



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### Concluding observations on the eighth periodic report of Colombia\*

1. The Committee considered the eighth periodic report of Colombia<sup>1</sup> at its 4013th and 4014th meetings,<sup>2</sup> held on 10 and 11 July 2023. At its 4031st meeting, held on 21 July 2023, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the eighth periodic report of Colombia and the information presented therein. It expresses appreciation for the opportunity to renew its constructive and open dialogue with the State party's high-level delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies<sup>3</sup> to the list of issues,<sup>4</sup> which were supplemented by the oral responses provided by the delegation, and for the supplementary information provided in writing.

#### B. Positive aspects

3. The Committee welcomes the adoption by the State party of the following legislative, policy and institutional measures:

(a) The creation of the Comprehensive System of Truth, Justice, Reparation and Non-Repitition by Legislative Act No. 01 of 4 April 2017;

(b) The adoption of Decree No. 154 of 2017, creating the National Commission on Security Guarantees as part of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, signed between the Government and the Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo (Revolutionary Armed Forces of Colombia – People's Army) (FARC-EP) on 24 November 2016;

(c) The adoption of Decree No. 2124 of 2017, regulating the prevention and warning system to ensure a rapid response to the presence, actions and/or activities of criminal organizations and to acts or conduct that endanger the rights of the population and the implementation of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace;

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\* Adopted by the Committee at its 138th session (26 June–26 July 2023).

<sup>1</sup> [CCPR/C/COL/8](#).

<sup>2</sup> See [CCPR/C/SR.4013](#) and [CCPR/C/SR.4014](#).

<sup>3</sup> [CCPR/C/COL/RQ/8](#).

<sup>4</sup> [CCPR/C/COL/Q/8](#).



(d) The adoption of Decree No. 1418/2018, creating the Government High-level Forum on Gender in order to incorporate the gender perspective into the implementation of the Final Agreement;

(e) The adoption of Act No. 1955 of 2019, on the National Development Plan 2018–2022, entitled “Pact for Colombia, Pact for Equity”;

(f) The adoption of Statutory Act No. 1957 of 2019 on the administration of justice in the Special Jurisdiction for Peace;

(g) The adoption of Act No. 2136 of 2021 on a comprehensive migration policy, which reaffirms respect for the principle of non-refoulement;

(h) The adoption of Act No. 2196 of 2022, setting forth the police disciplinary regulations;

(i) The adoption of Act No. 2272 of 2022, which, inter alia, defines the State’s peace policy and amends, expands and extends Act No. 418 of 1997;

(j) The establishment in 2022 of the Follow-up and Monitoring Committee, tasked with verifying the implementation of the recommendations made by the Commission for the Clarification of Truth, Coexistence and Non-Repetition (Truth Commission);

(k) The adoption of Decision No. 051 of 12 January 2023, providing a single set of regulations for comprehensive health care in cases of voluntary termination of pregnancy.

## C. Principal matters of concern and recommendations

### Implementation of the Covenant and the Optional Protocol

4. The Committee welcomes the State party’s commitment to reinstating the Internal Working Group on Follow-up to Instructions and Recommendations Issued by International Human Rights Bodies and the entities that form part of the inter-institutional committee established under Act No. 288 of 1996 with a view to implementing pending Views in respect of individual communications submitted under the Optional Protocol. While the Committee appreciates the steps taken to avoid delays in granting reparation to victims and seek amicable solutions in all pending cases, it remains concerned at the significant number of Views that have yet to be implemented by the State party (art. 2).

**5. The State party should continue and intensify its efforts to adopt all necessary measures, with appropriate mechanisms, to implement without delay all outstanding Views adopted by the Committee, in order to guarantee victims’ right to an effective remedy for violations of the Covenant, in accordance with article 2 (3). The State party should also step up its efforts to raise awareness of the Covenant and the Optional Protocol, in particular by disseminating widely the recommendations and Views adopted by the Committee in order to raise awareness among the judicial, legislative and administrative authorities, civil society and the general public.**

### National human rights institution

6. The Committee notes with satisfaction the measures adopted to strengthen the State party’s capacity to respond to the risk reports issued by the Ombudsman’s Office, including the increase in the budget of the Inter-Sectoral Commission for Rapid Response to Early Warnings, the recruitment of more staff and the recent inclusion of civil society in the Commission’s meetings. However, the Committee is concerned at the reported methodological weaknesses in the Commission’s response and follow-up to the recommendations of the Ombudsman’s Office relating to the risk reports and the follow-up notes issued under the Early Warning System, as well as the lack of implementation of those recommendations (art. 2).

**7. The State party should continue and intensify its efforts to ensure that the recommendations of the Ombudsman’s Office relating to the risk reports and follow-up notes issued under the Early Warning System are implemented. In particular, the State party should strengthen the working methodology of the Inter-Sectoral**

**Commission for Rapid Response to Early Warnings, with the full participation of civil society, and continue to increase its own capacity to respond to risk reports and follow-up notes, including by providing the human, financial and technical resources necessary for the proper functioning of the Commission. The State party should also ensure that the appropriate authorities adopt effective preventive measures in response to early warnings issued by the Inter-Agency Early Warning Committee and monitor and take proper action on all risk reports and follow-up notes, using process and outcome indicators, even if they are not converted into early warnings.**

#### **The fight against impunity and human rights violations in the context of the internal armed conflict**

8. While the Committee welcomes the information on the State party's commitment to strengthening compliance with the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace and the measures adopted to that end, including the increase in the budget for implementing the Agreement, it remains concerned at the rise in violence in the country, which has an impact on the enjoyment of human rights due to the expansion of various non-State armed groups and criminal organizations. The Committee notes with satisfaction the progress made by both the Office of the Attorney General of the Nation and the Special Jurisdiction for Peace in investigating human rights violations in the context of the internal armed conflict, although it considers that action to combat impunity for such crimes, particularly those occurring in rural areas, should be strengthened (arts. 2, 6, 7, 9, 12 and 14).

9. **Bearing in mind the Committee's previous recommendations,<sup>5</sup> the State party should continue and intensify its efforts to prevent violations of the rights enshrined in the Covenant and to give effect to the rights to truth, justice and full reparation of victims of the internal armed conflict. In particular, it should:**

(a) **Redouble its efforts to advance the implementation of the 2016 Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace;**

(b) **Strengthen the presence and capacities of civilian authorities and institutions, including ethno-territorial authorities, in the territories most affected by the violence and strengthen coordination between the local, departmental and national responses to the conflict and violence;**

(c) **Adopt all necessary measures for the proper functioning of the Follow-up and Monitoring Committee, tasked with following up the Truth Commission's recommendations, and incorporate those recommendations into public policies;**

(d) **Continue and make progress in investigations by the Office of the Attorney General of the Nation and the Special Jurisdiction for Peace into all violations of the rights enshrined in the Covenant, ensuring that such violations are investigated promptly, exhaustively and impartially and that the perpetrators are brought to justice and held accountable for their actions;**

(e) **Continue the dialogue and/or negotiations with non-State armed groups and other organizations mentioned in the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, with a view to reaching agreement on immediate measures to reduce the violence and mitigate its impact, particularly in areas where it might be possible to quickly reverse the situation and allow State institutions to take effective control of the territory; and strengthen dialogue with civil society in the territories most affected by the violence and the associated organizational structures.**

#### **Non-discrimination**

10. The Committee recognizes the State party's numerous efforts to combat discrimination, including the creation of the Ministry of Equality and Equity and departments dedicated to guaranteeing the rights of lesbian, gay, bisexual and transgender persons, persons with disabilities, persons of African descent and Indigenous persons. However, the

<sup>5</sup> CCPR/C/COL/CO/7, para. 9.

Committee remains concerned at the high rate of acts of discrimination and violence, including physical violence, sexual violence and murder, against persons of African descent; Indigenous persons; lesbian, gay, bisexual and transgender persons; and migrants, including incidents of discrimination and violence by members of the security forces. It is also concerned at the persistent structural and historical discrimination suffered by members of Indigenous Peoples and communities of persons of African descent, which manifests in high rates of poverty and social exclusion among those groups in comparison with the rest of the population (arts. 2, 19, 20 and 26).

**11. The State party should redouble its efforts to prevent, combat and eradicate discrimination and violence, in particular on grounds of race, ethnic origin, migration status, religion, sexual orientation and gender identity, in accordance with articles 19 and 20 of the Covenant. It should also, inter alia:**

(a) **Urgently develop and adopt a public policy to combat structural discrimination and allocate sufficient human, financial and technical resources for the full implementation of anti-discrimination plans and policies;**

(b) **Increase public education and awareness campaigns and training for the public, private and teaching sectors to promote tolerance and respect for diversity;**

(c) **Ensure that all acts of discrimination and violence against persons with disabilities; lesbian, gay, bisexual and transgender persons; migrants; persons of African descent; and Indigenous Peoples are investigated thoroughly, that perpetrators are brought to justice and, if found guilty, punished with appropriate sanctions, and that victims receive full reparation;**

(d) **Guarantee protection for Indigenous persons and persons of African descent from discrimination by State agencies, public officials and any other person, group or organization;**

(e) **Effectively promote social inclusion and reduce the high rates of poverty and inequality among Indigenous Peoples and persons of African descent, including through the adoption of special measures designed to eliminate structural discrimination against them.**

#### **Violence against women, including domestic violence**

12. While the Committee takes note of the various measures adopted to tackle violence against women, it nevertheless remains concerned at the rise in cases of violence against women, specifically women human rights defenders, and at the lack of court convictions and comprehensive reparation for victims. The Committee also notes with concern the persistent sexual violence perpetrated against women and girls by non-State armed groups and criminal organizations and the ongoing barriers to protection, justice and comprehensive reparation for victims. While the Committee welcomes communication No. 103/2022 of July 2022 of the Special Jurisdiction for Peace regarding the opening of macro case No. 11,<sup>6</sup> in which priority will be given to investigating “reproductive violence and other crimes committed out of prejudice, hate or discrimination based on gender, sex or diverse gender identity or sexual orientation in the context of the armed conflict”, it is concerned that oral hearings have not yet begun (arts. 2, 3, 6, 7 and 26).

**13. The State party should continue its efforts to bring an end to gender-based violence, in particular by allocating the necessary financial, technical and human resources to measures of prevention, protection, punishment and redress in relation to violence against women and girls. The State party should also step up its efforts to guarantee access to comprehensive care for victims of sexual and gender-based violence in the context of the conflict and prioritize the prevention of gender-based and sexual violence in the areas most affected by it. The State party should also ensure that all cases of sexual violence are investigated, that perpetrators are prosecuted and, if convicted, punished with commensurate sanctions, and that victims are provided with effective remedies under article 2 (3) of the Covenant. In this regard, the State party should**

<sup>6</sup> See [https://jurinfo.jep.gov.co/normograma/compilacion/docs/auto\\_srvr-103\\_11-julio-2022.htm](https://jurinfo.jep.gov.co/normograma/compilacion/docs/auto_srvr-103_11-julio-2022.htm).

**consider, as a matter of priority, formally opening the trial in macro case No. 11, and should ensure that victims participate meaningfully in the proceedings.**

#### **Voluntary termination of pregnancy and reproductive rights**

14. The Committee is concerned that the voluntary termination of pregnancy after the twenty-fourth week of gestation continues to be criminalized and that, under the system implemented since judgment No. C-055 of 2022 declared the criminalization of abortion before the twenty-fourth week to be unconstitutional, women, girls and adolescents in rural areas continue to be criminalized disproportionately. The Committee regrets the lack of responses on this matter from the State party during the dialogue. While the Committee takes note of the information regarding the suspension of the use of glyphosate in eradicating illicit crops, it is concerned that Decree No. 380/2021, which establishes a general regulatory framework for resuming the programme for eradicating illicit crops by aerial spraying with glyphosate, remains in force. The Committee also regrets the lack of information on the adoption of measures to ensure that victims whose reproductive health has been harmed by years of exposure to glyphosate have access to remedy and reparation (arts. 6, 7 and 8).

**15. Bearing in mind the Committee’s general comment No. 36 (2018) on the right to life, the State party should:**

(a) **Revise its criminal legislation to ensure that women and girls who have abortions and the doctors and other health personnel who assist them are not subject to criminal penalties;**

(b) **Redouble its efforts to ensure legal, effective, safe and confidential access to abortion for women and girls throughout its territory;**

(c) **Guarantee full access to sexual and reproductive health services and to comprehensive sex education for men, women, girls and boys throughout the country, including in rural and isolated areas;**

(d) **Take steps to repeal Decree No. 380/2021 and promote a permanent ban on the use of glyphosate;**

(e) **Adopt effective measures to ensure that the victims of the programme for eradicating illicit crops by aerial spraying with glyphosate have access to remedies and comprehensive reparation, such as compensation, rehabilitation, satisfaction and guarantees of non-repetition, including by considering the enactment of a law exempting victims from the burden of proof of causality.**

#### **Right to life**

16. The Committee welcomes the adoption of the new public policy on security, defence and citizen coexistence entitled “Guarantees for Life and Peace 2022–2026”. It also takes note of the information provided by the State party on the progress made by the Special Jurisdiction for Peace in macro criminal investigations as part of the macro cases. These include macro case No. 03, which relates to murders and forced disappearances presented as combat casualties by State agents, and macro case No. 08, which relates to crimes committed by the security forces and other State agents in association with paramilitary groups and civilian third parties linked to the armed conflict. The Committee notes with concern, however, the rising number of incidents such as massacres and murders of human rights defenders committed by criminal organizations and non-State armed groups, as well as extrajudicial executions and other alleged arbitrary deprivations of life allegedly committed by army officers, police officers and other public officials authorized to use weapons belonging to the State. Moreover, while the Committee takes note of the information concerning the precautionary measures adopted by the Special Jurisdiction for Peace to guarantee protection for former combatants, as well as victims’ right to the truth, it is concerned that former FARC-EP combatants continue to be murdered, even after the signing of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace (art. 6).

17. Recalling general comment No. 36 (2018), and in line with the Committee's previous recommendations,<sup>7</sup> the State party should continue its efforts to adopt all necessary measures to comply fully with its obligations to protect the right to life in situations of armed conflict, violence and other contexts. In particular, the State party should:

(a) Adopt and implement a public policy to dismantle non-State armed groups and criminal organizations and activities that focuses on addressing structural factors linked to the population's lack of access to human rights and factors that influence or facilitate the operation and emergence of such groups, taking into account the recommendations of the Truth Commission and ensuring the participation of civil society;

(b) Press on with reform of the security sector through the new human security policy, using measurable and objective indicators that allow for differential, gender and ethnic approaches in order to bring about substantial change in military and police doctrine;

(c) Ensure that communities are involved in identifying their security needs and establish forums for inter-agency coordination in order to implement the human security policy;

(d) Continue its efforts to adopt and implement protection measures for the communities most affected by the internal conflict and also for former FARC-EP combatants, including by increasing the presence of civilian authorities in areas affected by violence committed by non-State armed groups and criminal organizations and extending the reach and territorial capacity of the Office of the Attorney General of the Nation and the Public Legal Service in those affected areas;

(e) Continue its investigations in macro cases, ensuring that all massacres, murders of human rights defenders, extrajudicial executions and other arbitrary deprivations of life are investigated promptly, thoroughly and impartially, that perpetrators, if convicted, receive commensurate sanctions and that effective remedies are offered to victims.

#### **Prohibition of torture and other cruel, inhuman or degrading treatment or punishment**

18. The Committee welcomes the submission to Congress of bill No. 276 of 2023 on the adoption of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It also notes the information provided by the State party regarding the prevention of torture and ill-treatment, including within the prison system, through the training of officials on the human rights framework and the use of force. The Committee is concerned, however, at the alleged persistence of practices and mechanisms that foster impunity for torture and cruel, inhuman or degrading treatment and punishment, particularly with regard to their documentation and possible investigation and prosecution. The Committee is also concerned at reports indicating that, in cases of massacres, murders of human rights defenders and arbitrary deprivations of life, investigative and judicial bodies often fail to investigate whether acts of torture or ill-treatment were committed prior to the victim's death, despite evidence of such acts that may be present on their bodies (arts. 6, 7 and 10).

19. **The State party should increase its efforts to eradicate torture and ill-treatment. To that end it should, inter alia:**

(a) **Eliminate all barriers in law and in practice to ensure that all allegations of torture and ill-treatment are promptly, impartially, thoroughly and effectively investigated, that perpetrators are prosecuted and that victims are provided with full reparation, including rehabilitation and adequate compensation;**

<sup>7</sup> CCPR/C/COL/CO/7, para. 15.

(b) **Continue its efforts to provide law enforcement officials, members of the judiciary, public prosecution officials and penitentiary staff with effective training programmes that integrate international standards, including the Code of Conduct for Law Enforcement Officials and the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles), and provide detainees with awareness-raising programmes on the prevention of torture and ill-treatment;**

(c) **Adopt measures to ensure that the possibility that victims may have suffered acts of torture or ill-treatment prior to their deaths is considered systematically in all investigations into massacres, murders of human rights defenders and arbitrary deprivations of life;**

(d) **Continue its efforts towards ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.**

#### **Treatment of persons deprived of their liberty and conditions of detention**

20. While the Committee welcomes the positive steps taken by the State party to improve conditions of detention, it remains concerned at the persistent high levels of overcrowding, particularly in temporary detention centres. The Committee takes note of Act No. 2292 of 2023, which allows women who have committed minor offences to receive, ex officio or at the request of a party, community service orders as an alternative to imprisonment. The Committee is concerned, however, at the excessive use of pretrial detention (arts. 6, 7, 9, 10, 14 and 26).

21. **The State party should intensify its efforts to ensure that conditions of detention are in full compliance with relevant international human rights standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). In particular, it should adopt immediate measures to significantly reduce overcrowding in prisons and temporary detention centres, including the wider application of non-custodial measures as an alternative to imprisonment, as outlined in the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules).**

#### **Liberty and security of person**

22. While the Committee takes note of the information provided by the State party regarding the regulation and application of the practice of “transfer for protective purposes”, it is concerned at allegations that, in reality, the practice has not been used for the purpose of protecting the lives and integrity of persons or third parties, as provided for in the regulations, but with the aim of preventing individuals from exercising their right to assembly and in a manner that prevents the monitoring of the legality of the detention by a judicial authority. Also of concern is the extension of police discretion to make use of the practice under the new Public Safety Act (No. 2197) of 25 January 2022, which risks encouraging greater use of this form of short-term deprivation of liberty, without judicial oversight and with the aim of preventing the exercise of the right to peaceful assembly (art. 9).

23. **The State party should create a single register of persons deprived of liberty that contains real-time information, including on transfers for protective purposes, in order to prevent disappearances and improve the search for disappeared persons. It should also curb the widespread use of such transfers to ensure that they are not used to unduly restrict the right to peaceful assembly, as stated in the Committee’s general comment No. 37 (2020). Furthermore, the State party should ensure that adequate training is provided to all law enforcement officials in order to raise their awareness of the use of transfers for protective purposes.**

#### **Elimination of forced labour and trafficking in persons**

24. The Committee welcomes the issuance of Decree No. 1818 of 2020, which adopted the National Strategy to Combat Trafficking in Persons 2020–2024. The Committee is concerned, however, that the phenomenon persists, particularly the trafficking of vulnerable

persons such as persons of African descent and Indigenous persons. It also notes with concern the persistent recruitment of children and adolescents by non-State armed groups (arts. 2, 7, 8 and 26).

25. **Taking into account the Committee's previous recommendations,<sup>8</sup> the State party should pursue and increase its efforts to prevent, combat and punish trafficking in persons, including the recruitment of children and adolescents by non-State armed groups in the context of the conflict. In particular, the State party should adopt comprehensive, differentiated measures to prevent, and provide an early response to, such recruitment, including measures to prevent recruitment for the purpose of sexual exploitation and to strengthen protective environments in families, schools and communities. The State party should also adopt and implement preventive measures targeting children from the most vulnerable groups, identify victims, and provide them with comprehensive and effective reparation and integrated support, particularly medical, material and legal assistance and help in reintegrating.**

#### **Freedom of movement**

26. The Committee welcomes the measures adopted to prevent displacement, including social investment to enable victims of forced displacement to return and prevent the forced displacement of the most vulnerable persons. The Committee is concerned, however, at the continued internal displacement and lockdowns over territorial disputes, especially forced displacement resulting from armed clashes among illegal groups or between non-State armed groups and the security forces. It is also concerned at reports that these situations disproportionately affect Indigenous persons and persons of African descent (art. 12).

27. **Reiterating the Committee's previous recommendations,<sup>9</sup> the State party should continue and intensify its efforts to prevent internal displacement, adopting differential, gender, ethnic and racial approaches, to ensure that all victims receive appropriate care, assistance and full reparation in timely fashion and to ensure that, in practice, return and relocation are conducted safely, in a sustainable manner and without delay. Similarly, the State party should adopt urgent measures to avoid the lockdown of communities in the various regions and should consider including the prevention of internal displacement and lockdowns in its human security policy and in ceasefire agreements with armed groups.**

#### **Independence of the judiciary and administration of justice**

28. The Committee takes note of the information on the protection measures introduced to ensure that judges, prosecutors and other legal professionals can perform their functions safely and independently, without fear of threats, intimidation, obstacles, harassment, reprisals or criminal acts. While noting Constitutional Court judgment No. C-134 of 2023 regarding the use of online court hearings for reasons of force majeure or in unforeseeable circumstances, the Committee is concerned at reports that, in practice, such exceptions to in-person hearings might not always be made in cases in which the lives of some of the parties could be in danger. The Committee is also concerned at reports of barriers to justice in the territories owing to the failure to establish justice administration in those areas (arts. 2 and 14).

29. **The State party should:**

(a) **Continue its efforts to implement comprehensive prevention and protection measures to ensure the safety of victims, witnesses and other participants in legal proceedings and enable judges, prosecutors and other legal professionals to perform their duties safely and independently, without fear of threats, intimidation, obstacles, harassment, retaliation or criminal proceedings;**

(b) **Ensure that exceptions are made to allow court hearings to be held online whenever necessary to safeguard the rights of accused persons, victims and/or victims'**

<sup>8</sup> Ibid., para. 27.

<sup>9</sup> Ibid., para. 31.



**relatives, particularly in cases where the lives of one or more of the parties would be endangered by their physical attendance;**

**(c) Adopt practical measures to guarantee access to justice for persons living in remote areas, establishing or strengthening the administration of justice in those areas by setting up courts with sufficient staff and material resources.**

#### **Right to privacy**

30. The Committee notes with concern the illegal surveillance activities allegedly conducted against human rights defenders and journalists, as well as the monitoring of social media by the Integrated Cybersecurity Command in the context of social protests. The Committee also regrets the lack of information provided by the State party in this regard (art. 17).

**31. The State party should ensure that all types of surveillance, including online surveillance, and interference with privacy are in full compliance with article 17 of the Covenant, with full respect for the principles of legality, proportionality and necessity. The State party should also ensure that the processing and collection of personal data are transparent and subject to effective independent oversight mechanisms and that there is access to effective remedies in cases of abuse.**

#### **Freedom of thought and conscience**

32. The Committee notes with satisfaction the creation of the Social Service for Peace under Act No. 2272 of 4 November 2022 as an alternative to compulsory military service. There are concerning reports, however, that this Service could be managed by the Ministry of Defence and that military officials may be involved in its administration, thereby contradicting its purpose as an alternative to military service. While noting the information provided by the State party on the cessation of the compulsory recruitment of young persons for military service, the Committee is concerned at allegations of persistent irregular practices of recruitment into military service, which could constitute arbitrary detention (arts. 2, 18 and 26).

33. Taking into account the Committee's previous recommendations,<sup>10</sup> the State party should adopt additional measures to ensure that, in practice, no person is subjected to arbitrary detention, in particular arbitrary detention for the purpose of military recruitment. The State party should also uphold individuals' right to conscientious objection to military service under Act No. 1861 of 2017, putting in place a flexible procedure for the determination of military status and providing guarantees of non-discrimination. Furthermore, when developing and implementing Social Service for Peace, the State party should undertake broad and substantive consultation with civilian organizations, render alternatives to military service accessible to all conscientious objectors without discrimination based on the nature of the convictions justifying the objection (religious beliefs or non-religious convictions based on conscience) and ensure that such alternatives are not punitive or discriminatory in nature or duration as compared to military service.

#### **Freedom of expression and protection for human rights defenders**

34. The Committee welcomes the measures adopted to prevent violence and protect and promote the human rights of human rights defenders, including defenders of environmental rights and the rights of Indigenous persons, persons of African descent, social and community leaders and journalists, for example through the National Protection Unit. The Committee remains concerned, however, at the high number of attacks against human rights defenders and social leaders, particularly the murders of human rights defenders, and the level of impunity that continues in these cases (arts. 19 and 20).

**35. As part of the National Safeguards Process, and with broad participation by civil society, the State party should adopt and implement a national policy for the protection of human rights defenders capable of responding to needs in the areas of prevention,**

<sup>10</sup> Ibid., para. 35.

protection, the fight against impunity and the non-stigmatization of human rights defenders. The State party should also redouble its efforts to:

(a) **Guarantee effective assistance and protection for human rights defenders, including defenders of environmental rights and the rights of Indigenous persons, persons of African descent, social and community leaders, Indigenous and Afrodescendent authorities and journalists who are victims of threats, violence or intimidation, and ensure that they can carry out their activities in suitable conditions, including through the adoption of collective protection measures and the effective implementation of precautionary measures;**

(b) **Strengthen the work of the Special Investigation Unit and the Working Group on Threats of the Office of the Attorney General of the Nation to ensure that murders, attacks, reprisals and threats against human rights defenders and journalists are investigated promptly, thoroughly, independently and impartially, that the instigators and perpetrators are prosecuted and punished with commensurate sentences and that victims receive full reparations;**

(c) **Reform the protection framework, including the National Protection Unit, through a participatory process with the aim of establishing a system that prioritizes prevention and collective and community protection, focuses on the territories with the highest levels of violence and adopts differential, ethnic, gender, feminist and intersectional approaches.**

#### **Right of peaceful assembly**

36. The Committee takes note of the State party's initiatives to improve the exercise of the right of peaceful assembly, including the reform of the Mobile Anti-Riot Squad. The Committee is concerned, however, at alleged situations and acts and/or omissions by State agents that were incompatible with the right of peaceful assembly and that reportedly resulted in serious human rights violations during the 2021 national strike, such as arbitrary deprivations of life and violations of personal integrity and security through the unnecessary or disproportionate use of force, arbitrary detentions, sexual and gender-based violence and acts of discrimination and racism. The Committee also regrets the reported slow progress in investigating human rights violations committed during the protests and the 2021 national strike. The Committee is also concerned at reports that individuals accused of acts of violence were prosecuted after the protests for the crimes of terrorism and criminal conspiracy (art. 21).

37. **In line with the Committee's general comment No. 37 (2020) on the right of peaceful assembly, and in line with article 21 of the Covenant, the State party should:**

(a) **Strengthen measures to prevent and eliminate all forms of excessive use of force by law enforcement officers, including by providing training on the use of force, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement;**

(b) **Speed up the investigation and prosecution of persons suspected of human rights violations during protests, specifically in relation to the murders, eye injuries and sexual violence that occurred during the 2021 national strike, and ensure that such acts are investigated promptly, impartially and effectively; that the perpetrators are prosecuted and, if convicted, receive commensurate sanctions; and that victims receive comprehensive reparations;**

(c) **Continue and further the reform of the Mobile Anti-Riot Squad and the use of force during protests, in compliance with international standards and with the full participation of civil society and victims;**

(d) **Ensure that all restrictions on freedom of assembly, such as the imposition of administrative or criminal sanctions on persons exercising that right, comply with the strict requirements set out in article 21 of the Covenant, in particular by reviewing the cases of individuals who have been prosecuted for terrorism and/or criminal conspiracy following protests, including the 2021 national strike, to ensure that those criminal proceedings comply fully with international standards.**

### **Rights of Indigenous Peoples and other minorities**

38. The Committee notes with satisfaction the creation of the Directorate of the National Authority for Prior Consultation under Decree No. 2353 of 2019, which requires the free, prior and informed consent of Indigenous Peoples in decisions regarding projects and policies that affect their rights. The Committee is concerned, however, at reports that this right is yet to be fully guaranteed and that Indigenous Peoples encounter institutional barriers and non-compliance in the consultation process on the part of the Directorate of the National Authority for Prior Consultation and Congress. Moreover, while the Committee recognizes the State party's efforts to provide reparations to Indigenous persons and persons of African descent, it is concerned that these communities continue to be disproportionately affected by the internal armed conflict and other forms of violence, placing them at risk of physical and cultural extinction (arts. 1 and 27).

39. **Bearing in mind the Committee's previous recommendations,<sup>11</sup> the State party should adopt a methodology that guarantees Indigenous Peoples' right to free, prior and informed consultation, in accordance with international standards, and the meaningful participation of persons of African descent in relation to all decisions that affect them, including those related to compliance with the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace. It should also revive and strengthen the bodies that enable the participation of ethnic minorities and facilitate ongoing and participatory monitoring, at the regional level, of the implementation of the section of the Agreement that relates to ethnic minorities. The State party should also intensify its efforts to guarantee the restitution of the land rights of Indigenous Peoples and persons of African descent.**

### **D. Dissemination and follow-up**

40. **The State party should widely disseminate the Covenant and the two Optional Protocols, its eighth periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public, including members of minorities and Indigenous Peoples.**

41. **In accordance with rule 75 (1) of the Committee's rules of procedure, the State party is requested to provide, by 27 July 2026, information on the implementation of the recommendations made by the Committee in paragraphs 9 (the fight against impunity and human rights violations in the context of the internal armed conflict), 25 (elimination of forced labour and trafficking in persons) and 35 (freedom of expression and protection for human rights defenders) above.**

42. **In line with the Committee's predictable review cycle, the State party will receive in 2029 the Committee's list of issues prior to submission of the report and will be expected to submit within one year its replies, which will constitute its ninth periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in 2031 in Geneva.**

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<sup>11</sup> Ibid., para. 43.