the State informed the Committee of the steps taken to provide statistical data regarding the fact

¹ National Department of Statistics (DANE). Available at: <https://www.dane.gov.co/index.php/estadisticas-por-tema/demografia-y-poblacion/grupos-etnicos/informacion-tecnica>.

² The 2018 quality of life survey had departmental coverage; there were nearly 287,000 respondents.

³ The results of the 2018 national population and housing census indicate that 2,982,224 persons self-identified as members of the black, Afro-Colombian, Raizal or Palenquero population. DANE. Available at: <https://www.dane.gov.co/index.php/estadisticas-por-tema/demografia-y-poblacion/grupos-etnicos/informacion-tecnica>.

that, in 2018, responses to the question on ethnic self-identification in the census indicated a decrease in the size of the Afro-Colombian population from 4.3 million people in 2005 to 2,982,224 in 2018, which is not consistent with the growth rate of this population group.⁴ Annex 3 contains detailed technical information on the measures adopted by Colombia to ensure the statistical visibility of this population group.

10. Currently, DANE is preparing an intercensal population count for 2025, which is expected to provide updated basic demographic data on the size, composition and geographic distribution of persons, households and dwellings at various levels of political and administrative disaggregation. The intercensal count is also expected to provide basic demographic information on ethnic groups and specifically – in view of the variation in the figures noted between the 2005 and 2018 censuses – the black, Afro-Colombian, Raizal and Palenquero members of the population.⁵

11. In order to mainstream a differential approach in the production of official statistics for Colombia, DANE has prepared a manual on the application of a differential, intersectional approach in the compilation of statistics for the National Statistical System. This approach will make it possible to incorporate gender, life cycle, ethnic and disability perspectives into the production and dissemination of statistics.⁶

12. Based on the guidelines included in this manual, and specifically those regarding the use of an ethnically differential approach, DANE has been developing a comprehensive ethnic agenda. The purpose of this agenda is to pave the way for the progressive characterization of the self-identified ethnicity of the country's population through the use of multiple sources, including all types of statistical operations and administrative records. The aim is to generate increasingly disaggregated information on the population's economic, political, social and cultural realities, living conditions and particular practices and customs.⁷

13. The work being done in this area is expected to increase the amount and thematic coverage of the available statistical information. The objective is to provide high-quality statistics as a means of contributing to the solution of problems such as the discrimination to which these communities have historically been subject, to show up gaps where they exist and to inform the development of affirmative action and targeted public policies to ensure these communities' full enjoyment of their rights. Within the framework of this agenda, the following actions have been carried out:⁸

- Post-census studies on ethnic groups have been conducted. These studies include an analysis of the intercensal dynamics of self-identification in the black, Afro-Colombian, Raizal and Palenquero population in 2005–2018 and the improvement of methods for capturing such data in statistical operations.⁹
- The Civil Registry and Vital Statistics System has been strengthened at the local level. In addition, a vital statistics app for use by midwives has been developed. DANE, the National Civil Status Registry and the Superintendency of Notarial and Registration Services have worked together to develop this notification and certification procedure for use by midwives attending births in rural locations.

⁴ Opening statement delivered at the time of the submission of the report of Colombia to the Committee on the Elimination of Racial Discrimination, Combined seventeenth to nineteenth periodic reports of Colombia, 27 and 28 November 2019. Available at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fARG%2fCO%2f5-6&Lang=en.

⁵ DANE. Email dated 11 April 2022.

⁶ This manual is available at: <https://www.dane.gov.co/files/investigaciones/genero/guia-inclusion-enfoque-difencias-intersecciones-produccion-estadistica-SEN.pdf> DANE. Email dated 11 April 2022.

⁷ DANE. Email dated 11 April 2022.

⁸ DANE. Email dated 11 April 2022.

⁹ Available at: <https://www.dane.gov.co/files/censo2018/estudios-poscensales/06-analisis-dinamica-intercensal-autorreconocimiento-NARP-UNFPA.pdf>.

- Information has been posted for public view on a microsite accessible via the official DANE website:¹⁰
 - Data viewer on black communities' collective territories
 - Data viewer on the black, Afro-Colombian, Raizal and Palenquero population, by department
 - Reviewer on ethnic self-identification¹¹
 - Indicator of unmet basic needs based on ethnic self-identification¹²
 - Anonymized microdata¹³
 - Retrieval of Data for Small Areas by Microcomputer (REDATAM) system¹⁴
 - Handbook on the results of the 2018 national population and housing census for black, Afro-Colombian, Raizal and Palenquero communities¹⁵
- DANE has included a question on self-identification in its household surveys based on the guidelines for the national population and housing census of 2018. Surveys in which this question has been asked include the quality of life survey (2003 and 2010–2020); the large-scale integrated household survey (2014–2020); the Vital Statistics Subsystem (2008–2020); the political culture survey (2011–2019); and the psychoactive substance use survey (2019).

14. Throughout 2020 and 2021, DANE attended and organized awareness-raising events on the results of the 2018 national population and housing census concerning the Afro-Colombian population and the associated estimates. For public policy purposes, DANE has shared the national, departmental and municipal estimates with the different ministries, departments and districts.¹⁶

15. The Colombian State prepared two research papers that serve as informational tools for working with black, Afro-Colombian, Raizal and Palenquero communities: (i) a risk map for black, Afro-Colombian, Raizal and Palenquero communities that indicates their differing levels of potential exposure to racial discrimination and racism; and (ii) infographics on racial discrimination and social inequality affecting Afro-Colombian communities in urban contexts.^{17,18,19}

16. These documents, and particularly the risk map, make it possible to identify the departments, municipalities and regions of Colombia where persons who self-identify as members of the black, Afro-Colombian, Raizal or Palenquero population may be at a greater or lesser risk of violations of their rights and to trace the dynamics of racial discrimination and racism in the country. In order to identify these risks, various indices have been developed to measure the extent of rights violations, social inequality, racial discrimination, racism and risk factors in connection with these population groups.²⁰

¹⁰ Available at: <https://www.dane.gov.co/index.php/estadisticas-por-tema/demografia-y-poblacion/grupos-etnicos/informacion-tecnica>.

¹¹ Available at: <https://geoportal.dane.gov.co/geovisores/sociedad/autorreconocimiento-etnico/>.

¹² Available at: <https://www.dane.gov.co/index.php/estadisticas-por-tema/pobreza-y-condiciones-de-vida/necesidades-basicas-insatisfechas-nbi>.

¹³ Available at: <https://www.dane.gov.co/index.php/52-espanol/noticias/noticias/2396-microdatos-anonimizados-geih>.

¹⁴ Available at: <http://systema59.dane.gov.co/bincol/rpwebengine.exe/PortalAction?lang=esp>.

¹⁵ Available at: <https://www.dane.gov.co/files/investigaciones/boletines/grupos-etnicos/presentacion-grupos-etnicos-poblacion-NARP-2019.pdf>.

¹⁶ DANE. Email dated 11 April 2022.

¹⁷ Available at: <https://derechoshumanos.gov.co/Observatorio/Publicaciones/Documents/2021/030222-Risk-Map-NARP.pdf>.

¹⁸ Available at: <https://derechoshumanos.gov.co/Observatorio/Publicaciones/Documents/2022/290622-Discriminacion-Racial-y-Desigualdad-Social-de-las-Comunidades-Afrocolombianas.pdf>.

¹⁹ Ministry of the Interior. Email dated 25 July 2022.

²⁰ Ministry of the Interior. Email dated 25 July 2022.

17. The Ministry of the Interior of Colombia works with DANE to coordinate census information on the population residing in Indigenous reserves and communities. This permits the collection of statistics for use in registering self-administered censuses or surveys in Indigenous communities and supports the issuance of the resolutions required for the registration of Indigenous reserves.²¹

B. Recognition and protection: legal framework and policies for giving effect to article 2 of the Convention

1. Ratification of treaties (recommendations made in para. 32 of CERD/C/COL/CO/17-19)

18. The Colombian State has ratified the main international human rights instruments and has progressively implemented the necessary reforms to fulfil the obligations derived from those treaties.

19. The State is carrying out an analysis of the other instruments whose ratification has been recommended with a view to prioritizing the ratification of international human rights instruments in line with the Government's commitment to work towards the provision of real and effective guarantees for the rights of the entire population, particularly those of its members who have historically been discriminated against.

2. Constitutional and legal framework for recognition

20. The Colombian State has long recognized the existence of differences between ethnic communities and other population groups.²² Its Constitution embodies a multidimensional approach to equality (article 9); recognizes, protects and guarantees ethnic and cultural diversity (article 7); promotes the adoption of measures for the benefit of marginalized groups or groups subject to discrimination (article 13); and guarantees ethnic groups' right to hold communal property (articles 246, 286 and 330). The Government's goal is to fully realize these rights.

3. Normative framework

21. The following laws and other regulatory instruments were enacted by the State in 2019–2022 in order to promote and protect the rights of various population groups in Colombia:

Laws:

22. Act No. 2078 of 2021 amends Act No. 1448 of 2011 and Ethnic Decree Laws Nos. 4633 of 2011, 4634 of 2011 and 4635 of 2011 to extend their term of applicability for an additional 10 years and to establish a set of measures for the benefit of victims, including those belonging to ethnic groups, of breaches of international humanitarian law or of grave and manifest violations of international human rights standards that were committed in the context of the internal armed conflict.²³

23. Act No. 2160 of 2021 amends Act No. 80 of 1993 and Act No. 1150 of 2007 to allow the conclusion of contracts between State entities and Indigenous community councils, associations of traditional Indigenous authorities and community councils in black communities.

24. Act No. 2136 of 2021 establishes definitions, principles and guidelines for the regulation and orientation of the comprehensive migration policy of the Colombian State, along with other provisions.

²¹ Ministry of the Interior. Email dated 25 July 2022.

²² Ministry of the Interior. Email dated 25 July 2022.

²³ Ministry of Justice and Law. Email dated 30 June 2022.

Decrees:

25. Decree No. 2353 of 2019 modifies the structure of the Ministry of the Interior and defines the functions of certain bodies within the Ministry, including the directorates responsible for the affairs of black, Afro-Colombian, Raizal, Palenquero, Indigenous, Rrom and other minority communities.

26. Decree No. 1585 of 2020 amends Decree No. 1076 of 2015, which is the comprehensive regulatory decree on the environment and sustainable development, and adds provisions related to the environmental diagnostic analysis of different options, the environmental licensing process and other matters concerning environmental licensing and the participatory rights of ethnic communities.

27. Decree No. 317 of 2020 establishes the salary levels and related provisions for civil servants working as ethno-educators, teachers and administrators in preschools, elementary schools and secondary schools serving members of the Indigenous population in Indigenous territories.

28. Decree No. 1139 of 2021 amends articles of Decree No. 1066 of 2015, which is the comprehensive regulatory decree of the Administrative Sector of the Interior, regarding preventive and other programmes for the protection of the rights to life, liberty, integrity and security of persons, groups and communities.²⁴ The preventive and protection programmes of the National Protection Unit incorporate an ethnic approach.

29. Decree No. 216 of 2021 establishes a temporary statute for the protection of Venezuelan migrants covered by the temporary protection regime and other provisions on immigration matters.

Resolutions:

30. Resolution No. 2245 of 2021 of the Ministry of the Interior provides for the creation of a national committee for intersectoral and social dialogue and participation concerning religious freedom.

Directives:

31. Presidential Directive No. 8 of 2020 sets out guidelines for conducting prior consultations.

32. Ministerial Directive No. 07 of 2021 establishes guidelines for measures introduced in response to the coronavirus disease (COVID-19) emergency concerning the provision of early education services by private institutions.

33. Directive No. 005 of 2021 sets out guidelines concerning the identification of jurisdictional conflicts with special Indigenous justice systems.

Circulars:

34. Circular No. 0066 of 2019 establishes guidelines, recommendations and specific mechanisms for attending to, processing and dealing with complaints and situations of racial discrimination in the workplace.

35. Circular No. 09 of 2019 provides guidance on the application of chapter 4, title 1, part 3, book 2, of Decree No. 1075 of 2015, which is the comprehensive regulatory decree for the education sector. The provisions set out in the circular concern the conclusion of contracts for the provision of school administrative services with Indigenous community councils, traditional Indigenous authorities, associations of traditional Indigenous authorities and Indigenous organizations by certified territorial entities in order to guarantee Indigenous Peoples' right to an education of their own as part of the process of building and implementing an Indigenous educational system.

²⁴ National Protection Unit (UNP). OFI22-00030023 dated 8 July 2022.

36. Circular No. 022 of 2020 provides guidance on the preparation of a study on the teaching faculty and administrative staffing requirements of educational establishments that are located in Indigenous territories or that mainly serve an Indigenous population.

III. Implementation of articles 1 to 7 of the Convention and follow-up to the Committee's recommendations

A. Measures for eliminating racial discrimination and guaranteeing rights: implementation of articles 1, 2 and 5 of the Convention

1. Prohibition of direct and indirect discrimination (recommendations made in para. 9 of CERD/C/COL/CO/17-19)

37. The Government has been taking steps to prevent and combat discrimination against black, Afro-Colombian, Raizal and Palenquero communities through the development of the Affirmative Action Policy for the Black or Afro-Colombian Population (National Council on Economic and Social Policy (CONPES) document No. 3310 of 2004) and the Policy to Promote Equality of Opportunity for Black, Afro-Colombian, Raizal and Palenquero Communities (CONPES document No. 3660 of 2010).²⁵

38. These policies led to the creation of the Observatory on Discrimination and Racism, which was restructured by resolution No. 0338 of 2021 to establish the new "Colombia es de Todos" (Colombia is for Everyone) Observatory for promoting inclusion and combating all forms of discrimination and stigmatization.²⁶

39. The objectives of the "Colombia is for Everyone" Observatory are to research, document, systematize, analyse and generate information on discrimination in Colombia, taking into account statistical, regulatory, jurisprudential and administrative considerations. The Observatory is also charged with disseminating information generated at the international, national, regional and local levels and formulating recommendations on policies, plans, programmes and regulations for bridging inequality gaps in the country.²⁷

2. Armed conflict and the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace (recommendations made in paras. 13 and 15 of CERD/C/COL/CO/17-19)

(a) Protecting ethnic communities

40. The adoption of Act No. 2078 of 2021, which extended the term of applicability of Act No. 1448 until 11 June 2031, constitutes a major advancement in the protection of ethnic communities.²⁸ Within this framework, the Government adopted CONPES document No. 4031 of 2021, which updated the National Plan for Support, Assistance and Redress for Victims and established goals for each year up to 2031.²⁹

41. The National Council on Economic and Social Policy has adopted a cross-cutting approach to the implementation of specific actions to provide support, assistance and comprehensive redress to victims belonging to ethnic peoples and communities. Under this approach, and in coordination with the various bodies responsible for executing actions and programmes, the Council has established 63 actions that specifically target ethnic peoples who were victims of the armed conflict and has set the following three specific objectives:

- (i) Help to reduce the heightened vulnerability of ethnic peoples caused by their forced displacement;

²⁵ Ministry of the Interior. Email dated 9 June 2022.

²⁶ Ministry of the Interior. Email dated 9 June 2022.

²⁷ Ministry of the Interior. Email dated 9 June 2022.

²⁸ "Whereby Act No. 1448 of 2011 and Decree-Laws Nos. 4633, 4634 and 4635 of 2011 are amended, extending their validity by 10 years".

²⁹ National Planning Department. Email dated 25 April 2022.

(ii) Address weaknesses in measures taken to guarantee the land rights and safeguard the cultural identity, autonomy and self-governance of ethnic peoples and communities affected by the armed conflict;

(iii) Provide redress to victims belonging to ethnic communities for collective and individual harm caused by the armed conflict.³⁰

42. The Ministry of Defence of Colombia has continued to implement standing instructions Nos. 016 and 07 of 2006 on the recognition and protection of indigenous peoples and Black, Afro-Colombian, Raizal and Palenquero communities to ensure that security forces in the relevant territories carry out their operations with a differentiated approach to guarantee and respect the rights of these peoples and communities.³¹

43. The National Police carries out prevention activities throughout the country within the framework of the institutional strategic plan “Bicentennial Colombia: Security with Legality”, the operational management model of the police service and the Strategy to Protect Groups in Vulnerable Situations. The latter was updated through temporary operational instruction No. 025 of 5 August 2021, which establishes guidelines on 23 forms of social leadership, including indigenous leaders and leaders of African descent.³²

44. The military, in accordance with standing instruction No. 045 of 10 March 2020, on compiling guidelines and instructions related to operational law, human rights and international humanitarian law, has issued guidelines to help to strengthen respect and support for groups entitled to special protection under the Constitution and for the rights of ethnic groups.³³

45. In 2021, security forces took vigorous action against organized armed groups that threaten the rights and freedoms of ethnic communities.³⁴

46. In addition, since 2012, Colombia has been implementing the Ethnic Generations and Welfare Programme, which provides differentiated services to children from indigenous groups and Black, Afro-Colombian, Raizal and Palenquero communities to promote the comprehensive protection of their rights and life plans while respecting their customs and traditions, in keeping with the National Public Policy on Childhood and Adolescence (2018–2030).³⁵

47. Between 2019 and April 2022, the following support was provided:³⁶

- In 2019, support was provided to 61,371 children at a cost of \$25,292,755,943.
- In 2020, support was provided to 76,550 children at a cost of \$17,418,954,869.
- In 2021, support was provided to 63,524 children at a cost of \$17,447,514,123.
- In 2022, support is due to be provided to 53,200 children at a projected cost of \$20,466,910,300.

48. The Programme has been implemented in 31 departments and the capital district, thus covering 98 per cent of all departments and reaching those territories where children, adolescents and young people from ethnic communities are exposed to greater risk factors and violations.³⁷ See Annex 4 for figures on the support provided in 2022 under the Ethnic Generations and Welfare Programme.

49. To help to guarantee the effective enjoyment of children’s rights in the territories of communities, and to prevent violations of all kinds, the Colombian Family Welfare Institute is continuing to develop chapters for indigenous children and Black, Afro-Colombian, Raizal and Palenquero communities in the National Public Policy on Childhood and Adolescence.

³⁰ National Planning Department. Email dated 25 April 2022.

³¹ Ministry of Defence. File No. RS20220509044436. 9 May 2022.

³² Ministry of Defence. File No. RS20220509044436. 9 May 2022.

³³ Ministry of Defence. File No. RS20220509044436. 9 May 2022.

³⁴ Ministry of Defence. File No. RS20220509044436. 9 May 2022.

³⁵ Colombian Family Welfare Institute. Email dated 24 April 2022.

³⁶ Colombian Family Welfare Institute. Email dated 24 April 2022.

³⁷ Colombian Family Welfare Institute. Email dated 22 September 2022.

This has involved coordination with the National Commission of Indigenous Women of the Standing Committee for Consultation with Indigenous Peoples and Organizations and the third commission of the National Forum for Prior Consultation with Black, Afro-Colombian, Raizal and Palenquero communities. Through this process, it is intended to identify the needs, expectations and interests of children and adolescents from the country's ethnic communities and to plan actions for their comprehensive protection.

(b) *Protection from forced displacement*

50. The Comprehensive Victim Support and Reparation Unit of the Government of Colombia adopted resolution No. 03320 of 2019, which provides for the establishment of the Return and Resettlement Protocol, and resolution No. 00027 of 2022, which provides for the establishment of the Return and Resettlement Protocol for Indigenous Peoples and Black, Afro-Colombian, Raizal and Palenquero Communities.

51. It also took the important step of establishing differentiated guidelines for ethnic communities that affirm the right to participation and consultation and hence strengthen the autonomy and self-governance of communities in the process of returning or resettling. The guidelines also help to strengthen the cultural identity of these communities, taking into account their relationship with their traditional territories or with those territories in which they have decided to remain indefinitely.³⁸

52. From 1 January 2019 to 28 February 2022, the Comprehensive Victim Support and Reparation Unit supported the return and resettlement of 131 persons from Indigenous communities (see annex 5, table 1) and 42 from black, Afro-Colombian, Raizal and Palenquero communities (see annex 5, table 2) on the basis of approved municipal return and resettlement plans.³⁹

53. As part of the Return and Resettlement Protocol, steps are being taken to train professionals in various areas at the national and regional or local levels and staff of the various bodies making up the National System for Comprehensive Victim Support and Reparation.⁴⁰

54. Within the framework of land restitution processes, the armed forces carried out 5,538 support operations and participated in 327 sessions of the Integrated Land Restitution Centre, providing security inputs and identifying risks in the restitution process.⁴¹

55. In addition to the provision of security guarantees for victims of forced displacement who were returning to and/or resettling in the country, the security forces provided security assessments and met additional needs in line with the principles of security and free will, as agreed with local transitional justice committees, in which the municipal ombudsmen participate as representatives of the Public Legal Service.

(c) *Preventing the forced recruitment of children and adolescents*

56. To prevent the recruitment of children and adolescents, the Government has implemented the National Policy for the Prevention of the Recruitment, Use and Sexual Abuse of Children and Adolescents by Organized Armed Groups and Organized Criminal Groups, issued under Decree No. 1434 of 2018, as well as Act No. 1448 of 2011.⁴²

³⁸ Comprehensive Victim Support and Reparation Unit. File No. 20221109946991. 28 April 2022.

³⁹ Comprehensive Victim Support and Reparation Unit. File No. 20221109946991. 28 April 2022. Pursuant to resolution No. 03320 of 2019, providing for the establishment of the Return and Resettlement Protocol in accordance with article 2.2.6.5.8.8 of Decree No. 1084 of 2015, and resolution No. 00027 of 13 January 2022, providing for the establishment of the Return and Resettlement Protocol for Indigenous Peoples and Black, Afro-Colombian, Raizal and Palenquero Communities, in line with the principles of safety, dignity and free will, thus reducing the vulnerability of those peoples and communities and contributing to their integration and settlement process.

⁴⁰ Comprehensive Victim Support and Reparation Unit. File No. 20221109946991. 28 April 2022.

⁴¹ Ministry of Defence. File No. RS20220509044436. 9 May 2022.

⁴² Colombian Family Welfare Institute. Email dated 24 April 2022.

57. Preventive actions are taken from an intersectoral perspective and are coordinated by the Intersectoral Commission for the Prevention of Forced Recruitment, Sexual Abuse and Violence against Children and Adolescents by Illegal Armed Groups and Criminal Organizations (CIPRUNNA), which is made up of 22 government agencies under the leadership of the Office of the Presidential Adviser on Human Rights and International Affairs.⁴³

58. In recognition of the need to identify changes in the dynamics of violence and to design and implement measures in the areas of prevention, protection, investigation and reporting in response to current risks and threats, the Government updated the National Policy for the Prevention of the Recruitment, Use and Sexual Abuse of Children and Adolescents by Organized Armed Groups and Organized Criminal Groups. The main aims of this policy are to: (i) create protective environments for children and adolescents; (ii) progressively reduce all forms of violence and exploitation against children and adolescents; (iii) guarantee their rights; and (iv) establish mechanisms to facilitate intersectoral coordination.⁴⁴

59. To implement this policy, in March 2020, the Intersectoral Commission prioritized 206 municipalities and three corregimientos in 29 departments that were classified as being at a high risk and established an action plan for the deployment of government services for preventing the recruitment, use and sexual abuse of children and adolescents. The prioritization exercise was repeated in 2022 and a total of 294 municipalities have now been prioritized.⁴⁵

60. In the first half of 2020, the Government implemented the “Join for Me” strategy for the creation of protective environments for children and adolescents. The main advances made under this strategy have been in the area of technical assistance. As of 30 June 2022, a total of 561 technical assistance activities had been carried out in 219 of the 294 municipalities prioritized by the Intersectoral Commission, of which 167 have their own rapid response team.^{46,47}

61. A total of 337 technical assistance and support activities were carried out in 183 municipalities that have not been prioritized by the Intersectoral Commission, leading to the creation, by decree, of 110 rapid response teams in those municipalities. In addition, 191 departmental technical assistance activities were carried out in the country’s 32 departments.⁴⁸

62. Between January 2018 and June 2022, 1,089 technical assistance activities were carried out in 402 prioritized and non-prioritized municipalities across the country’s 32 departments; in addition, 277 rapid response teams were formed. (see annex 6, table 1).⁴⁹

63. In addition, Corporación Colombia Internacional implemented a project consisting of local initiatives for promoting the principle of State/community co-responsibility and strengthening inter-systemic coordination and linkages, with a particular focus on children and adolescents at the municipal level. As of 31 November 2021, a total of 297 community initiatives had been carried out in 116 prioritized municipalities, benefiting 16,485 children and adolescents. In addition, 370 institutional agreements had been signed; 5,017 training and support workshops had been conducted for children, adolescents, families and communities; training had been provided in 100 educational institutions; 68 municipalities

⁴³ Colombian Family Welfare Institute. Email dated 24 April 2022.

⁴⁴ Office of the Presidential Adviser on Human Rights and International Affairs. Email dated 21 April 2022.

⁴⁵ Office of the Presidential Adviser on Human Rights and International Affairs. Email dated 21 April 2022.

⁴⁶ Rapid response teams are the inter-institutional operative mechanisms for the adjustment, execution, follow-up and evaluation of the road maps for the early emergency provision of protective services and prevention of the recruitment, use and sexual abuse of children and adolescents.

⁴⁷ Office of the Presidential Adviser on Human Rights and International Affairs. Email dated 22 September 2022.

⁴⁸ Office of the Presidential Adviser on Human Rights and International Affairs. Email dated 22 September 2022.

⁴⁹ Office of the Presidential Adviser on Human Rights and International Affairs. Email dated 21 April 2022.

had been impacted; 156 community networks had been established; 142 mobilization actions had been taken; and three ethnicity-focused community prevention plans had been implemented.⁵⁰

64. In 2022, the technical secretariat of the Intersectoral Commission implemented a psychosocially focused strategy involving the provision of training to the target population on the prevention of the recruitment and use of children and adolescents, the promotion of peacebuilding and respect for human rights and the strengthening of protective environments using psychosocial tools. As of 30 June 2022, a total of 4,694 persons had received training in 125 workshops in 21 departments.⁵¹

65. On 30 September 2021, a manual on the local implementation of the corresponding road maps was published in order to operationalize the policy on the prevention of recruitment and abuse and to further the configuration and strengthening of rapid response teams at the local level. This will involve the harmonization and the assertive, inter-systemic implementation of rapid response, protective and prevention plans that can be tailored to local dynamics and adapted to the needs of national agencies in response to imminent and individualized threats to the right of children and adolescents to be protected against recruitment, use and sexual abuse.^{52,53}

66. The Human Rights and Security Forces Report 2021 prepared by the Ministry of Defence sets out a strategy to be implemented jointly with the Colombian Family Welfare Institute from March 2021 on with the aim of preventing and eliminating the forced recruitment of children and adolescents, including those belonging to ethnic communities. The strategy provides for the creation of a special group to combat forced recruitment and the dissemination of posters identifying the persons most wanted by the authorities for recruiting minors. This strategy will thus increase the State's institutional capacity for the protection of children and adolescents.⁵⁴

67. As part of the prevention plans implemented in 2021, the "Open Your Eyes" Programme, which involved 15,508 actions and had 293,943 beneficiaries, was rolled out. A total of 511 minors were rescued, including 181 from organized armed groups, and had their rights restored. In addition, 106 arrests were made on charges of the illegal recruitment and use of minors in the commission of crimes, and 3 persons suspected of engaging in such activities were apprehended.⁵⁵

68. Additional information on the Government's efforts in the area of forced recruitment can be found in annex 6.

(d) *Reports issued by the early warning system*

69. In 2019, the Ombudsman's Office issued 56 early warnings following the identification of serious potential violations of the rights to life, liberty, integrity and security, civil and political freedoms and international humanitarian law. The early warnings concerned risk scenarios in the country's 32 departments and 418 municipalities and/or non-municipalized areas. A total of 30 of the early warnings were short term in nature, with one covering the entire country and 26 designated as imminent in accordance with article 15 of Decree No. 2124 of 2017.⁵⁶

70. In 2021, the system issued 21 early warnings concerning risks for Indigenous Peoples and 12 warnings of risks for the Afro-Colombian population, as well as 11 follow-up reports

⁵⁰ Office of the Presidential Adviser on Human Rights and International Affairs. Email dated 22 September 2022.

⁵¹ Office of the Presidential Adviser on Human Rights and International Affairs. Email dated 22 September 2022.

⁵² Available at: <https://derechoshumanos.gov.co/Observatorio/Publicaciones/Documents/2021/170921-Manual-Rutas-PRUUVS.pdf>.

⁵³ Office of the Presidential Adviser on Human Rights and International Affairs. Email dated 21 April 2022.

⁵⁴ Ministry of Defence. File No. RS20220509044436. 9 May 2022.

⁵⁵ Ministry of Defence. File No. RS20220509044436. 9 May 2022.

⁵⁶ Ombudsman's Office. Email dated 3 June 2022.

on risks for the Afro-Colombian population and 23 follow-up reports on risks for Indigenous Peoples.^{57,58}

71. As of 30 August 2022, 22 early warnings had been issued, 15 of which warned of or identified risks regarding the recruitment and use of children in the territories concerned.⁵⁹

72. The Ministry of Defence of Colombia has issued sectoral guidelines (three of which were updated in 2021) to ensure a full and rapid response to early warnings on the basis of work plans and preventive and operational measures. The National Police Force of Colombia has developed an operational matrix for crime reduction and a table of minimum required actions, and it continuously monitors the institutional response to 1,153 recommendations assigned to the defence sector on the Information and Management for Governability System–Inter-Agency Early Warning Committee platform.⁶⁰

73. Within the framework of Decree No. 2124 of 2017, the National Army Command has issued a plan for managing the preventive and warning system in order to ensure a rapid response to the presence, operations and activities of criminal organizations and to criminal acts that jeopardize the rights of the population. The National Police Force has issued temporary operational instruction No. 025 of 5 August 2021, which defines a plan for institutional action in relation to the components and bodies of the preventive and warning system.

74. The National Protection Unit has strengthened the early warning team responsible for responding to recommendations and formulating and ensuring compliance with the various action plans established to mitigate risk exposure scenarios. From January 2019 to June 2022, 155 early warnings and 267 recommendations were processed (see annex 7, table 1).⁶¹

75. Actions have been carried out in coordination with different regional protection groups with a view to: (i) ensuring compliance with the recommendations made in the early warning documents; (ii) raising awareness of individual and collective protection plans; (iii) clarifying the roles and responsibilities of mayors and governors as first responders; and (iv) identifying cases (see annex 7, table 2).⁶²

76. The National Protection Unit has provided technical support to governors', mayors' and municipal ombudsmen's offices in the form of external communications detailing the protection plans being overseen by those offices and referring to the public policy for the protection of the rights to life, integrity, liberty and security of persons, groups and communities within the framework of Decree No. 1066 of 2015 (see annex 7, table 3).⁶³

(e) *Implementing the ethnic perspectives chapter of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace*

77. The State has implemented the "Peace with Legality" policy in accordance with the commitments laid down in the Framework Plan on the Implementation of the Peace Agreement. The ethnically differentiated approach is implemented through the introduction of measures for honouring the 97 commitments concerning guarantees for the rights of Indigenous Peoples, the Rrom people and black, Afro-Colombian, Raizal and Palenquero communities and through the promotion of the participation of ethnic peoples in matters that concern them; this is done by upholding the fundamental right to prior consultation, fostering the necessary conditions for their enjoyment of their collective rights and helping to strengthen their institutions, cultures and traditions as part of the effort to build a peaceful

⁵⁷ Follow-up reports contain an analysis by the early warning system of the institutional response and any changes in the risk in question. Like early warnings, they are forwarded to the Ministry of the Interior, which is responsible for coordinating and overseeing the rapid response to be mounted by the agencies concerned.

⁵⁸ Ombudsman's Office. Email dated 3 June 2022.

⁵⁹ Colombian Family Welfare Institute. Email dated 27 July 2022.

⁶⁰ Ministry of Defence. File No. RS20220509044436. 9 May 2022.

⁶¹ National Protection Unit. OFI22-00030023 of 8 July 2022.

⁶² National Protection Unit. OFI22-00030023 of 8 July 2022.

⁶³ National Protection Unit. OFI22-00030023 of 8 July 2022.

society. To date, 14 of those 97 commitments have been finalized (14 per cent of the chapter as a whole).⁶⁴

78. The State has taken steps to support the work of the Special High-level Forum of Ethnic Peoples, a body that advises the Commission for Monitoring, Promoting and Verifying the Implementation of the Final Agreement concerning all aspects related to interpretation, implementation and follow-up from an ethnic perspective. For instance, it has secured US\$ 700,000 in financing for the Forum's work plan as approved by the Commission from the United Nations post-conflict multi-partner trust fund for Colombia, which ensures that the Forum will have adequate funding over the two-year period from June 2020 to December 2022.⁶⁵

79. To date, the Forum has held 40 sessions, including two with the Commission, 15 with bodies responsible for implementation and 23 working sessions with the Office of the Presidential Adviser for Stabilization and Consolidation.⁶⁶

80. Achievements in fulfilling the commitments to enforce the political and legal rights stipulated in the chapter on ethnic perspectives of the Framework Plan have included the amendment by the National Planning Council of its regulations to provide for the inclusion of representatives of the Rrom population as standing invitees and the creation by the National Commission of Indigenous Women by virtue of the issuance of Decrees Nos. 1097 and 1158 of 2020.

81. In 2020, the Ministry of Information Technologies and Communications provided approximately Col\$ 3 billion for promoting content creation, strengthening communication groups and facilitating media appropriation, among other activities, for the benefit of ethnic peoples and communities.

82. The Right Way of Living Fund, now known as the Project Bank, was established and provided with a budget of Col\$ 166 billion for 2022 to improve the quality of life of ethnic peoples and strengthen the self-governance systems of peoples and communities throughout the country. A school for training social leaders was also established, with 7,520 credits (places on diploma programmes and courses) for Indigenous communities.

83. National Radio and Television of Colombia (RTVC) reserved 105 slots for the dissemination of its own ethnic content in 2021. The Administrative Department of the Public Service held 25 workshops at which it provided training to 526 individuals from ethnic groups and communities, including 93 groups that were trained as social oversight and outreach workers.⁶⁷

84. In 2020, the National Protection Unit renewed agreements with the Association of Indigenous Community Councils of Northern Cauca (ACIN) and the Cauca Regional Indigenous Council (CRIC) to strengthen the Indigenous Guard and improve the protection of leaders and members of Indigenous peoples belonging to these groups. It also established individual protection measures and joint programmes for 1,530 beneficiaries belonging to ethnic minorities. These measures included the provision of 1,256 protective vests, 101 emergency alert devices, 1,010 bodyguards, 243 conventional vehicles and 155 armoured vehicles.⁶⁸

85. Regarding the fulfilment of the commitments relating to the rights of ethnic groups made in the Framework Plan on the Implementation of the Peace Agreement, of the 62 ethnic groups that have been compensated within the framework of the collective reparation process, representing an investment of approximately Col\$ 16.892 billion, 35 are located in

⁶⁴ Office of the Presidential Adviser for Stabilization and Consolidation. Email dated 21 April 2022.

⁶⁵ Office of the Presidential Adviser for Stabilization and Consolidation. Email dated 20 September 2022.

⁶⁶ Office of the Presidential Adviser for Stabilization and Consolidation. Email dated 21 April 2022.

⁶⁷ Office of the Presidential Adviser for Stabilization and Consolidation. Email dated 20 September 2022.

⁶⁸ Office of the Presidential Adviser for Stabilization and Consolidation. Fifth progress report on the implementation of the ethnic perspectives chapter of the Framework Plan on the Implementation of the Peace Agreement, July 2022.

municipalities covered by territory-based development programmes representing an investment of approximately Col\$ 9.786 billion.⁶⁹

86. With regard to the reintegration process, the State has guaranteed the rights of persons who are transitioning to legality, creating opportunities to build their capacities and support their journey to full-fledged citizenship. Of those persons currently undergoing the reintegration process, 2,170 are recognized as belonging to ethnic groups and communities.

87. As part of the State's efforts to advance prior consultations with Indigenous Peoples, agreement No. 1521 of 2021 between the Agency for Reintegration and Normalization and the National Organization of Indigenous Peoples of the Colombian Amazon and agreement No. 1522 between the Agency for Reintegration and Normalization and the Heritage Government (as organizations delegated by the Commission on the Human Rights of Indigenous Peoples) have been signed. These agreements provide for the implementation of the second phase of the special and exceptional methodology, which is geared towards strengthening the special harmonization programme for social and economic reintegration based on an Indigenous and gender perspective, as well as the corresponding regulatory instrument.

88. Of the 2,170 persons who self-identify as belonging to the black, Afro-Colombian, Raizal and Palenquero communities and who are participating in the reintegration process, 1,095 are involved in 417 production projects, 99 per cent are affiliated to the health system and are making use of banking services and 768 are benefiting from collective projects approved by the National Reintegration Council. Of these persons, 179 are black, mulatto, Afro-Colombian or of African descent, 577 are Indigenous, 1 belongs to the Raizal community, 1 is a member of the Roma people and 10 are members of the Palenquero community; 390 persons of ethnic origin are benefiting from individual projects, of which 124 are black, mulatto, Afro-Colombian or of African descent and 264 are Indigenous.⁷⁰

89. The State has launched the Expert Working Group on Ethnicity of the National Reintegration Council in recognition of the need for a permanent space for dialogue and consultation to foster the implementation of road maps and compliance with guarantees for self-identifying ethnic persons in the reintegration process. To date, 14 expert meetings have been held.⁷¹

90. In terms of ensuring the participation of ethnic peoples and communities in the implementation of territory-based development programmes, it should be noted that 715 Indigenous communities and reservations and 517 councils of black, Afro-Colombian, Raizal and Palenquero communities actively participated in the establishment of such programmes. This exercise involved the identification of 17,531 initiatives provided for in 16 regional transformation action plans having an ethnic component. As of April 2022, 1,559 ethnic community-driven initiatives and 2,455 ethnic joint initiatives have an active management plan. A total of 12,364 territory-based development programme initiatives were included in territorial development plans and, as of December 2020, 646 ethnic initiatives and 447 ethnic joint initiatives were being pursued within the framework of the "I'm on Board with My Territory-based Development Plan" strategy.⁷²

91. As part of the Government's ongoing commitment to provide opportunities for consultations with ethnic peoples and communities, the Regional Renewal Agency continued to implement the special consultative mechanism in 14 territory-based development plan subregions.⁷³

92. As part of its differentiated approach, the Colombian Family Welfare Institute works to address and prevent nutritional vulnerability, prioritizing scattered and other rural

⁶⁹ Comprehensive Victim Support and Reparation Unit. Email dated 15 July 2022.

⁷⁰ Office of the Presidential Adviser for Stabilization and Consolidation. Email dated 21 April 2022.

⁷¹ Office of the Presidential Adviser for Stabilization and Consolidation. Email dated 20 September 2022.

⁷² Office of the Presidential Adviser for Stabilization and Consolidation. Email dated 21 April 2022.

⁷³ Sierra Nevada - Perijá, Bajo Cauca, Chocó, Pacífico Nariñense, Montes de María, Sur de Córdoba, Arauca, Putumayo, Catatumbo, Sur del Tolima, Urabá Antioqueño, Alto Patía, Cuenca Caguán and Macarena.

populations through the 1,000 Days to Change the World and Nutritional Recovery Centres programmes, which include measures to lower malnutrition rates among children belonging to Indigenous and black, Afro-Colombian, Raizal and Palenquero communities. From 2019 to 2022, the programmes benefited a total of 56,063 children, of whom 80 per cent (44,918) were Indigenous and 20 per cent (11,145) were black, Afro-Colombian, Raizal or Palenquero, and 17,940 underweight pregnant women, of whom 77 per cent (13,898) were Indigenous and 23 per cent (4,042) were black, Afro-Colombian, Raizal or Palenquero.⁷⁴

93. Under the “Colombia Mayor” (Colombian seniors) programme, a total of 28,634 allocations were made in 94 scattered and other rural municipalities and municipalities with territory-based development plans, benefiting the most vulnerable older persons in 355 Indigenous reserves.⁷⁵

3. Measures to combat structural discrimination (recommendations made in para. 17 of CERD/C/COL/CO/17-19)

(a) Protection against discrimination and the adoption of socially inclusive measures

94. Pursuant to its commitment to combat racial discrimination, the State promulgated Act No. 2160 of 2021, which authorizes government agencies to enter into contracts with Indigenous councils, associations of traditional Indigenous authorities and community councils of black communities. Under this law, contracts can be directly negotiated if their purpose is to strengthen the capacity for self-government, cultural identity, the exercise of autonomy or guarantees for the rights of these ethnic communities.⁷⁶

95. The Ministry of the Interior of Colombia and the Colombian Technical Standards Institute have worked to implement cooperation programmes and projects focusing on the development of a seal of non-discrimination.⁷⁷ This seal, which is applied for on a voluntary basis, identifies organizations that prevent and put an end to any type or form of direct or indirect discrimination on the basis of ethnicity; skin colour; national, family or social origin; language; religion; political or philosophical views, including those represented by membership in a political party or movement; economic status, age, sexual orientation, gender identity, marital status, health status, disability, physical appearance or any other social position or situation.⁷⁸

96. The seal serves as a basis for the development of strategies for the promotion of inclusion and certifies the non-discriminatory status of business enterprises, which may enhance their standing with other organizations and with customers, allow them to set themselves apart in their industry and make it easier for them to partner with other companies that are committed to inclusion. In addition, enterprises that have been awarded this seal can publicize this fact on employment portals, which may make them a more attractive potential employer for job-seekers.⁷⁹

97. In this connection, contract No. 1134 of 2022 with the Colombian Technical Standards Institute provides for the following measures: (i) expanding the coverage of training and mentoring activities aimed at assisting organizations in all sectors to qualify for the non-discrimination seal; (ii) raising the level of the relevant technical specifications to bring them into line with the official Colombian technical standards system, which will make it possible to ensure that the associated minimum standards for measures designed to prevent any and all discriminatory employment practices are in line with international standards in that area; and (iii) supporting the launch of the “Colombia is for Everyone” Observatory.⁸⁰

⁷⁴ Colombian Family Welfare Institute. Email dated 22 September 2022.

⁷⁵ Office of the Presidential Adviser for Stabilization and Consolidation. Email dated 20 September 2022.

⁷⁶ Ministry of the Interior. Email dated 25 July 2022.

⁷⁷ For further information, see: <https://www.icontec.org/observatorio-para-la-promocion-de-la-inclusion/>.

⁷⁸ Ministry of the Interior. Email dated 25 July 2022.

⁷⁹ Ministry of the Interior. Email dated 25 July 2022.

⁸⁰ Ministry of the Interior. Email dated 25 July 2022.

98. In order to narrow the inequality gaps that separate black, Afro-Colombian, Raizal and Palenquero communities from the rest of the population, steps were taken in 2021 to strengthen the organizational structure of these communities in 29 departments. Those measures included the following:⁸¹

(i) Establishment of the Community Project Banks Advisory Committee, which is tasked with issuing guidelines for financing, evaluating and monitoring projects eligible for project banks;⁸²

(ii) Under agreement No. 1401 of 2021 with the National Roadways Institute, approval of 16 initiatives whose objective is to strengthen the organizational structures of community councils and other organizations of black, Afro-Colombian, Raizal and Palenquero communities. These initiatives will have 49,305 direct beneficiaries and 53,123 indirect ones, for a total of 102,428 beneficiaries and will represent a total investment of over Col\$ 10 billion;⁸³

(iii) Under international cooperation agreement No. 1874 of 2021 with the Organization of Ibero-American States (OEI), Col\$ 16 billion in funding will be provided for projects focusing on strengthening the organizational structures of community councils and other organizations of black, Afro-Colombian, Raizal and Palenquero communities;⁸⁴

(iv) Under agreement No. 1883 of 2021 with the National Open University for Distance Learning, Col\$ 27.33 billion in funding will be provided for projects focusing on strengthening the organizational structures of community councils and other organizations of black, Afro-Colombian, Raizal and Palenquero communities.⁸⁵

99. The State has funded proposals in coordination with Indigenous Peoples concerning investments in five different areas (land rights, business start-ups, capacity-building, infrastructure and women's rights). In 2020–2021, a total of Col\$ 193 billion in funding was provided for projects serving a total of 360,000 beneficiaries and aimed at narrowing social gaps affecting these population groups.⁸⁶

100. In 2020, under the Seed Projects Bank strategy for preventing the forced recruitment of child soldiers and for strengthening the social and community organizations that can have a productive impact in this connection, 79 projects were undertaken in 20 departments and 60 municipalities in the areas of sports, technology, culture, production and training.⁸⁷

101. This investment of Col\$ 6,206,519,840 in 2020 succeeded in improving the quality of life for members of social organizations, leaders and human rights defenders, along with the members of their communities, including women, young people, Indigenous persons and members of black, Afro-Colombian, Raizal and Palenquero population groups, organizations of lesbian, gay, bisexual, transgender and intersex persons, and children and adolescents.⁸⁸

102. In line with this same strategy, in 2021 Col\$ 2 billion in funding was provided for 59 projects (8 projects dealing with sports facilities, 34 with technology inputs and 17 with production-related initiatives) proposed by various communities. These projects benefited 21,254 persons in 15 departments and 55 municipalities.⁸⁹

103. The State has designed the Road Map for Overcoming Poverty⁹⁰ as a policy initiative for launching social and productive inclusion strategies for building capacity among the

⁸¹ Ministry of the Interior. Email dated 9 June 2022.

⁸² Ministry of the Interior. Email dated 9 June 2022.

⁸³ Ministry of the Interior. Email dated 9 June 2022.

⁸⁴ Ministry of the Interior. Email dated 9 June 2022.

⁸⁵ Ministry of the Interior. Email dated 9 June 2022.

⁸⁶ Ministry of the Interior. Email dated 9 June 2022.

⁸⁷ Ministry of the Interior. Email dated 9 June 2022.

⁸⁸ Ministry of the Interior. Email dated 9 June 2022.

⁸⁹ Ministry of the Interior. Email dated 9 June 2022.

⁹⁰ Available at: <https://prosperidadsocial.gov.co/sgsp/ruta-para-la-superacion-de-la-pobreza/#:~:text=Ruta%20para%20la%20Superaci%C3%B3n%20de%20la%20Pobreza%20%2D%20Prosperidad%20Social&text=La%20Ruta%20es%20la%20estrategia,la%20superaci%C3%B3n%20de%20barreras%20sociales.>

country's population and opening up access to opportunities for enhancing household income generation.⁹¹

104. In 2018–2021, the State continued to implement five cash transfer programmes: Families in Action, Youth in Action, Income Solidarity, the Sales Tax Rebate Programme and the “Colombia Mayor” social protection programme for older persons. (For descriptions of these programmes, see annex 8.) These programmes include Indigenous communities (see annex 8, table 1) and Afrodescendent communities (see annex 8, table 2) and seek to reach the most vulnerable population groups living in extreme or moderate poverty.⁹²

105. In order to promote social inclusion, the Ministry of Education has developed schemes for enhancing the knowledge of Ministry staff about policies designed to serve different ethnic groups as part of its Corporate School Initiative.⁹³ This initiative focuses on building the capacity of Ministry staff, especially staff members who serve the public. This is done by increasing their knowledge about the characteristics and needs of different population groups and thus improving the way in which they relate to members of the public. In 2020, three day-long seminars were held to sensitize participants to various issues of concern to ethnic communities and groups in the country (see annex 9, table 1).⁹⁴

106. In 2021, Corporate School modules on three different population groups were developed. On 23 November of that year, a learning support workshop was held for all three modules that was attended by 96 staff members. In 2022, a course dealing with ethnic groups will be held for all Ministry staff.⁹⁵

107. Given the decentralized nature of the education system, which has 96 certified local educational authorities, a strategy has been devised for strengthening the education system at the local level in order to further efforts to apply the regulatory instruments that have been put in place for ensuring ethnic groups' right to a culturally relevant education.⁹⁶

108. This strategy calls for a series of measures for strengthening the technical and people skills of staff of the Ministry of Education and the secretariats of education to ensure the integrated management of educational affairs throughout the country. This strategy is enabling certified local educational authorities to build their skills and improve the way that they serve the population at large and, in particular, the specific population groups concerned.⁹⁷

109. Technical assistance is provided to certified local educational authorities and to ethnic organizations in strengthening their implementation of the policy on services for displaced ethnic groups. This technical assistance is mainly provided through three different channels: (i) workshops; (ii) seminars and working meetings; and (iii) support for and participation in dialogues and consensus-building discussions held by ethnic organizations and communities with certified local educational authorities. In 2019–2022, technical assistance was provided in 277 cases involving 42 certified secretariats of education and 40 different organizations. During that same period, assistance was also provided to secretariats of education regarding educational services for ethnic groups (see annex 9, table 2).⁹⁸

110. Finally, the State has held training seminars aimed at promoting labour inclusion, reducing racial discrimination and developing specific mechanisms for addressing, processing and dealing with complaints and instances of racial discrimination in relation to employment and other labour-related matters. In 2021, 10 sensitization and training seminars were held for 219 staff members of local offices of the Ministry of Labour in the Cauca, Bolívar, Sucre and Norte de Santander departments, staff members of the Melgar Mayor's Office, members of black, Afro-Colombian, Raizal and Palenquero communities in Boyacá,

⁹¹ Department for Social Prosperity. Email dated 17 June 2022.

⁹² Department for Social Prosperity. Email dated 17 June 2022.

⁹³ Information is available at: <https://www.mineduacion.gov.co/portal/micrositios-institucionales/Escuela-Corporativa/Nuestra-Escuela/377656:Ruta-de-aprendizaje>.

⁹⁴ Ministry of Education. Email dated 22 April 2022.

⁹⁵ Ministry of Education. Email dated 22 April 2022.

⁹⁶ Ministry of Education. Email dated 22 April 2022.

⁹⁷ Ministry of Education. Email dated 22 April 2022.

⁹⁸ Ministry of Education. Email dated 22 April 2022.

Casanare and Bolívar departments and members of the wage policy subcommittees in Valle del Cauca and Cundinamarca departments.⁹⁹

111. In 2022, as of August, 16 training seminars had been held for 331 civil servants and labour inspectors in the local offices of the Ministry in Huila, Amazonas, Guajira, Antioquia, Arauca, Valle del Cauca, Atlántico, Casanare, Choco, Nariño, San Andrés, Santander, Boyacá and Quindío departments; for 34 members of ethnic communities in Caquetá and Boyacá departments; and for 68 members of wage policy subcommittees in Magdalena and Norte de Santander departments.¹⁰⁰

(b) *Ethnic communities' right to health*

112. In order to uphold ethnic communities' right to health, the Ministry of Health and Social Protection has worked with ethnic groups within the framework of forums for dialogue and consensus-building such as the Indigenous Health Subcommission of the National Standing Committee for Consultation with Indigenous Peoples and Organizations, the National Forum for Prior Consultation with Black, Afro-Colombian, Raizal and Palenquero Communities and the Gypsy Dialogue Forum. This has made it possible to conclude 23 health-care agreements with Indigenous Peoples, 11 with black, Afro-Colombian, Raizal and Palenquero communities and 11 with Rrom communities in keeping with the National Development Plan 2018–2022 and specifically with the Equal Opportunities for Ethnic Groups Pact.¹⁰¹

113. Steps taken by the State to ensure that ethnic groups are covered by the General Health and Social Security System have included the issuance of regulatory instruments¹⁰² such as Decree No. 064 of 2020, which guarantees universal health system coverage, with special emphasis on proactive measures to ensure the coverage of specific groups within the population, including ethnic groups.¹⁰³

114. In keeping with the ethnic and intercultural approach of the General Health and Social Security System, the State, by resolution No. 3513 of 2019, has established a training unit payment differential of 4.81 per cent for Indigenous health-care institutions; these funds are used for such purposes as providing temporary shelter for Indigenous persons when they have to leave their territories, providing the services of bilingual guides, individual traditional medical interventions, the sociocultural adaptation of services in individual cases, health promotion and prevention in individual cases, urban transportation and transportation by air, rivercraft or overland vehicles.¹⁰⁴

(c) *Ethnic communities' right to education*

115. The State continues to work on the development of a special Indigenous education system. This initiative is still at the stage of prior consultations within the framework of the National Commission on Labour and Educational Cooperation for Indigenous Peoples (CONTCEPI). In 2019, three joint sessions, two special sessions, one autonomous consultation and six subcommittee meetings were held. Throughout the consultation process, the Ministry of Education has provided the necessary funding and technical support for the dialogues. Its support in this respect has included the services of four experts, a drafting committee and five spiritual leaders to assist in the formulation and harmonization of a proposed regulatory instrument for the implementation of the special Indigenous education system.¹⁰⁵

116. In 2020, the forty-first session of CONTCEPI was held. The range of participants in this session was expanded to include the Chairs of the national organizations and technical secretariat of the Standing Committee for Consultation with Indigenous Peoples and

⁹⁹ Ministry of Labour. Email dated 26 September 2022.

¹⁰⁰ Ministry of Labour. Email dated 26 September 2022.

¹⁰¹ Ministry of Health and Social Protection. Email dated 3 May 2022.

¹⁰² Including earlier laws such as Act No. 1438 of 2012 and Act No. 1751 of 2015.

¹⁰³ Ministry of Health and Social Protection. Email dated 3 May 2022.

¹⁰⁴ Ministry of Health and Social Protection. Email dated 3 May 2022.

¹⁰⁵ Ministry of Education. Email dated 11 April 2022.

Organizations. Meetings were also held by two of the CONTCEPI subcommittees, which succeeded in finalizing Circular No. 022 of 2020. That circular provides guidelines for the preparation of the faculty and administrator staffing study.¹⁰⁶

117. The forty-third, forty-fourth, forty-fifth and forty-sixth sessions of CONTCEPI were held in 2021. At those sessions, the various committees worked on reaching consensus on the draft regulatory instrument for the establishment of the special Indigenous education system.¹⁰⁷ In 2022, the forty-seventh and forty-eighth sessions of CONTCEPI carried on the committees' work. At this stage in the process, 28 articles of the draft have been approved in plenary.¹⁰⁸

(d) *Ethnic communities' right to work*

118. With a view to guaranteeing the right to work of members of black, Afro-Colombian, Raizal and Palenquero communities, the State conducted nationwide prior consultations from 30 January to 4 February 2019 concerning large-scale legislative and administrative measures that could potentially have an impact on black, Afro-Colombian, Raizal and Palenquero communities. These consultations focused on reaching preliminary understandings, concluding agreements and formalizing them in accordance with the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169).¹⁰⁹

119. In addition, in 2019 the first job fair targeting the black, Afro-Colombian, Raizal and Palenquero communities was held in the city of Bogotá. This event focused on labour inclusion and the provision of guidance for production initiatives. It had a budget of Col\$ 44,214,248 and was attended by 300 members of these communities.¹¹⁰

120. In 2020, a second job fair, also focusing on labour inclusion and guidance for production initiatives, was held for black, Afro-Colombian, Raizal and Palenquero communities in the Department of Valle del Cauca. At this fair, which was held in a virtual format, some 748 job offers were extended to members of this population group.¹¹¹

121. On 21 May 2021, as one of the events marking Afro-Colombian Identity Day, the National Training Service and the Public Employment Service held a virtual nationwide job fair for members of black, Afro-Colombian, Raizal and Palenquero communities. The 725 companies that participated in the fair posted 3,846 job vacancies, for which 7,544 persons applied. In addition, the district centres of the National Training Service provided job counselling services to 2,455 persons. The third job fair focusing on labour inclusion and guidance for production initiatives for black, Afro-Colombian, Raizal and Palenquero communities was also held in 2021, this time in the Department of Bolívar. The budget allocation for that event totalled Col\$ 18 million.¹¹²

122. Professional and vocational training activities have also been conducted with a view to enhancing the employment qualifications of members of black, Afro-Colombian, Raizal and Palenquero communities (see annex 10, table 1). In addition, an increase has been seen in the number of business start-ups headed by members of these communities (see annex 10, table 1).¹¹³

(e) *Measures for reducing undernutrition*

123. Strategies for combating undernutrition among children and adolescents are outlined in the country's food and nutrition security policy, which is set out in National Council on Economic and Social Policy (CONPES) document No. 113 of 2008. That policy paper is currently being revised by the Intersectoral Food and Nutritional Security Commission to incorporate an approach that highlights the right to food. The relevant policy instruments

¹⁰⁶ Ministry of Education. Email dated 11 April 2022.

¹⁰⁷ Ministry of Education. Email dated 11 April 2022.

¹⁰⁸ Ministry of Education. Email dated 11 April 2022.

¹⁰⁹ Ministry of the Interior. Email dated 9 June 2022.

¹¹⁰ Ministry of Labour. Email dated 20 May 2022.

¹¹¹ Ministry of Labour. Email dated 20 May 2022.

¹¹² Ministry of Labour. Email dated 20 May 2022.

¹¹³ Ministry of Labour. Email dated 20 May 2022.

include proposed mechanisms for ensuring the meaningful participation of civil society and an ethnicity- and gender-based differential approach.¹¹⁴

124. In parallel with these processes and in fulfilment of commitments made in the peace accord, work is proceeding on the implementation of the National Rural Plan of the System for the Progressive Realization of the Human Right to Food 2020–2031, which incorporates an ethnicity-based approach and a gender, women’s, family-based and generational perspective.¹¹⁵

125. The objective of the National Rural Plan is to guarantee the rural population’s (including ethnic groups’) right to food. In order to achieve this, the plan sets out measures such as the following: (i) the development and implementation of a strategy for strengthening rural organizations at the community level, with priority being placed on ethnic groups’ and women’s organizations; (ii) implementation of programmes to address and prevent child undernutrition in rural areas that include activities to improve nutritional status in early childhood based on a differential, community-centred approach; (iii) improvements in the infrastructure for the marketing of food products in rural communities, including communities composed of ethnic groups; and (iv) building the capacity of ethnic groups to market goods that they produce within the framework their own economies.¹¹⁶

126. The Colombian Family Welfare Institute implements a strategy for addressing and preventing undernutrition. This strategy focuses on addressing and preventing low fetal weight for gestational age and undernutrition among children under 5 years of age. To this end, the Institute works with offices of the National Family Welfare System to promote food security, improve nutritional status and strengthen the family structure. These activities are conducted under two service modalities: (i) “A thousand days to change the world”; and (ii) Nutritional Rehabilitation Centres.¹¹⁷

(i) “A thousand days to change the world”

Both this and the other service modality are mainly sited in areas where there is a high risk of undernutrition, most of which are also territories, particularly in rural and remote areas, where Indigenous Peoples have settlements.¹¹⁸

The “A thousand days to change the world” service modality focuses on underweight pregnant women and on children under 5 years of age at risk of acute malnutrition and their families. It is conducted in family and community settings with support from an interdisciplinary team that provides supplementary food, monitors beneficiaries nutritional status, educates beneficiaries about food and nutrition, and helps to strengthen family structures and networks.

In 2019, the investment in this modality amounted to Col\$ 14,288,549,576 and benefited 10,681 members of Indigenous Peoples. The corresponding figures for 2020 were Col\$ 20,812,102,829 and 13,913 beneficiaries; for 2021, they were Col\$ 22,870,794,603 and 15,928 beneficiaries (see annex 11, table 1).¹¹⁹

As of 31 August 2022, the “A thousand days to change the world” service modality had benefited 13,425 members of Indigenous Peoples, of whom 2,814 (21 per cent) were pregnant women, 5,348 (40 per cent) were boys under 5 years of age and 5,263 (39 per cent) were girls under 5 years of age.¹²⁰

(ii) Nutritional Rehabilitation Centres

The country’s Nutritional Rehabilitation Centres work in coordination with health-care institutions and contribute to the recovery of children under 5 years of age suffering from

¹¹⁴ Colombian Family Welfare Institute. Email dated 22 September 2022.

¹¹⁵ Colombian Family Welfare Institute. Email dated 24 April 2022.

¹¹⁶ Colombian Family Welfare Institute. Email dated 14 April 2022.

¹¹⁷ Colombian Family Welfare Institute. Email dated 14 April 2022.

¹¹⁸ Colombian Family Welfare Institute. Email dated 14 April 2022.

¹¹⁹ Colombian Family Welfare Institute. Email dated 14 April 2022.

¹²⁰ Colombian Family Welfare Institute. Email dated 22 September 2022.

acute, moderate or severe undernutrition. An interdisciplinary team provides such children with health care, meals and nutritional supplements and works with their families to promote good health and nutritional habits and to avert any further problems. Children are treated on an in-patient basis at these centres and are provided with 100 per cent of the daily recommended nutritional intake. The number of Indigenous children under 5 years of age who were treated at a Nutritional Rehabilitation Centre and the corresponding funding in 2019–2021 are shown in table 2 of annex 11.¹²¹

In 2022, as of 31 August, 467 Indigenous children under 5 years of age had been treated at a Nutritional Rehabilitation Centre; 225 (48 per cent) of those children were boys and 242 (52 per cent) were girls.¹²²

127. This work is performed in line with the Rights-based Differential Model, which is designed to take into account the particular characteristics, needs and expectations of children and adolescents and their families in order to provide full protection for their rights from a differential perspective while promoting equality and non-discrimination, with consideration for the contextual characteristics of their territories¹²³ and ethnicity.¹²⁴

128. Through its work in this area, the Colombian Family Welfare Institute promotes the progressive realization of the right to food and promotes healthy eating habits by tailoring dietary guidelines to local groups within the Colombian population. It thus provides guidance to Colombian families in the adoption of healthy dietary practices that will contribute to their nutritional well-being and the prevention of food-related diseases.^{125,126}

129. The Colombian Family Welfare Institute has adapted these dietary guidelines for groups in various regions of the country. In 2019, it worked with the Pijao Indigenous People in the municipalities of Coyaima, Natagaima and Ortega in the Department of Tolima and with the Rrom community in the city of Bogotá.¹²⁷

130. Nutritional monitoring of Indigenous children under 5 years of age has been carried out by Colombian Family Welfare Institute programmes using the Nutritional Monitoring System. This system includes different anthropometric measurements taken while the children are under care. The number of such measurements taken annually has ranged from 66,716 to 118,984 over the last three years (2019–2021). These metrics have made it possible to identify nutritional disorders of varying degrees of severity that were then attended to in accordance with the established treatment protocols.¹²⁸

131. The National Development Plan 2018–2022 calls for the creation of a technical panel to be tasked with the development of a module for the National Nutritional Status Survey of Colombia that will be tailored to Indigenous Peoples. An indicator for the development of that survey module was agreed upon in 2019.¹²⁹

132. In 2020, resources were allocated to form a team of delegates from the Indigenous organizations represented on the Standing Committee for Consultation with Indigenous Peoples and Organizations. As a result, a technical document was prepared that outlines what information will be needed, with emphasis on: (i) food and nutrition in Indigenous communities; (ii) identification of metrics and public policies, to be conducted with the participation of Indigenous Peoples; (iii) the definition of information requirements; (iv) methodological, operational and technical aspects of the development of the module; and

¹²¹ Colombian Family Welfare Institute. Email dated 14 April 2022.

¹²² Colombian Family Welfare Institute. Email dated 22 September 2022.

¹²³ Colombian Family Welfare Institute. Differential Model – Strategic Planning. Available at: https://www.icbf.gov.co/sites/default/files/procesos/md1.de_modelo_de_enfoque_diferencial_de_derechos_medd_v1.pdf. P. 46. 2017.

¹²⁴ Ibid. p. 42.

¹²⁵ Available at: <https://www.icbf.gov.co/guias-alimentarias-basadas-en-alimentos-para-la-poblacion-colombiana-mayor-de-2-anos-0>.

¹²⁶ Colombian Family Welfare Institute. Email dated 14 April 2022.

¹²⁷ Colombian Family Welfare Institute. Email dated 14 April 2022.

¹²⁸ Colombian Family Welfare Institute. Email dated 14 April 2022.

¹²⁹ Colombian Family Welfare Institute. Email dated 14 April 2022.

(v) the formation of a technical panel to organize a dialogue between the Standing Committee and the relevant institutions.¹³⁰

133. In 2021, a bipartite technical panel was formed that then held 13 sessions at which it defined a programme of work, a preliminary version of an action plan and the elements needed in order to develop the module, which include information on the particular food- and nutrition-related practices of Indigenous Peoples.¹³¹

134. In 2022, the Colombian Family Welfare Institute signed a technical and financial cooperation agreement with the World Food Programme under which the two institutions are to work together on the technical, financial and administrative aspects of the thematic, statistical and operational design of the module tailored to Indigenous Peoples for the National Nutritional Status Survey and the implementation of a road map for raising awareness and for obtaining validation and feedback within the framework of commitment F42 of the National Development Plan 2018–2022.¹³²

4. Upholding the right of ethnic groups to prior consultation (recommendations made in para. 19 of CERD/C/COL/CO/17-19)

135. The right to prior consultation is set out in the chapter of the National Development Plan 2018–2022 entitled Equal Opportunities for Ethnic Groups Pact. That pact incorporates 216 agreements reached with Indigenous Peoples, 239 concluded with black, Afro-Colombian, Palenquero and Raizal communities and 78 agreements entered into with the Rrom people, along with the respective indicators.¹³³

136. In order to follow up on those agreements, the budget planning methodology for ethnic groups and the National System of Results Management and Assessment (SINERGIA) dashboard are used to closely monitor the progress made towards targets and benchmarks of the National Development Plan 2018–2022 and the resources allocated in each sector for reaching those targets and benchmarks. Ethnic communities and peoples participate in these monitoring activities.¹³⁴

137. The Constitutional Court of Colombia, in its Judgment No. SU-123 of 2018, instructed the State to adopt relevant measures to regulate the certification of the presence of Indigenous communities and impacts on them and to uphold the right to prior consultation. To give effect to this judgment, by means of Decree No. 2353 of 2019, the State changed the structure of the Ministry of the Interior and, among other measures, established the Directorate of the National Authority for Prior Consultation to act as a guarantor in prior consultation processes. The Directorate is composed of three subdirectorates: the Technical Subdirector, the Subdirector for Management and the Corporate Subdirector.¹³⁵

138. The Technical Subdirector is responsible for determining the legitimacy and pertinence of prior consultations on the adoption of administrative and legislative measures and the implementation of projects, works or activities in accordance with the criterion of direct impact based on the requisite legal studies, mapping activities, geographic studies or spatial assessments. An analysis is then to be carried out to establish whether or not the project or measure has the potential to affect an ethnic community to the extent that it impedes the settlement, customs and traditions or transit and mobility of the community in question. A further analysis is conducted to assess the potential impact of an intervention or measure on social, cultural, economic, territorial and spiritual structures. These analyses are conducted using information supplied by the party responsible for carrying out the project, which should submit a request to the Directorate to act at its behest.¹³⁶

139. The Subdirector for Management and Prior Consultation is in charge of implementing the prior consultation process using procedures defined for that purpose and is

¹³⁰ Colombian Family Welfare Institute. Email dated 14 April 2022.

¹³¹ Colombian Family Welfare Institute. Email dated 14 April 2022.

¹³² Colombian Family Welfare Institute. Email dated 24 April 2022.

¹³³ National Planning Department. Email dated 25 April 2022.

¹³⁴ National Planning Department. Email dated 25 April 2022.

¹³⁵ Ministry of the Interior. Email dated 9 June 2022.

¹³⁶ Ministry of the Interior. Email dated 9 June 2022.

tasked with ensuring the participation of ethnic communities through their representative institutions with a view to protecting their ethnic and cultural integrity. The Corporate Subdirectorates is in charge of administrative aspects.¹³⁷

140. These efforts have translated into the increased participation of ethnic communities in consultation processes, as demonstrated by the following statistics.¹³⁸

141. According to the prior consultation information system of the Directorate of the National Authority for Prior Consultation, between the second half of 2018 and the second half of 2021, 5,396 prior consultations were held with respect to 1,410 projects. Because prior consultations are held with each potentially affected community separately, a number of different consultation processes may therefore be held concerning a single project.¹³⁹

142. The State held 20,480 meetings with ethnic communities at the different stages of the consultation process between the second half of 2018 and the second half of 2021. On several occasions, in order to ensure that the right to prior consultation was upheld, the completion of a given stage in the process has involved holding a number of meetings, as certain minimum requirements have to be fulfilled at each meeting before the next phase can begin. If those requirements are not fulfilled, the meeting is held again to ensure the participation of the whole community.¹⁴⁰

143. A total of 5,351 ethnic minority communities were consulted between the second half of 2018 and the second half of 2021 (see annex 12, table 1).¹⁴¹

144. In accordance with Presidential Directive No. 8 of September 2020, once the consultation process has been completed, a proportionality test is carried out and a decision is made on measures to be taken in the following cases:¹⁴²

- (i) Failure to reach agreement during the pre-consultation and consultation stages;
- (ii) Failure of the representative authorities to attend after all the established convocation procedures have been exhausted;
- (iii) Failure to resolve disputes regarding the representation of the ethnic community.

145. The aim of the proportionality test is to determine appropriate measures to be taken to prevent, rectify or mitigate any direct impact. The measures must not be arbitrary, must be grounded in reasonable, proportionate and objective criteria, and must take into consideration the views expressed by the ethnic community and by the executing agency or sponsor of the project, works or activity.¹⁴³

146. The Ministry of the Interior works in cooperation with the Victim Assistance and Comprehensive Reparation Unit in relation to territorial issues to help achieve compliance with Decision No. 005 of 2009 and Decree-Law No. 4635 of 2011. In addition to its efforts to identify and delimit the territories concerned, the Ministry also coordinates the prior consultation processes called for in the Comprehensive Plans for Collective Reparation for black, Afro-Colombian, Palenquero and Raizal communities. The Ministry has held 74 prior consultations in connection with the Comprehensive Plan for Collective Reparation. The departments in which the most consultations have been held are Bolívar (16), Valle del Cauca (13) and Chocó (10).¹⁴⁴

¹³⁷ Ministry of the Interior. Email dated 9 June 2022.

¹³⁸ Ministry of the Interior. Email dated 9 June 2022.

¹³⁹ Ministry of the Interior. Email dated 9 June 2022.

¹⁴⁰ Ministry of the Interior. Email dated 9 June 2022.

¹⁴¹ Ministry of the Interior. Email dated 9 June 2022.

¹⁴² National Environmental Licensing Authority. File No. 2022106328-2-000. 27 May 2022.

¹⁴³ National Environmental Licensing Authority. File No. 2022106328-2-000. 27 May 2022.

¹⁴⁴ Ministry of the Interior. Email dated 9 June 2022.

5. Land rights and land restitution (recommendations made in para. 21 of CERD/C/COL/CO/17-19)

147. The Colombian State has ensured the continuation of procedures for restoring ethnic communities' lands to them. The National Land Agency is carrying out 905 restoration procedures as part of its 2022 Support Plan (see annex 13, tables 1–6). These procedures can be disaggregated as follows:¹⁴⁵

- 514 procedures for the formal recognition, establishment, expansion and improvement of Indigenous communities' territories;
- 49 procedures for the protection of ancestral lands;
- 34 procedures for the clarification of the legal status of land rights of colonial origin;
- 75 procedures on border demarcation, fencing and boundary pillars;
- 233 procedures for the formal recognition of black communities' territories.

148. The procedure for the formal recognition of territories has been carried out in compliance with orders issued by the Constitutional Court in accordance with the procedures established in Decrees Nos. 1071 of 2015 and 1066 of 2015. Information on compliance with orders issued by judges specializing in land restitution cases and Constitutional Court judges and relevant action taken by the National Land Agency is attached (see annex 13, tables 7 and 8).¹⁴⁶

149. With regard to resource allocation, the Land Restitution Unit – which seeks to restore land taken away from its rightful owners pursuant to the Victims and Land Restitution Act – has strengthened its interdisciplinary teams at the national and territorial levels and has an ongoing training plan for its employees and partners that covers the different topics relating to the restitution of ethnic land rights.¹⁴⁷

150. The earmarking of resources from the budget of the Directorate for Ethnic Affairs of the Land Restitution Unit has facilitated planning. The budget allocation rose from nearly Col\$ 5.586 billion in 2015 to Col\$ 16.623 billion in 2022, an increase of 198 per cent, which has led to considerable improvements in the outcomes of efforts to restore ethnic land rights.¹⁴⁸

151. The State has continued to uphold the collective land rights of black, Afro-Colombian, Palenquero and Raizal communities through the use of an ethnic road map¹⁴⁹ that functions as a protective administrative mechanism pursuant to Constitutional Court Decision No. 005 of 2009.¹⁵⁰

152. The Ministry of the Interior issues administrative instruments provided for in the ethnic road map which establish formal protections for the collective lands of black, Afro-Colombian, Palenquero and Raizal communities. Between 2018 and June 2022, 76 of these resolutions were issued, which was an increase over the period from 2013 to 2017, during which 26 such resolutions were issued.¹⁵¹

153. In addition, the Land Restitution Unit and the judiciary have worked together to incorporate technological aids into the restitution procedures, such as a digital application system, an innovative and effective tool that facilitates and accelerates the judicial phase of the process. This has been incorporated into the Land Restitution Unit's registration system for abandoned and expropriated lands and has been linked to the lands portal of the High Council of the Judiciary, increasing the number of applications that can be filed and

¹⁴⁵ National Land Agency. File No. 20225100507791. 2 May 2022.

¹⁴⁶ National Land Agency. File No. 20225100507791. 2 May 2022.

¹⁴⁷ Land Restitution Unit. File No. DSC2-202205215. 22 April 2022.

¹⁴⁸ Land Restitution Unit. File No. DSC2-202205215. 22 April 2022.

¹⁴⁹ The ethnic road map is a protective administrative mechanism that helps to safeguard the fundamental collective land rights of black, Afro-Colombian, Palenquero and Raizal communities that are at risk of displacement or that have been harmed or threatened by armed conflict or the implementation of activities on their land in the absence of the mandatory prior consultations.

¹⁵⁰ Ministry of the Interior. Email dated 9 June 2022.

¹⁵¹ Ministry of the Interior. Email dated 9 June 2022.

enhancing the quality and speed of the land rights restitution process for Indigenous, black, Afro-Colombian, Palenquero and Raizal communities.¹⁵²

6. Indigenous Peoples facing extinction, living in isolation or at the initial-contact stage (recommendations made in para. 23 of CERD/C/COL/CO/17-19)

154. The Colombian State has continued to implement ethnic protection plans, which are protective measures designed to shield Indigenous Peoples from the risk of physical and cultural extinction. These plans are governed by Constitutional Court Decisions Nos. 004 of 2009 and 266 of 2017 pursuant to Judgment No. T-025 of 2004.¹⁵³

155. Using the percentage of ethnic protection plans on which institutional agreements have been reached as an indicator, it is to be noted that 20 protection plans are in the programme and project development stage. During this phase, inter-institutional discussions are held to obtain buy-in on the courses of action that have been determined and approved by Indigenous communities in advance. Some 51 per cent of the protection plans on which institutional agreements have been concluded correspond to the following communities: Awa, Nasa, Kizgó, Nukak, Embera, Wiwa, Tule, Koreguaje, Uitoto, Jiw, Caño Mochuelo, Siona, Wounaan, Eperara-Siapidara, Misak, Totoro, Kamëntsá, Kofan, Yukpa and Zenu.¹⁵⁴

156. As at July 2022, of the 20 protection plans in the fourth stage of the development process, namely the programme and project design stage, the self-governance pillar of 10 of these plans was under implementation, demonstrating the progress made in the effective fulfilment of the right to autonomy and self-governance. These 10 plans correspond to the Awa, Embera, Tule, Uitoto, Caño Mochuelo, Wounaan, Misak, Totoro, Kofan and Kamëntsá communities.¹⁵⁵

7. Measures taken in respect of Afro-Colombian and Indigenous women to eliminate racial discrimination and uphold their rights (recommendations made in para. 25 (a) and (b) of CERD/C/COL/CO/17-19)

157. The Colombian State established the National Commission of Indigenous Women by Decrees Nos. 1097 and 1158 of 2020 under the auspices of the Standing Committee for Consultation with Indigenous Peoples and Organizations as a technical, specialized body dedicated to ensuring the effective participation of Indigenous women in the design, implementation and follow-up of plans, programmes and policies concerning them in accordance with Decision No. 092 of 2008 pursuant to Judgment T-025 of 2004.¹⁵⁶

158. With the support of the Commission, a pilot project was carried out in 2020 to identify violations of the rights of Indigenous women and design campaigns aimed at preventing and reducing sexual and other forms of violence at the local and national levels. This process was carried out in the territories of San Juan del Cesar (La Guajira), Pueblo Bello (Cesar), Quibdó (Choco), Ipiales (Nariño), Córdoba and Fortul (Arauca).¹⁵⁷

159. In 2020 and 2021, to fulfil the commitments assumed in the context of the Minga Social (collective effort) for the Defence of Life, the Land and Democracy, an entity established by authorities of the Cauca Regional Indigenous Council, the Caldas Regional Indigenous Council and the Huila Regional Indigenous Council, the State began to take action aimed at strengthening organizational efforts among Indigenous women in order to support and promote their participation in self-governance and to help them to learn about and recognize their rights and identify the productive initiatives that they carry out in their communities.¹⁵⁸

¹⁵² Land Restitution Unit. File No. DSC2-202205215. 22 April 2022.

¹⁵³ Ministry of the Interior. Email dated 25 July 2022.

¹⁵⁴ Ministry of the Interior. Email dated 25 July 2022.

¹⁵⁵ Ministry of the Interior. Email dated 25 July 2022.

¹⁵⁶ Office of the Counsel General. Email dated 13 May 2022.

¹⁵⁷ Presidential Advisory Council for Women's Equity. OFI22-00107464 / GFPU 11020000 dated 21 September 2022.

¹⁵⁸ Presidential Advisory Council for Women's Equity. OFI22-00107464 / GFPU 11020000 dated 21 September 2022.

160. Between 2021 and 2022, the State worked through the Presidential Advisory Council for Women's Equity to develop technical guidelines for the prevention of violence against women of African descent and Indigenous women residing in the urban and rural areas of Buenaventura District. The guidelines provide support and orientation for women who are victims of violence or at risk of experiencing violence and for women entrepreneurs and organizations of women entrepreneurs with a view to strengthening their economic independence.¹⁵⁹

161. In April 2022, CONPES document No. 4080¹⁶⁰ on public policy on gender equity for women was approved. The main goal of this policy is to create conditions that will enable the country to work towards gender equity, uphold the economic, social, cultural, participatory and health rights of women and assure women of the opportunity to live a life free of gender-based violence.¹⁶¹

162. This policy targets Colombian women of all groups and social sectors, including girls and adult women, urban and rural dwellers, campesinas, women of all ethnic groups and sexualities and women in vulnerable situations, such as women with disabilities and victims of various forms of violence.¹⁶²

163. On the subject of sexual health, an initiative for building and strengthening the capacities of the organizations comprising the mechanism responsible for coordinating the comprehensive approach to gender-based violence was carried out in Riohacha, Santa Marta, Barranquilla and Maicao as part of the cooperation agreement concluded between the Ministry of Health and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women). In addition, two awareness-raising workshops were held on the provision of health services and technical assistance for health secretariats at the department level. Infographics on patterns of gender-based violence were also prepared.¹⁶³

164. Information on women's access to justice as viewed from an ethnic minority group perspective can be found in section 2 of part B, "Access to justice: implementation of article 6 of the Convention" in this report.

8. Venezuelan migrants (recommendations made in para. 27 of CERD/C/COL/CO/17-19)

165. According to estimates provided by Migration Colombia, there were 1,842,390 Venezuelan migrants in the country as at August 2021,¹⁶⁴ including 344,688 with a regular immigration status, 1,182,059 in the process of applying for temporary status and 315,643 with an irregular status because they had exceeded the maximum length of stay or had entered the country unlawfully.¹⁶⁵

166. For over two years, the State has pursued a consistent policy comprising the implementation of a comprehensive strategy to receive and integrate the migrant population from Venezuela.¹⁶⁶

167. The temporary protected status for Venezuelan migrants established under Decree No. 216 of 2021 is a practical legal tool designed to complement the international protection given to refugees, under which the fundamental rights of migrants are upheld and protection is offered to people fleeing their country of origin because of a crisis. The temporary

¹⁵⁹ Presidential Advisory Council for Women's Equity. OFI22-00107464 / GFPU 11020000 dated 21 September 2022.

¹⁶⁰ Presidential Advisory Council for Women's Equity. OFI22-00107464 / GFPU 11020000 dated 21 September 2022.

¹⁶¹ Available at: <https://colaboracion.dnp.gov.co/CDT/Conpes/Econ%C3%B3micos/4080.pdf>.

¹⁶² Presidential Advisory Council for Women's Equity. OFI22-00107464 / GFPU 11020000 dated 21 September 2022.

¹⁶³ Ministry of Health and Social Security. Email dated 3 May 2022.

¹⁶⁴ Information available at: <https://www.migracioncolombia.gov.co/infografias/distribucion-de-venezolanos-en-colombia-corte-31-de-agosto-de-2021>.

¹⁶⁵ Office of the Adviser on Borders. Email dated 16 May 2022.

¹⁶⁶ Office of the Adviser on Borders. Email dated 16 May 2022.

protected status afforded to Venezuelan migrants under the temporary protection system is made up of the following components:¹⁶⁷

(i) *Single Register of Venezuelan Migrants*

168. Appearance on the register, which is managed by Migration Colombia, is mandatory and free of charge for all Venezuelan migrants who meet the criteria set out in Decree No. 216 of 2021. The registration process is made up of three steps: virtual pre-registration using a mobile device, the completion of a survey on socioeconomic status, and an in-person biometric registration procedure. The register contains biometric and biographical data for the purpose of identification and categorization, but the information may not be used to penalize individuals.¹⁶⁸

169. Only persons who meet the following criteria are eligible to appear on the Single Register of Venezuelan Migrants: they must be in Colombian territory; migrants in an irregular situation must provide a summary and suitable proof of their date of entry before 31 January 2021; they must present an identification document and declare their intention to remain in Colombia; they must agree to their biographical, demographic and biometric data being stored; and they must keep their information updated.¹⁶⁹

(ii) *Temporary protection permit*

170. The temporary protection permit is a regularization mechanism and identity document with technical security features that authorizes holders to stay in Colombia on the basis of a special migratory status and to perform all lawful activities. Furthermore, it reduces the amount of time that holders are required to stay before they become eligible to apply for an “R” type resident visa, which is a significant step forward when compared with the special stay permit.¹⁷⁰

171. Pursuant to Decree No. 216 of 2021, the special stay permit may also be used by holders to prove how long they have been in Colombian territory for the purpose of establishing their eligibility to file an application for an “R” type visa with the Ministry of Foreign Affairs.¹⁷¹

172. The temporary protected status applies to Venezuelan migrants with a permit to enter and stay or an extension thereof, special residence permit holders, holders of the “SC-2” safe conduct, applicants for refugee status, irregular migrants who have been in Colombia since 31 January 2021 and migrants who entered the country legally at a migration checkpoint within two years following the entry into force of Decree 216 on 29 May 2021.¹⁷²

173. The temporary protection status is also designed to help people who are particularly vulnerable – including as a result of their gender, age or disability – to obtain documentation and regularize their situation. In accordance with the constitutional principles of equality and non-discrimination, discretion will be exercised in consideration of the special needs of vulnerable groups such as Indigenous Peoples, LGBTQI+ persons, children and adolescents, persons with disabilities and, in general, all individuals who require special treatment.¹⁷³

174. Minors who are separated from their legal representatives have access to the Single Register of Venezuelan Migrants and are eligible for temporary protection permits.¹⁷⁴

175. Bearing in mind the difficulties experienced by migrants with an irregular status in accessing health-care services, people with special protection needs, including pregnant and breastfeeding women, will be given priority access to the register and temporary protection permits. The expectation is that these women will also enjoy priority access to temporary

¹⁶⁷ Office of the Adviser on Borders. Email dated 16 May 2022.

¹⁶⁸ Office of the Adviser on Borders. Email dated 16 May 2022.

¹⁶⁹ Office of the Adviser on Borders. Email dated 16 May 2022.

¹⁷⁰ Office of the Adviser on Borders. Email dated 16 May 2022.

¹⁷¹ Office of the Adviser on Borders. Email dated 16 May 2022.

¹⁷² Office of the Adviser on Borders. Email dated 16 May 2022.

¹⁷³ Office of the Adviser on Borders. Email dated 16 May 2022.

¹⁷⁴ Office of the Adviser on Borders. Email dated 16 May 2022.

protection status mechanisms so that they can join the General Health and Social Security System and obtain access to prenatal check-ups and the other medical services that they and their children require.¹⁷⁵

176. As at November 2021, 14,037,825 health-care services had been provided to 1,591,971 Venezuelan migrants, regardless of their migration status; 68.5 per cent of these persons had not been registered with the General Health and Social Security System. More than 299 million doses of medication have been administered to Venezuelan refugees and migrants.¹⁷⁶

177. As at 22 February 2022, 576,455 Venezuelan migrants had received a single dose of COVID-19 vaccine, 330,953 had received two doses and 17,114 had received a booster dose. Through the expanded immunization programme, migrants are included in the same free vaccination scheme as Colombian nationals, under which more than 2.5 million doses have been administered.¹⁷⁷

178. Following amendments made to public policies and regulations in the health-care sector: (i) migrants with an irregular status can now access emergency care; (ii) some migrants can access insurance, depending on their migratory status; and (iii) public health management has been strengthened in the most affected areas.¹⁷⁸

179. As at July 2022, 837,576 people had joined the General Health and Social Security System. According to the information contained in the central membership database, 174,262 of these persons are special residence permit holders and 663,314 of them are temporary protection permit holders.¹⁷⁹

180. As at March 2022, 555,498 children and adolescents were attending school. The continuity of their education was therefore secured, regardless of their place of origin. In all, 95 per cent of these students were enrolled in the official system and over 66 per cent of them were located in the central, eastern and Caribbean regions of the country.¹⁸⁰

181. As a means of countering threats, and in recognition of the status of children and adolescents as subjects of rights, 98,471 migrant children and adolescents enjoy access to the Colombian Family Welfare Institute in accordance with the principle of non-discrimination, and 3,594 of them receive protection services. Under a procedure introduced to grant nationality to children born in Colombia to Venezuelan parents, 62,885 children at risk of statelessness obtained Colombian nationality between January 2015 and 30 May 2021.¹⁸¹

182. As at 13 May 2022, 456,494 households and 446,409 migrants had responded to a Social Programme Beneficiary Selection System survey designed to identify the needs and capacities of households in Colombian territory, thereby helping to guide the distribution of social assistance. Out of all the Venezuelan migrants to have answered this type of survey, 51.6 per cent were temporary protection permit holders, 32.6 per cent were special residence permit holders and the remaining 15.8 per cent had other types of documents (such as a foreign nationals' card, national identity document, passport or safe conduct pass).¹⁸²

183. In 2022, 40,409 migrant households had been beneficiaries of the Solidarity Income Programme. As at March 2022, 40,409 payments to migrants had been scheduled under that programme.¹⁸³

184. In 2019, with the support of the United Nations Development Programme, the State devised an income generation strategy for Venezuelan migrants and host communities which

¹⁷⁵ Office of the Adviser on Borders. Email dated 16 May 2022.

¹⁷⁶ Office of the Adviser on Borders. Email dated 16 May 2022.

¹⁷⁷ Office of the Adviser on Borders. Email dated 16 May 2022.

¹⁷⁸ Office of the Adviser on Borders. Email dated 16 May 2022.

¹⁷⁹ Central database of members, as at July 2022.

¹⁸⁰ Office of the Adviser on Borders. Email dated 16 May 2022.

¹⁸¹ Office of the Adviser on Borders. Email dated 16 May 2022.

¹⁸² Office of the Adviser on Borders. Email dated 16 May 2022.

¹⁸³ Office of the Adviser on Borders. Email dated 16 May 2022.

serves as a road map for identifying and eliminating obstacles to the socioeconomic integration of Venezuelan immigrants and Colombian returnees.¹⁸⁴

185. Established under chapter 5 of Act No. 2136 of 2021 on the creation of a comprehensive migration policy, the purpose of this strategy is to develop projects with the support of the private sector and international cooperation agencies aimed at facilitating the formalization of the employment and business activities of migrants and host communities and promoting financial inclusion by simplifying the process of opening bank accounts and offering financial education.¹⁸⁵

186. Regarding the activities carried out in relation to equality and non-discrimination in 2021, Migration Colombia, with the support of the Office of the United Nations High Commissioner for Refugees, launched the “My House Is Your House” programme in every region of the country. The initial goal is to train managers and officials (401 officials have so far been trained) to start up the programme in their districts and to carry out awareness-raising and capacity-building activities in different sectors aimed at countering xenophobia. To support the dissemination of the programme, three booklets containing information intended for different audiences (children, adolescents and adults) were drafted, designed and printed (15,000 copies have been sent to regional offices).¹⁸⁶

187. Lastly, the State published a guide for Venezuelan migrants containing information on the various inclusion mechanisms that exist for integrating migrants into Colombian society and its economy.¹⁸⁷

188. Additional information on these protection measures can be found in annex 14.

9. Human rights defenders and leaders of Indigenous peoples and communities of African descent (recommendations made in para. 29 (a), (b), (c) and (d) of CERD/C/COL/CO/17-19)

189. On 29 November 2021, the State adopted the National Public Policy on Respect and Safeguards for the Defence of Human Rights (see CONPES document No. 4063), which sets out four specific objectives: (i) to develop coordinated inter-institutional efforts to address the risk factors that hinder the work of human rights defenders; (ii) to strengthen institutional capacities for early prevention and timely protection; (iii) to promote the adoption of strategies for strengthening the investigation of attacks and the prosecution and punishment of those responsible; and (iv) to strengthen the individual and collective capacities of human rights defenders with a view to promoting and ensuring the recognition of their work.¹⁸⁸

190. In 2016, the Attorney General’s Office established a specific strategy for the investigation of crimes against human rights defenders. The strategy is made up of several lines of action, one of which concerns strengthening the investigation of threats against human rights defenders, including through the adoption of a differentiated, territory-based approach.¹⁸⁹

191. In this regard, a dedicated national working group on the investigation of threats against human rights defenders, set up by the Attorney General’s Office in 2018, has achieved significant results in solving such cases.¹⁹⁰

192. As at 13 April 2022, the Attorney General’s Office had made progress towards solving 70.43 per cent of the homicide cases reported by the Office of the United Nations High Commissioner for Human Rights in Colombia between January 2016 and December 2020. As at the same date, the Attorney General’s Office had gained ground in the investigation of

¹⁸⁴ Office of the Adviser on Borders. Email dated 16 May 2022.

¹⁸⁵ Office of the Adviser on Borders. Email dated 16 May 2022.

¹⁸⁶ Migration Colombia. Email dated 16 May 2022.

¹⁸⁷ Ministry of Justice, 16 September 2022. Information available at: <https://www.suin-juriscol.gov.co/legislacion/migrantesvenezolanos.html>.

¹⁸⁸ Ministry of the Interior. Email dated 9 June 2022.

¹⁸⁹ Attorney General’s Office. File No. 20221700028821. 25 April 2022.

¹⁹⁰ Attorney General’s Office. File No. 20221700028821. 25 April 2022.

66 cases reported by the Ombudsman's Office, which amounts to 30 per cent of all such cases.¹⁹¹

193. Following bilateral meetings between the Government and Indigenous Peoples, held in coordination with the Commission on Human Rights for Indigenous Peoples, the Ministry of the Interior has made progress towards reaching agreements on prevention and protection measures aimed at safeguarding the rights of Indigenous Peoples living in Colombia.¹⁹²

194. As at June 2022, a total of Col\$ 5,169,183,969 had been invested in strengthening the Commission on Human Rights for Indigenous Peoples through coordinated actions at the national and territorial levels and the formulation of comprehensive public policies.¹⁹³

195. The National Protection Unit also develops individual and collective road maps for the protection of the rights to life, integrity, freedom and security of groups and communities exposed to extraordinary or extreme risks. Between 2019 and 5 July 2022, it implemented 66,342 individual and collective protection measures and granted 185 relocation subsidies and 466 transportation subsidies to people identified as leaders, representatives or members of ethnic groups.¹⁹⁴

196. During the same period, it implemented 66,559 protection measures for human rights defenders, including leaders of Indigenous Peoples and communities of African descent. Additional information on the protection measures for ethnic communities implemented by the National Protection Unit can be found in annex 7.

10. Implementation of the Durban Declaration and Programme of Action (recommendations made in para. 34 of CERD/C/COL/CO/17-19)

197. In 2021, the State developed national guidelines and actions for the respect and protection of human rights in Colombia for the period 2021 to 2022 and a policy for updating and strengthening the National Human Rights Education Plan, including a section titled "Equality, Non-Discrimination and Respect for Identities", which seeks to coordinate actions aimed at the elimination of racism, racial discrimination, xenophobia and related intolerance, especially for the most vulnerable population groups.¹⁹⁵

198. The national guidelines and actions for the respect and protection of human rights in Colombia for the period 2021 to 2022 were formulated using a country-wide approach based on innovation and co-creation involving the use of virtual workshops, WhatsApp groups, Facebook pages and online forms.¹⁹⁶

199. A total of 5,532 inputs for the National Action Plan on Human Rights were obtained thanks to this multichannel participation strategy, including 2,322 that were provided through virtual workshops, 3,161 that were relayed via WhatsApp groups and 49 that were posted on social networks and the website.¹⁹⁷

200. According to the database, 1,159 of the 4,717 people from all the departments of the country who participated in the workshops and WhatsApp groups belonged to ethnic groups, including 353 Indigenous persons, 8 members of the Rrom community and 798 persons belonging to black, Afro-Colombian, Palenquero or Raizal communities. Persons belonging to black, Afro-Colombian, Palenquero or Raizal communities accounted for 16.9 per cent of all those who participated in the formulation of the Plan.¹⁹⁸

¹⁹¹ Attorney General's Office. File No. 20221700028821. 25 April 2022.

¹⁹² Ministry of the Interior. Email dated 9 June 2022.

¹⁹³ Ministry of the Interior. Email dated 9 June 2022.

¹⁹⁴ National Protection Unit. Document OFI22-00030023, dated 8 July 2022.

¹⁹⁵ Office of the Presidential Adviser on Human Rights and International Affairs. Email dated 21 April 2022.

¹⁹⁶ Office of the Presidential Adviser on Human Rights and International Affairs. Email dated 21 April 2022.

¹⁹⁷ Office of the Presidential Adviser on Human Rights and International Affairs. Email dated 21 April 2022.

¹⁹⁸ Office of the Presidential Adviser on Human Rights and International Affairs. Email dated 21 April 2022.

201. The National Action Plan for Business and Human Rights 2020–2022 was launched under the slogan “Together we make resilience and solidarity possible”. The aim of the plan is to ensure compliance with the Guiding Principles on Business and Human Rights by promoting sustainable economic development and responsible business conduct and strengthening the country’s economic and social recovery with a human rights perspective.¹⁹⁹

202. Characterized by a human rights focus and differential approaches, the Plan is designed to encourage companies to undertake initiatives focused on solidarity, respect and the promotion of human rights with a view to helping the most vulnerable people by engaging in responsible business conduct and making sure that their activities do not adversely affect those groups.²⁰⁰

203. The Plan has three pillars: (i) the duty of the State to protect human rights in business activities; (ii) the duty of companies to respect human rights; and (iii) remedies. Each pillar is associated with actions to be carried out by government agencies or business associations in different areas. The Plan provides for a total of 95 actions to be carried out by 34 government agencies.²⁰¹

11. Implementation of the International Decade for People of African Descent (recommendations made in para. 35 of CERD/C/COL/CO/17-19 and in general recommendation No. 34)

204. The State coordinated the efforts of various agencies in order to design an informal training course on human rights and international humanitarian law entitled “Human rights and international humanitarian law for black, Afro-Colombian, Palenquero and Raizal communities”. The training has been offered since December 2021 by the Higher School of Public Administration in the form of an 80-hour diploma course that is available both in person and online.²⁰²

205. Two forums on the International Decade have also been held in order to promote a dialogue around the implementation of public policy and the realization of the rights of peoples and communities of African descent in the Andean region. At both the first and the second International Afro-Andean Forums, information was shared on progress, good practices, challenges and difficulties in the implementation of the International Decade for People of African Descent. The following three topics were discussed by representatives of Colombia, Bolivia, Peru and Ecuador:²⁰³

- The progress made and difficulties encountered by State institutions tasked with designing and implementing policies, plans and programmes in response to the demands of people of African descent within the framework of the International Decade;
- Experiences and good practices that facilitate the strengthening of civil society organizations representing people of African descent in the Andean subregion by promoting their participation in and their coordination, dialogue and advocacy work with State institutions and international organizations;
- The challenges of sharing responsibility between institutions, civil society and the Andean Integration System in order to achieve the aims of the International Decade through a declaration of commitments and with the aid of a road map setting out short- and medium-term actions.

¹⁹⁹ Office of the Presidential Adviser on Human Rights and International Affairs. Email dated 21 April 2022.

²⁰⁰ Office of the Presidential Adviser on Human Rights and International Affairs. Email dated 21 April 2022.

²⁰¹ Office of the Presidential Adviser on Human Rights and International Affairs. Email dated 21 April 2022.

²⁰² Office of the Presidential Adviser on Human Rights and International Affairs. Email dated 21 April 2022.

²⁰³ Ministry of the Interior. Email dated 9 June 2022.

B. Access to justice: implementation of article 6 of the Convention

1. Measures for safeguarding and protecting Indigenous Peoples (recommendations made in para. 15 (b) of CERD/C/COL/CO/17-19)

206. By Decision No. 1049 of 2019, the State, acting through the Comprehensive Victim Support and Reparation Unit, adopted a procedure for extending recognition and granting compensation via administrative channels. This procedure includes the use of criteria for prioritizing disbursements for the most vulnerable people.²⁰⁴

207. Given that there are a significant number of victims who are not in situations of extreme vulnerability, this regulatory procedure provides for the use of a technical prioritization method in order to determine the order of delivery of compensation to such persons according to annual budget availability and in accordance with an analysis of variables relating to demographic and socioeconomic aspects, the extent of the harm suffered and progress in the process of comprehensive reparation.²⁰⁵

208. Between 1 January 2019 and 28 February 2022, the Comprehensive Victim Support and Reparation Unit ordered the payment of administrative compensation totalling Col\$ 541,993,563,903 to victims of ethnic origin (see annex 5, table 3). In addition, with respect to collective reparation processes for Indigenous, black, Afro-Colombian and Palenquero people, between 1 January 2019 and 31 March 2022, compensation was provided for 62 recipients of ethnic origin, representing an investment of nearly Col\$ 16.892 billion.²⁰⁶

209. From 2019 to March 2022, 200 reparation measures were implemented under the collective reparation programme for 58 ethnic recipients, for a total of 272 reparation measures for 62 recipients.²⁰⁷

210. Endowments and goods for collective use were also delivered to support production projects and social and community infrastructure projects, with an investment approaching Col\$ 28.623 billion reaching 32 ethnic recipients of collective reparation, 22 of which are located in municipalities in which territory-based development programmes are under way.²⁰⁸

211. During the reporting period, ethnic compensation measures were issued for 34 recipients under the collective reparation programme, with the total investment amounting to Col\$ 9,529,097,040.85.

212. Between 2019 and April 2022, the Comprehensive Victim Support and Reparation Unit drew up and adopted 24 specific plans and 4 assistance plans as part of the implementation of Order No. 3 of Decision No. 005 of 2009 and Order No. 2 of Decision No. 073 of 2014.²⁰⁹

213. During the course of 2019, specific plans were drawn up with 14 community councils in the departments of Cauca, Nariño and Chocó (see annex 5, table 4); in 2020, specific plans were drawn up and implemented with 5 community councils in the department of Chocó (see annex 5, table 5). In 2021, specific plans were drawn up and implemented with 10 community councils in the departments of Chocó and Bolívar (see annex 5, table 6).²¹⁰

214. As part of the process of executing the specific plans drawn up since 2019, the Comprehensive Victim Support and Reparation Unit has implemented 46 measures aimed at strengthening political institutions and the communities' cultural identities and contributing to community-based income-generating enterprises. As of 2021, territorially focused actions to strengthen social and community infrastructure, agricultural and livestock projects and

²⁰⁴ Comprehensive Victim Support and Reparation Unit. File No. 20221109946991. 28 April 2022.

²⁰⁵ Comprehensive Victim Support and Reparation Unit. File No. 20221109946991. 28 April 2022.

²⁰⁶ Comprehensive Victim Support and Reparation Unit. Information sent by email. 15 July 2022.

²⁰⁷ Comprehensive Victim Support and Reparation Unit. File No. 20221109946991. 28 April 2022.

²⁰⁸ Comprehensive Victim Support and Reparation Unit. File No. 20221109946991. 28 April 2022.

²⁰⁹ Comprehensive Victim Support and Reparation Unit. File No. 20221109946991. 28 April 2022.

²¹⁰ Comprehensive Victim Support and Reparation Unit. File No. 20221109946991. 28 April 2022.

endowments are being implemented through the community councils (see annex 5, table 7).²¹¹

215. In 2020, various types of assistance were provided, including 16 technical assistance activities for the benefit of communities with territorial action plans; 11 technical assistance activities for black, Afro-Colombian, Palenquero and Raizal communities, with the participation of their community councils and the national committee; 19 technical assistance activities benefiting Indigenous Peoples and communities; and 15 technical assistance activities conducted with the support of the Food and Agriculture Organization of the United Nations benefiting communities in three departments and at the national level. Also, dialogues were held with victims' round tables on matters relating to the follow-up of agreements reached with the departmental panels, training conducted at the level of territorial entities and for round-table leaders, and management issues of concern to institutions belonging to the National System for Comprehensive Victim Support and Reparation and departmental panels.²¹²

216. Finally, during the 2021 fiscal year, the territorial directorates of the Comprehensive Victim Support and Reparation Unit conducted technical assistance activities for the benefit of ethnic communities on 50 different occasions.²¹³

2. Access to justice for Afro-Colombian and Indigenous women (recommendations made in para. 25 (c) of CERD/C/COL/CO/17-19)

217. The Government's Presidential Advisory Council for Women's Equity has launched the National Initiative for Equity, Entrepreneurship and Security for Rural Women,²¹⁴ which seeks to bring justice to the doorsteps of rural women and their families and deploys actions to prevent and address violence against women in rural areas.²¹⁵

218. This initiative also focuses on training and awareness-raising at the community level and on inter-agency coordination in its target municipalities, which include Quibdó, Buenaventura, Palmira, Mitú and Leticia. Persons of African descent and members of Indigenous Peoples make up a large percentage of the populations of these municipalities, which also exhibit higher rates of violence against women and disparities in terms of access to justice in rural areas. In 2022, a total of 5,089 people benefited from these activities in the prioritized municipalities.²¹⁶

219. With respect to cases of sexual violence that occurred during or in the context of the Colombian armed conflict, the Office of the Attorney General of the Nation has worked resolutely to: (i) design and implement a protocol for the investigation of cases of sexual violence; (ii) implement a prioritization strategy for the investigation and prosecution of cases of sexual violence that occurred in the context of the armed conflict; (iii) build the capacity of Office's district-level directorates for investigating crimes of sexual violence; and (iv) strengthen its investigation strategy within the framework of the Justice and Peace Act.²¹⁷

²¹¹ Comprehensive Victim Support and Reparation Unit. File No. 20221109946991. 28 April 2022.

²¹² Comprehensive Victim Support and Reparation Unit. Information sent by email 15 July 2022.

²¹³ Antioquia territorial directorate (1), Bolívar and San Andrés territorial directorate (2), Cauca territorial directorate (5), Central territorial directorate (4), Cesar-Guajira territorial directorate (1), Chocó territorial directorate (3), Eje Cafetero territorial directorate (1), Magdalena territorial directorate (2), Putumayo territorial directorate (2), Nariño territorial directorate (4), Urabá territorial directorate (4), Valle territorial directorate (3), Meta and Llanos Orientales territorial directorate (7), Norte de Santander-Arauca territorial directorate (3), Magdalena Medio territorial directorate (2), National level (6).

²¹⁴ Presidential Advisory Office on Gender Equality. OFI22-00107464 / GFPU 11020000 dated 21 September 2022.

²¹⁵ Additional information available at: <http://www.equidadmujer.gov.co/prensa/2021/Documents/210823-Terminos-referencia-Equipo-Facilitacion-Territorial-INES.pdf>.

²¹⁶ Presidential Advisory Office on Gender Equality. OFI22-00107464 / GFPU 11020000 dated 21 September 2022.

²¹⁷ Office of the Attorney General of the Nation. File No. 20221700028821. 25 April 2022.

220. From 2020 to date, a strategy has been pursued to expedite investigations into cases referred by the Constitutional Court in order to speed up legal proceedings in the short term to help more court cases reach a conclusion. The workplan is focused on screening and moving cases forward, reviewing all open criminal investigations and their current status, and prioritizing and following up on active cases.²¹⁸

221. This strategy has been designed for implementation in the following two phases:

(i) Reviewing all open criminal investigations and their current status in order to standardize the relevant database, consolidating this information into a tracking tool and updating the status of each investigation;²¹⁹

(ii) Prioritizing and following up on active cases, with each prosecutor's office setting up panels to identify cases likely to be solved so that the investigations into those cases can be expedited.²²⁰

222. In addition, a joint case review strategy is being pursued with the Counsel-General's Office that has made it possible to coordinate the two agencies' efforts to follow up on investigations.²²¹

223. Between 1 January 2019 and 28 February 2022, the Comprehensive Victim Support and Reparation Unit granted a total of Col\$ 13,466,926,224 of compensation via administrative channels to Indigenous, black, Afro-Colombian, Palenquero and Raizal people who were victims of offences against personal liberty and sexual integrity (see annex 5, table 8).²²²

224. The Ministry of Justice and Law has implemented a strategic initiative entitled "*Red Justas*" ("justice network") for implementing an inter-agency strategy on access to justice for women and persons of diverse gender identity who have been victims of sexual violence.²²³

225. From a psychosocial perspective, *Red Justas* seeks to restore the emotional well-being of victims, which is a fundamental basis for the recognition and restoration of their rights. It provides a safe space for victims' voices to be heard, where they can express themselves about core components of their lives, such as memory, stories, fears, emotions, the body, dreams, needs, expectations and interests.²²⁴

226. At the national level, support was provided by entities such as the Ministry of Justice and Law, the Office of the Attorney General of the Nation, the National Police Force, the Comprehensive Victim Support and Reparation Unit, the Ombudsman's Office, the Counsel-General's Office, the Ministry of Health, the Special Jurisdiction for Peace and the Superior Council of the Judiciary. Civil society was represented by the umbrella organization providing comprehensive support, training and information management and analysis and grass-roots organizations working with women.²²⁵

227. Additional information on this initiative can be found in annex 16.

3. Access to justice (recommendations made in para. 31 of CERD/C/COL/CO/17-19)

228. The State's legal system comprises 5,636 judicial offices distributed throughout the country, and there is at least one office in each of the country's 1,103 municipalities (see annex 15, table 1). The departments of the Pacific and Atlantic coasts of Colombia, where most of the population of African descent is concentrated, have 2,554 judicial offices, or 44 per cent of the country's total.²²⁶

²¹⁸ Office of the Attorney General of the Nation. File No. 20221700028821. 25 April 2022.

²¹⁹ Office of the Attorney General of the Nation. File No. 20221700028821. 25 April 2022.

²²⁰ Office of the Attorney General of the Nation. File No. 20221700028821. 25 April 2022.

²²¹ Office of the Attorney General of the Nation. File No. 20221700028821. 25 April 2022.

²²² Comprehensive Victim Support and Reparation Unit. File No. 2022-0044944-1 of 14 July 2022.

²²³ Ministry of Justice and Law. Email dated 22 April 2022.

²²⁴ Ministry of Justice and Law. Email dated 22 April 2022.

²²⁵ Ministry of Justice and Law. Email dated 22 April 2022.

²²⁶ High Council of the Judiciary. Official letter No. UDAEO22-802 of 16 May 2022.

229. In view of the commitments outlined in the National Development Plan 2018–2022, five documents have been prepared on Indigenous justice systems. These documents, which have provided a revealing glimpse into the complexity of Indigenous justice systems and legal pluralism in Colombia, cover the Caño Jabón, Piguambí Palangala and Kankuamo reserves, Cauca Regional Indigenous Council, La Yuquera Indigenous Reserve and the Association of Greater Indigenous Councils of the Bajo Atrato (CAMIZBA).²²⁷

230. Activities to consolidate Indigenous justice systems include the creation of an initiatives and project bank for strengthening Indigenous justice systems in Colombia, which arose from the agreements signed with Indigenous Peoples under the National Development Plan 2018–2022, “Pact for Colombia, Pact for Equity”, and from the need to implement article 246 of the Constitution and title VI of Decree No. 1953 of 2014. The bank is administered by the Ministry of Justice.²²⁸

231. In 2020 and 2021, two international cooperation agreements to support various initiatives were signed with the Organization of Ibero-American States for Education, Science and Culture. Support was provided to 31 initiatives in various Indigenous settlements in the country’s interior in 2020 (see annex 16, table 1) and to 45 initiatives in 2021 (see annex 16, table 2).²²⁹

232. In 2021, the Ministry of Justice and Law, in collaboration with the National University, developed a course on the special Indigenous courts for justice officials and members of ethnic communities; more than 1,200 people took part in this initiative.²³⁰

233. During the same period, an agreement was signed with the Casa del Niño Cultural Association to strengthen the conflict resolution mechanisms of 21 black, Afro-Colombian, Palenquero and Raizal community councils in the departments of Chocó, Cauca and Valle del Cauca. The process ended with 39 community councils and other black community organizations participating.²³¹ Information on other administrative agreements and activities in this area by government agencies can be found in annex 16.

234. Implementation of the Indigenous component of the Justice System Plan 2017–2027 is under way. Two years after its launch, prior consultations on the chapter on Indigenous justice were completed, guaranteeing the participation of communities in proposed initiatives for strengthening the Indigenous justice system and developing institutional synergies. The consultation was formally completed on 9 November 2020.²³²

235. In addition, the High Council of the Judiciary set up the National Commission for the Coordination of the Judicial System and Special Indigenous Courts, which includes representatives of Indigenous Peoples, the executive branch, the judiciary and various oversight bodies. The Commission examines cases with a view to developing technical guidelines on inter-court coordination. The Commission is working on a draft regulation on article 246 of the Constitution regarding coordination between the special Indigenous courts and the national judicial system. The draft will be submitted for prior consultation during the current session.²³³

236. In 2021, during five Commission meetings held in a hybrid format, with members participating in person and online, progress was made in coordinating the work of the Commission with that of the inter-court coordination committees at the departmental level. Work began on a bill on inter-court coordination, and the progress made in disseminating the Forensic Institute’s recommendations for the application of a differentiated approach in the forensic service and Attorney General’s Office Directive No. 5 of 2021, which establishes

²²⁷ Ministry of Justice. Email dated 19 April 2022.

²²⁸ Ministry of Justice. Email dated 21 September 2022.

²²⁹ Ministry of Justice. Email dated 19 April 2022.

²³⁰ Ministry of Justice. Email dated 19 April 2022.

²³¹ Ministry of Justice. Email dated 19 April 2022.

²³² Ministry of Justice. Email dated 19 April 2022.

²³³ Ministry of Justice. Email dated 19 April 2022.

guidelines for resolving conflicts of jurisdiction between ordinary courts and special Indigenous courts, was reviewed.²³⁴

237. At the departmental level, district councils of the judiciary are noted for their leadership role. Each of these councils was able to hold at least one round-table meeting on inter-court coordination. During the second half of 2021, a total of 22 departmental round tables were held in which the participation of Indigenous Peoples from each department was ensured. Most of these meetings were held in a hybrid format.²³⁵

C. Educational measures to combat prejudices which lead to racial discrimination: implementation of article 7 of the Convention

Educational measures on human rights advocacy (recommendations made in para. 29 (e) of CERD/C/COL/CO/17-19)

238. In August 2020, the State launched the “#LíderEsColombia, en la prevención y protección sumamos vidas” (“Colombia leaders, joining forces in prevention and protection”) campaign, which recognizes the work of civic leaders and aims to highlight the role of civic leadership through acts of recognition and educational activities. In 2020, 8 podcasts and 39 graphic designs were produced, a public service announcement was broadcast on national television and 6 forums were held to combat stigmatization and foster the development of leadership for the defence of human rights, with the participation of 226 civic leaders in the departments of Meta, Risaralda, Córdoba, Arauca, Florencia and Putumayo and an investment of Col\$ 123 million.²³⁶

239. Also in 2020, a “school for leaders” strategy was introduced to strengthen leadership and governance in the country through free, multidisciplinary online courses aimed at promoting inclusion and equity and strengthening the capacities of leaders in their regions. The strategy was implemented across the country’s 32 departments with a total allocation of Col\$ 8,610,890,173. In all, 12,833 people enrolled in courses offered as part of this strategy. The departments with the highest number of participants were Cauca (1,79), Antioquia (882), Bogotá (839) and Nariño (825).²³⁷

240. As part of this strategy, 15 regional forums were held on preventive risk management and non-stigmatization of human rights defenders in 2021. These forums were attended by 717 people and involved an investment of Col\$ 217 million. In addition, Col\$ 10 million in funding was used to organize two workshops on self-protection and self-care for 72 women leaders in the departments of Chocó and Norte de Santander. Two massive open online courses were created with an investment of Col\$ 90 million, one on human rights and non-stigmatization, and the other on reconciliation and coexistence; 397 people enrolled.²³⁸

241. During the same period, a certification course and a booklet for use in training community defenders were developed to enhance the implementation of Decree No. 660. Lastly, around 55 scholarships were awarded to outstanding students. A total of Col\$ 50 million was invested in these scholarships.²³⁹

242. The continuation of the implementation of this strategy into 2021 involved an investment of Col\$ 1,406,500,000. In the first phase, 1,746 leaders throughout the country were awarded certification in various disciplines.²⁴⁰

243. Between 2019 and 2021, the Observatory on Discrimination and Racism continued to provide technical assistance aimed at equipping recipients with conceptual and legal tools for

²³⁴ High Council of the Judiciary. Official letter No. UDAEO22-802 of 16 May 2022.

²³⁵ High Council of the Judiciary. Official letter No. UDAEO22-802 of 16 May 2022.

²³⁶ Ministry of the Interior. Email dated 9 June 2022.

²³⁷ Ministry of the Interior. Email dated 9 June 2022.

²³⁸ Ministry of the Interior. Email dated 9 June 2022.

²³⁹ Ministry of the Interior. Email dated 9 June 2022.

²⁴⁰ Certificates in peacebuilding and human rights, project development, public policy, self-protection and protection pathways, the Early Warning System for the prevention of human rights risks, and social and intercultural dialogue with a differentiated approach.

the enforcement of their rights and for gaining access to constitutional protection mechanisms and inter-institutional services based on a differentiated approach for combating racial discrimination and racism.²⁴¹

244. Information on further action taken by the State to educate leaders and defenders can be found in annex 17.

²⁴¹ Ministry of the Interior. Email dated 9 June 2022.