



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

2 November 2018

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Colombia and welcome the constructive engagement of your Government during the 30th session of the UPR Working Group in May 2018.

As the final outcome report on the review of Colombia has been recently adopted by the Human Rights Council at its 39th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Colombia – the Compilation of UN information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying those areas, I have also considered the statements and/or recommendations made by 86 delegations, the presentation and responses made by the delegation of Colombia and the actions taken by the government to implement the 126 recommendations it had accepted during the second cycle of the UPR. The aforementioned areas cover a range of issues and appear in the Annex to this letter.

I would like to highlight some areas that were raised during the review of Colombia and which I am particularly encouraged by. I appreciate Colombia's efforts to implement the final Agreement for Ending the Conflict and Building a Stable and Lasting Peace signed in 2016, which was a milestone in that regard. Victims of the conflict had participated in the peace negotiations, the agreement contained both gender and ethnic dimensions and provisions had been made for the release and subsequent care of child victims of the conflict. I note with satisfaction the decrease of cases of kidnapping, disappearance, recruitment and displacement, and in the number of victims of anti-personnel mines, as well as the adoption of the National Strategy to Combat Trafficking in Persons and the priority given in the Strategic Plan for 2016–2020 of the Attorney General's Office to combating murder, sexual violence and domestic violence.

I encourage Colombia to finalize the development of a comprehensive national human rights action plan in order to achieve concrete results in the areas contained in the annex and to facilitate the preparations of Colombia for the fourth cycle of the UPR. The development of the plan should include consultations with all stakeholders, in particular the national human rights institution and civil society organisations, including women's rights organisations, and, where necessary, the support of international organizations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities under the leadership of the UN Resident Coordinator.

J..

H.E. Dr. Carlos Holmes Trujillo García
Minister of Foreign Affairs
Colombia

I also encourage Colombia to make further efforts to strengthen its national mechanism for comprehensive reporting and follow up in relation to recommendations from international and regional human rights mechanisms and treaty obligations. I strongly recommend the use of the practical guide that my Office released in 2016 on this topic and which is available at: http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please be advised that I will be sharing my advice with all Member States as they go through the third cycle with a view to assisting them to begin implementing the UPR recommendations early on, following the review. An important measure that can contribute positively to follow up action is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the outcome report. In this regard, I encourage Colombia to submit such a report for the third cycle, by 2020.

As the Secretary-General states in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Colombia to take action in the areas I have identified in this letter and its Annex.

Please accept, Excellency, the assurances of my highest consideration.



Michelle Bachelet
High Commissioner for Human Rights

c.c. H.E. Ms. Nancy Patricia Gutiérrez Castañeda
Minister of Interior
Colombia

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratification of the following international treaties: the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and establish a National Preventive Mechanism accordingly; the Optional Protocol to the Convention on the Rights of the Child on a communications procedure; the Optional Protocol to the Convention on the Rights of Persons with Disabilities; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
- Issuing a standing invitation to the United Nations Special Procedures mandate holders.

National human rights framework

- Implementation of the Peace Agreement by committing the necessary legal, institutional and financial measures to achieve sustainable peace and with a particular attention to: transitional justice, truth and reconciliation; the rights of victims, the needs of Indigenous and Afro-Colombian communities; and the reintegration of former combatants.
- Enhancement of the Follow-up Mechanism in the National Framework of Human Rights aimed to follow up the implementation the recommendations from the UPR and other human rights mechanisms.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Implementation of the actions aimed to contribute to the elimination of any form of discrimination, in particular against children, women, Afro Colombians and representatives of indigenous people.
- Strengthening the existing measures aimed at combatting stereotypes and prejudice against LGBTI persons, and protecting LGBTI persons from acts of discrimination and violence affecting them.

Development, the environment, and business and human rights

- Protection of the environment in particular when exploiting natural resources, and increasing the fight against illegal mining, mainly on the territories of indigenous and Afro-Colombian peoples.
- Initiation of the second phase of the National Action Plan on Business and Human Rights.



B. Civil and political rights

Rights to life, liberty and security of person

- Protection of human rights defenders, especially female human rights defenders and social leaders, journalists, trade unionists and leaders of LGBTI groups and ensuring that all perpetrators including the masterminds of attacks and threats against them are brought to justice.
- Development of alternative penal procedures to control and reduce prison overcrowding and enhancement of conditions of imprisonment.

Administration of justice, including impunity, and the rule of law

- Adoption of measures aimed at combating impunity for crimes committed during the conflict, especially by investigating and prosecuting gross human rights violations and infractions of international humanitarian law.
- Enhancement of mechanisms for effective information sharing to ensure judicial investigations of killings, threats and intimidation faced by individuals in the peace process.
- Promotion of justice for victims of human rights violations and furthering land restitution process within the system of comprehensive system for truth, justice, reparation and non-repetition.

Fundamental freedoms and the right to participate in public and political life

- Further engagement with human rights defenders, including female, indigenous and local defenders, ensuring that they are able to carry out their work free from intimidation, harassment and attacks and guaranteeing their safety, especially those working in rural conflict-prone areas.
- Adoption of measures aimed to ensure the effective participation of women in the implementation of the Peace Agreement.
- Strengthening measures aimed at increasing the political participation of women, in particular in legislative bodies.

Prohibition of all forms of slavery

- Strengthening measures aimed to counter trafficking in persons and other forms of modern slavery, especially women trafficking and child exploitation.
- Enhancement of international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking in persons through information exchange aimed at prosecuting traffickers.

C. Economic, Social and Cultural Rights

Right to an adequate standard of living

- Further promotion of economic and social sustainable development aimed to eradicate poverty and raise people's living standard.

Right to health

- Implementation of programs to reduce maternal and infant mortality, particularly among indigenous groups.

- Enhancement of health information services, particularly with regard to sexual and reproductive health, and with special focus on young people and persons with disabilities.
- Adoption of measures aimed to ensure access to safe abortion in all regions of the country.

Right to education

- Adoption of additional measures aimed at improving the access to quality education for children, especially for those living in rural areas and those belonging to minorities.

D. Rights of specific persons or groups

Women

- Adoption of additional measures aimed at strengthening gender equality and combatting all forms of discrimination and violence, including domestic violence against women and girls.

Children

- Enhancement of measures for the rehabilitation of boys and girls affected by armed conflict with a view to their reincorporation into civil society.
- Implementation of measures to stop the recruitment of children by armed groups.
- Adoption of measures aimed to further implement the Child and Adolescence Code.

Persons with disabilities

- Harmonization of legislation to fully respect the rights of people with disabilities, especially the right to social housing, health and education.
- Assistance of victims of anti-personnel mines to their full rehabilitation and reintegration.

Minorities and indigenous peoples

- Adoption of measures aimed to combat all forms of discrimination against Afro-descendants and indigenous peoples.
- Consultation with concerned communities, regarding the full implementation of the Ethnic Chapter of the Peace Agreement.
- Adoption of measures aimed to reach free, prior and informed consent of indigenous peoples prior to any measures that may affect their lives and their ancestral land.

Internally displaced persons

- Enhancement of measures aimed to ensure safe, dignified and sustainable return of internally displaced persons to their homes.