**Recommendations by UN human rights mechanisms concerning the rights of persons with disabilities with respect to Colombia:**

**Main issues raised by TBs:**

* Pending ratification of OP-CRPD
* Forced sterilizations of women with disabilities
* Discrimination against children with disabilities
* Need for comprehensive and disaggregated data collection
* Access to justice, by ensuring free legal aid services and effective remedies
* Independent monitoring of detention places, including psychiatric hospitals
* Inclusive education: lack of strategy
* Need for social benefits / support for parents of children with disabilities

Concluding observations of the Human Rights Committee, 2016

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Concluding Observations of the CAT Committee, [CAT/C/COL/CO/5](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCOL%2fCO%2f5&Lang=en), 2015

The State party should ensure that prison conditions are in line with international standards. In particular, the State party should: (a) Allocate, without delay, the resources needed to provide prisoners with proper medical and health care; (b) Adopt effective measures, as a matter of urgency, to reduce prison occupancy rates, primarily by making use of alternatives to deprivation of liberty in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

Deaths of persons in custody

19. The Committee is concerned about the large number of deaths that have occurred while persons were being held in detention centres and finds it regrettable that it has not received information on the causes of death in these cases or on the findings of the investigations that have been carried out (arts. 2, 11 and 16). The State party should, without delay, undertake thorough, impartial investigations into all cases in which persons have died while in custody and, where appropriate, carry out autopsies. The State party should determine whether law enforcement or prison officials are in any way responsible for such deaths and, if so, punish the guilty parties and provide the victims ’ family members with adequate redress.

Inspection of detention centres

20. The Committee welcomes the establishment of the Prison Conditions Oversight Commission and the active presence maintained by the Office of the Ombudsman and the Office of the Counsel - General in correctional facilities, but it is concerned by reports indicating that the Ombudsman ’ s recommendations are not being duly acted upon. In addition, the Committee has observed that no fully independent agency is responsible for inspecting all places of detention, including police stations, youth detention centres and **psychiatric hospitals** (art. 2). The State party should ensure that all places of detention are subject to independent inspections on a regular basis; these inspections should incorporate the oversight activities carried out by non - governmental organizations. The Committee encourages the State party to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Concluding observations of the CRC Committee, [CRC/C/COL/CO/4-5](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCOL%2fCO%2f4-5%20ADVANCE%20UNEDITED%20VERSION&Lang=en), 2015

3. The Committee notes with appreciation the ratification of:

(b) The Strategic Plan to eliminate HIV/AIDS mother-to-child transmission, in 2011;

(c) The Convention on the Rights of **Persons with disabilities**, in 2011;

aNon-discrimination

19. While noting the measures taken to eliminate discrimination against children in marginalised or disadvantaged situations, the Committee is deeply concerned about:

(a) The structural discrimination against indigenous, Afro-Colombian and displaced children, **children with disabilities**, children living with HIV/AIDS, LGBTI children, and children living in rural, remote and marginalized urban areas, particularly affecting their right to education and health and exposing them to violence;

(b) The persistent patriarchal attitudes and gender stereotypes that discriminate against girls and women resulting in an extremely high prevalence of violence against girls.

**Children with disabilities**

37. The Committee welcomes the measures taken by the State party to improve the conditions of **children with disabilities**, such as the adoption of the policy CONPES 166 on **persons with disabilities** in 2013. It remains, however, concerned that:

(a) Some regulations still need to be adopted to ensure the implementation of relevant legal provisions;

(b) There is a lack of strategy to achieve inclusive education, inclusive services, accessible buildings, adequate health services and leisure activities are not available, in particular in rural areas, and insufficient measures to ensure the coordination between relevant entities have been adopted;

(c) Comprehensive disaggregated data on **children with disabilities** is lacking.

38. In the light of its general comment No. 9 (2006) on the rights of **children with disabilities**, the Committee recommends that the State party:

(a) Adopt all pending regulations in this regard, in particular on social benefits for parents of a child with disabilities;

(b) Set up a comprehensive strategy to develop inclusive education and ensure that inclusive education is given priority over specialized institutions;

(c) Take measures to ensure the coordination between the ICBF and the National System on Disability, including at the local level;

(d) Ensure the availability and accessibility of specialized health care services, buildings, inclusive services, participatory fora, and leisure and cultural activities for **children with disabilities**, in particular in remote and rural areas, including by allocating adequate resources;

(e) Strengthen administrative remedies for **children with disabilities** whose rights have been violated and facilitate their access to justice including by providing free legal aid;

(f) Collect disaggregated data on **children with disabilities**.

HIV/AIDS

45. While noting the measures taken to eliminate HIV/AIDS mother-to-child transmissions, the Committee remains concerned that such transmissions continued to increase during the reporting period.

46. In the light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party strengthen its efforts to implement the Strategic Plan to eliminate HIV/AIDS mother-to-child transmission, provide adequate services and resources and ensure accountability. Further technical assistance from, inter alia, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and UNICEF should be sought.

Early childhood development

54. The Committee recommends that the State party strengthen the coordination among relevant entities and allocate adequate human, technical and financial resources to the strategy on early childhood with a view to ensuring that all children benefit from its implementation, in particular children in rural and remote areas, **children with disabilities**, children living with HIV/AIDS, children in prison with their mothers, children of adolescent mothers and displaced, indigenous and Afro-Colombian children.

Ratification of international human rights instruments

73. The Committee recommends that the State party, in order to further strengthen the fulfilment of children’s rights, ratify the core human rights instruments to which it is not yet a party, namely the Optional Protocol to the Convention on the Rights of People with Disabilities, the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

Concluding observations of the CEDAW Committee, [CEDAW/C/COL/CO/7-8](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/COL/CEDAW_C_COL_CO_7-8_15521_E.doc), 2013

Health

29. The Committee expresses its concern at:

(a) The very limited implementation of Constitutional Court’s Ruling C-355 (2006) which guarantees access to legal abortion under the grounds of life or health risks for the mother, rape and serious of the foetus; the public campaigning against its implementation by high authorities of the State party; and the prevalence of invasive and expensive abortion procedures;

(b) The high number of unsafe abortions and the refusals by health professionals to provide post-abortion services to women;

(c) The high prevalence of teenage pregnancy;

(d) The high rate of childbearing women who use sterilization as a family planning method; and

(e) **Cases of forced sterilization of women with disabilities and women living with HIV/AIDS.**

30. The Committee recommends that the State party:

(a) Guarantee women’s access to legal abortion by ensuring compliance with the Constitutional Court’s Ruling C-355 (2006), developing monitoring and accountability mechanisms, including sanctions, sensitizing the relevant authorities and professionals on health and sexual and reproductive rights; and expanding the availability of medically safe modern abortion methods;

(b) Ensure the provision of post-abortion health care services for women who have undergone an unsafe abortion;

(c) Effectively implement the Policy on the Prevention of Teenage Pregnancies (2012) and ensure universal access to health services and to information on sexual and reproductive health and rights and education, particularly to adolescent girls and boys;

(d) **Take measures to decrease the use of sterilization as a family planning method by conducting awareness raising campaigns on the use of modern reversible contraceptive methods and ensuring their availability for girls and women of childbearing age; and**

**(e) Amend and develop the regulatory framework as well as guidance provided to medical practitioners to ensure that sterilization is carried out with the free and informed consent of women, including women with disabilities and women living with HIV/AIDS**.

Concluding observations of the CERD Committee, [CERD/C/COL/CO/15-16](http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/COL/INT_CERD_COC_COL_21517_S.pdf), 2015

Ratificación de otros tratados

41. El Comité alienta al Estado parte **a ratificar los tratados internacionales en los que aún no es parte, en especial, el Protocolo Facultativo de la Convención sobre los Derechos de las Personas con Discapacidad**; el Protocolo Facultativo de la Convención contra la Tortura y Otros Tratos o Penas Crueles, Inhumanos o Degradantes; el Protocolo Facultativo del Pacto Internacional de Derechos Económicos, Sociales y Culturales; así como la Convención Interamericana contra el Racismo, la Discriminación Racial y Formas Conexas de Intolerancia.