



**INFORMATION NOTE
COMMITTEE AGAINST TORTURE**

Consideration of the 5th report of Colombia

Presentation of the report: 30 April 2015; Responses: 1 May 2015

Previous consideration: 10-11 November 2009, 43rd session of the CAT

54th session of the CAT

Summary of child related issues

Rapporteurs: Jens Modvig and Essadia Belmir

I- Issues pertaining to juvenile justice and the rights of the child in general

1. Issue n°1: juvenile justice

CAT Experts	Questions / Remarks	Responses by Colombia
	It is reassuring that prison conditions are in focus now but it is of concern that these changes are not immediately applying to those deprived of their liberty.	The state is aware of the challenges it faces in prison and is constantly fighting to repair conditions faced by detainees. It is rethinking its prison system and criminal policy so that deprivation of liberty will be a last resort.
	The constitutional court gave the government three years to solve the crisis of prison conditions, how does the state plan to respond?	The Higher Council for Criminal Policy is constantly rejecting all bills which attempt to increase prison sentences in an unjustified disproportionate way.
	Overcrowding has increased to the point where cruel punishment is barely enough to describe the conditions.	The state is working on alternatives to prison sentences and making prison sentences proportionate. Building more prisons is not the answer, instead they will focus on improving infrastructure and living space for detainees.
	Experts recommend ratification of the optional protocol of the CAT to allow for outside monitoring of places of detention.	The state has its own mechanism for national monitoring bodies of prisons. The Ministry of Justice and National Prisons Institute have established follow-up committees to review



		prisons.
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2. Issue n°2 : sexual violence against women and children

CAT Experts	Questions / Remarks	Responses by [name of the country]
	More than 84,000 cases of sexual violence against minors took place between 2008 and 2012. This is around 10,000 a year indicating the need for urgent preventive measures and redress.	To prevent conflict of jurisdiction, gender based violence such as sexual assault has been removed from the jurisdiction of military courts. Girls between ages of 13-17 are eligible for full reparation through current government measures.
	What are the specific goals and measurable indicators to reflect the success of the program to reduce sexual violence?	There is an infrastructure for training of law enforcement personnel specifically linked to issues of gender based violence. This training covers realistic situations and incorporates International Humanitarian law and Human Rights Law as tools for training.
	How many cases have been registered every year and what was the outcome?	It is often difficult for victims to report sexual violence. But from 2013-2015 there was a 10% increase in reporting.
	There is a poor record of cases of sexual assault against children. Is there a cultural barrier?	The state has launched a series of awareness raising campaigns to encourage equal treatment of women and girls. They are also strengthening space for dialogue and discussion about this issue. They are working to elevate women's rights.

3. Issue n°3: children in armed conflict

CAT Experts	Questions / Remarks	Responses by [name of the country]
	Even if child soldiers have reduced in number minors are still serving informal tasks for armed groups.	In no cases does the army recruit children under 18 in its rank or in police forces for any task and its illegal for other groups to do so.
	How will the state	There have been a number of



	protect children in armed conflict?	convictions handed out by courts to congressman who had links to paramilitary groups responsible for enlisting children.
	The committee has received information about a practice undertaken by the military described as forced conscription where young men are arrested off streets and forced to enter the army. What actions are being taken to stop this?	Law 48 from 1993 says any Colombian young man is obligated to register his status the year he turns 18 without which he is unable to apply for military exemptions. If he has not done so the authorities can compel him to carry out military services. He can only be detained for short periods of time or until he registers.
	There seems to be impunity for perpetrators since they are not prosecuted. What will you do to punish the groups responsible?	The state does not ignore difficulties of traditional justice and wants to ensure victims are able to be rehabilitated into society. They have not been able to progress at appropriate speed in identifying perpetrators but have placed priorities on compensation for victims.

4. Issue n°4: violence against children

CAT Experts	Questions / Remarks	Responses by [name of the country]
	Teachers find children tortured, battered, and abused.	
	What measures are being used to address this?	

5. Issue n°5: child trafficking

CAT Experts	Questions / Remarks	Responses by [name of the country]
	147 complaints of human trafficking lodged with the	There are continuous awareness campaigns to prevent child trafficking. The state has also sought to strengthen



	Attorney General. Does this represent the magnitude of the actual problem?	family and community networks and provide free-time activities.
	None of the cases have been settled which seems to suggest impunity for perpetrators.	Public prosecutor office has a unit for freedom integrity and sexual training which deals with sex trafficking. It received 210 cases on issues pertaining to trafficking, 176 of which are being investigated.
	Colombia is both a source and destination of trafficking. What steps have been taken to increase funding for shelter and services to victims of trafficking?	
	Is there a special investigative body to deal with the sensitive issue when children are the victims?	



II- Other relevant issues with positive feedbacks by the States present at the review:

- What measures have been taken to protect the family of victims of enforced disappearance? Colombian law has established mechanisms to provide protection as well as the right to security, physical and psychological well-being, and privacy.
- Many women and children have been displaced as a result of the armed conflict. This is conducive to sexual violence with women and children as the main victims. What measures are being taken? Colombia has instituted risk assessments to evaluate which populations are most vulnerable. These victims are entitled to protection by the State under Colombian law. The Law of Victims and Land Restitution 148 allows victims to enjoy their full rights. 5.6 million victims have been identified as eligible for full restitution.

III- Previous CAT review 10-11 November 2009 & relevant Concluding Observations:

- In 2009, the committee expressed concern that the national human rights committees created within Colombian detention centres “do not constitute an independent preventive mechanism as provided by the Optional Protocol.” The committee also recommended that Colombia ratify the Optional Protocol which they still have yet to ratify.

IV- Concluding observations:

- There were fifteen outstanding questions which were not able to be answered within the allotted time. The delegation of Colombia has agreed to consult with their state and submit the answers in written form within 48 hours.