



**International Convention on the  
Protection of the Rights of  
All Migrant Workers and  
Members of Their Families**

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**Committee on the Protection of the Rights of All  
Migrant Workers and Members of Their Families**

**Consideration of the third periodic report  
submitted by Colombia under article 73 of the  
Convention, due in 2018\*, \*\***

[Date received: 2 May 2018]

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\* The present document is being issued without formal editing.  
\*\* The annexes are on file with the secretariat and are available for consultation.



## I. Introduction

1. The Government of Colombia, in accordance with article 73 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (hereinafter “the Convention”), hereby submits its third periodic report to the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (hereinafter “the Committee”). The report provides updated information on the measures taken between 2013 and 2018 pursuant to the provisions of the Convention.
2. The initial report of Colombia on the implementation of the Convention (CMW/C/COL/1) was submitted on 25 January 2008 and considered on 30 April 2009, and the second report (CMW/C/COL/2) was submitted on 18 October 2011 and considered on 15 and 16 April 2013.
3. Colombia remains firmly committed to the promotion and protection of the rights of migrant workers and their families, irrespective of their migration status.

## II. General information

### A. Disaggregated data on the characteristics and nature of migratory flows (immigration, transit and emigration) affecting the State party

4. The characteristics and nature of migratory flows in the country were comprehensively described in paragraphs 5 to 60 of the second periodic report.
5. Recent migratory movements from the Bolivarian Republic of Venezuela are taking the form of so-called pendular migration in the border areas between the two countries. This type of migration is characterized by the continuous entry and exit of travellers throughout the day.
6. According to Migration Colombia<sup>1</sup> records, as at 31 December 2017 over 1,300,000 Venezuelan nationals were using the border mobility card. Most of them come from the States of Táchira, Zulia, Carabobo, Lara and Barinas; the gender breakdown is 51 per cent men and 49 per cent women, and the average age range is between 18 and 39 years.
7. In 2017, Venezuelan users of the border mobility card came to Colombia for reasons such as buying supplies, visiting family, touring the border area, carrying out unpaid activities, working in agriculture or industry, buying medicines and receiving medical care.
8. Transit migration is also taking place, whereby foreign nationals who do not intend to settle in the country stay for certain periods of time and then return to their place of origin or move on to other destinations.
9. The dynamics of such transit migration are reflected in the increasing flows of Venezuelan citizens entering and leaving Colombia, a large proportion of whom are passing through Colombia on their way to third countries. During 2018, there have been 221,883 recorded instances in which Venezuelans have left the country via Rumichaca Bridge.<sup>2</sup> In March 2018, total outflows were 724 per cent higher than the figure for March 2017 (annex 1).

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<sup>1</sup> Migration Colombia is the supervisory authority responsible for migration and immigration control in Colombia, within the framework of national sovereignty and in accordance with the laws and policies in this area set out by the Government.

<sup>2</sup> The main border crossing between Ecuador and Colombia.

## B. Data and statistics on the number of unaccompanied or separated migrant children within the territory of the State party

10. All children and adolescents<sup>3</sup> are allowed to leave the national territory when they are accompanied by both parents. In all other cases, they must obtain advance legal authorization, certified by a notary or consular authority, from the parent or parents who are not travelling with them.

11. Article 110 (1) of Act No. 1098 of 2006 establishing the Children's and Adolescents' Code sets out the requirements that must be met in order for children and adolescents to be allowed to leave the country. These principles are enshrined in Decree No. 1067 of 2015 issuing the consolidated regulatory decree for the foreign affairs administrative sector, article 2.2.1.11.6.1 of which describes the documentation required by the border control authorities for children and adolescents who are leaving the country, depending on the circumstances in each case. Article 9 of Act No. 1878 of 2018 amending certain articles of Act No. 1098 of 2006 sets out other provisions in this area.

12. At the time of the child's or adolescent's departure from the country, the original of the document authorizing him or her to leave, whether certified by a notary or granted by a competent authority (court, lawyer, family welfare officer or police inspector), must be submitted to the immigration official at the Colombian border checkpoint so that the latter may verify that the document is authentic and meets the relevant legal requirements.

13. The officials assigned to border control checkpoints are responsible for receiving and processing authorizations for children and adolescents to leave the country. After checking that the requirements have been met, the competent official grants departure from the country by stamping the documents and recording the departure in the ORFEO document management system. Between 2016 and 2018, the following authorizations were recorded in ORFEO:

<i>Year</i>	<i>Authorizations for unaccompanied minors recorded in ORFEO</i>
2016	193 849
2017	188 394
2018 (as at 22 March)	36 173
<b>Total</b>	<b>418 416</b>

*Source:* ORFEO document management system, Migration Colombia.

## C. Steps that have been taken to harmonize the national migration laws with the Convention, including whether the State party has plans to withdraw its reservations to the Convention, if any

14. In its first and second reports (para. 75 and paras. 62 and 63, respectively), the Colombian State referred to the regulations on customs and migrant workers' right to transfer their earnings and savings; these regulations are in accordance with the Convention.

<sup>3</sup> Children are defined as persons between the ages of 0 and 12 years and adolescents as persons between the ages of 12 and 18 years. Congress of 2006, Act No. 1098 establishing the Children's and Adolescents' Code, Official Gazette No. 46.446 of 8 November 2006, art. 3. Colombian Family Welfare Institute, standard definition No. 27891 of 9 July 2010.

**D. Any signature, accession or ratification of human rights treaties or international instruments relevant for the implementation of the present Convention; in particular, any steps taken towards ratification of the International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97) and the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)**

15. Colombia has acceded to the 1961 Convention on the Reduction of Statelessness, with binding effect as from 2014. That Convention was incorporated into the domestic legal framework through Act No. 1588/2012 and was declared enforceable by the Constitutional Court in ruling No. C-622/2013.

16. In compliance with the Convention, which reflects the relevant measures envisaged under ILO Conventions Nos. 97 and 143 concerning migrant workers, Colombia applies this instrument in its policies to regularize the presence of migrant workers and their families in the country and guarantee equality of treatment with Colombian nationals in respect of their rights.

**E. Specific procedures to deal with mixed migratory flows, in particular to establish the special protection needs of asylum seekers and victims of trafficking. Indication of whether national legislation provides for the application of the Convention to refugees and/or stateless persons**

17. On 10 October 1961 Colombia ratified the Convention relating to the Status of Refugees; on 4 March 1980 it acceded to the Protocol relating to the Status of Refugees; and since 22 November 1984 it has been a signatory to the Cartagena Declaration on Refugees.

18. As mentioned in paragraph 15 above, Colombia has acceded to the 1961 Convention on the Reduction of Statelessness and the 1954 Convention relating to the Status of Stateless Persons.

19. Section 3 of Decree No. 1067 of 2015 issuing the consolidated regulatory decree for the foreign affairs administrative sector sets out the conditions for the recognition of refugee status and establishes that the Advisory Committee on the Determination of Refugee Status of the Ministry of Foreign Affairs is responsible for receiving, processing and assessing refugee status applications.

20. With regard to victims of trafficking, through Decree No. 1036 of 2016 adding a chapter to book 2, part 2, section 3 of Decree No. 1066 of 2015 (consolidated regulatory decree for the internal affairs sector) with a view to adopting the National Strategy to Combat Trafficking in Persons 2016–2018, the Observatory for the Offence of Trafficking in Persons was established as envisaged in the National Strategy to Combat Trafficking in Persons. The Observatory is a mechanism for collecting, recording and systematizing information on trafficking in persons and a tool for the conduct of comprehensive analyses for the purpose of strengthening prevention, investigation, prosecution, assistance and protection mechanisms. The information provided under letter I below and in relation to article 11 of the Convention is also relevant in this regard.

**F. Steps taken to ensure that migrant children who are detained, including for violations of provisions relating to migration, are held separately from other adults and whether specific procedures are in place to determine the age of juvenile migrants; data on the number of migrant children detained**

21. Colombia has a normative framework which regulates the detention of minors and ensures their separation from adults.

### **G. Special programmes to address the special interests of migrant children, including unaccompanied and separated children**

22. Migration Colombia has issued a handbook on immigration control in respect of children and adolescents, MCG.04 V4, which was adopted by decision No. 0760 of 2016. It has also implemented procedures for handing over children or adolescents to other authorities in cases where, during migration formalities, the rights of a minor are found to be at risk and the intervention of a competent authority is required for the restoration of his or her rights.

23. To this end, measures have been strengthened to prevent minors from leaving the country unlawfully or under false pretences, since irregular migration can be associated with phenomena such as human trafficking networks, migrant smuggling or illegal adoption. In addition, foreign nationals with criminal records as child sex offenders or traffickers in persons are refused entry.

24. The 2018 Action Plan of Migration Colombia provides for activities to be carried out by its 12 regional offices to raise awareness of trafficking in persons, migrant smuggling and sexual and commercial exploitation of children and adolescents. These activities are aimed at educational establishments and private and public sector enterprises.

### **H. Legislation and practice providing for mechanisms to monitor the situation of migrant women, including those employed as domestic workers, and safeguards and guarantees to protect them from exploitation and violence**

25. The Ministry of Labour reported that, as of February 2018, there were 5,408<sup>4</sup> Venezuelan nationals making social security contributions as formal employees under the special stay permit. Of those, 5,296 contribute as employees, 28 as domestic workers and the remainder as other types of contributors.

26. It should be noted that Colombia has ratified ILO Convention No. 189, in relation to which its main advancement is the promulgation of Decree No. 721 of 2013 regulating the participation of domestic workers in the family allowance scheme. The number of such participants increased from 8,400 in January 2013 to 111,155 in December 2017.

27. In 2016, Act No. 1788 guaranteeing the equal right of domestic workers to receive a service bonus was enacted. It provides for the establishment of an office to monitor the implementation of decent work standards for domestic workers.<sup>5</sup>

### **I. Procedures assisting victims of trafficking, especially women and children**

28. Information on this topic is contained in the part of this report concerning article 11 of the Convention.

29. The most common forms of trafficking identified by the Government over the last five years are sexual exploitation (160 cases), labour exploitation (88 cases) and servile marriage (20 cases). Between 2013 and 2017, assistance was provided to 278 victims of trafficking abroad. Further information is provided in annex 2.

30. In 2017, the Ministry of Foreign Affairs provided assistance to approximately 62 nationals who were potential victims of trafficking, of whom 90.32 per cent (56) were women and 9.67 per cent (6) were men. The most common forms of exploitation are sexual

<sup>4</sup> According to the database available at [filco.mintrabajo.gov.co/FILCO](http://filco.mintrabajo.gov.co/FILCO).

<sup>5</sup> The office is composed of representatives of the Government, employers and workers' organizations. Its objective is to formulate and develop public policies to promote decent work in the paid domestic work sector and, in general, to monitor the implementation of the above-mentioned ILO Convention.

exploitation (41 cases, or 66.1 per cent), labour exploitation (18 cases, or 29 per cent) and servile marriage (3 cases, or 4.8 per cent) (see annex 3).

31. The main destination countries of Colombian victims of trafficking abroad are China (54 cases), Argentina (47 cases), Mexico (37 cases), Ecuador (19 cases), Peru (15 cases) and the Dominican Republic (13 cases). At the national level, the main departments of origin of victims of trafficking are Valle del Cauca (27 per cent), Antioquia (19 per cent), Risaralda (14 per cent), Cundinamarca (11 per cent) and Caldas (11 per cent).

## **J. Measures taken to provide assistance given by the State party to its migrants abroad**

32. The Ministry of Foreign Affairs provides consular assistance to nationals abroad when needed in various circumstances. A gender perspective is incorporated into the consular assistance protocols for dealing with situations such as trafficking in persons and smuggling of migrants, domestic violence, violations of the physical or psychological integrity of women, and children in situations of vulnerability.

33. There are currently some 15,000 Colombian nationals deprived of liberty in 72 States. Together with their families, they receive assistance through coordinated work with the 116 Colombian consulates abroad. To date, Colombia has concluded four agreements — with Panama, Costa Rica, Ecuador and Spain — for the repatriation of Colombian nationals deprived of liberty. Repatriation agreements are being negotiated with China and Peru with a view to enabling Colombian nationals to finish serving their sentences in Colombia.

34. In 2017, the Ministry of Foreign Affairs, in accordance with the provisions of Act No. 1448 of 2011 laying down measures for the provision of support, assistance and comprehensive redress to victims of the internal armed conflict and incorporating other provisions (hereinafter the Victims Act), held 24 open days to receive testimonies from 3,953 nationals who suffered through the conflict and currently live abroad. As a result of this process, these nationals have been added to the Central Register of Victims and are eligible for comprehensive reparation procedures. In Colombian consular offices around the world, 40 commemorative events have been held to remember the victims and express solidarity, with an eye to peacebuilding and reconciliation.

35. With regard to assistance in emergency situations, a plan for the provision of consular assistance in emergencies and disasters has been implemented, under which 75 emergencies abroad have been dealt with and monitored. Under this plan, 2,778 people have received assistance in different situations, such as the landslide in the municipality of Mocoa, Putumayo, Colombia, the winter emergency in Peru, the earthquake in Mexico City, and the severe hurricane season in Sint Maarten, Puerto Rico, Curaçao and the United States of America.

36. With the cooperation of the Colombian Air Force, 433 nationals who wished to be reunited with their families were repatriated and 1,432 requests for assistance were acted upon during the hurricane season.

37. Resources totalling US\$ 127,000 were used to help 2,143 nationals in situations of extreme vulnerability abroad.

38. As part of the campaign “Ante la trata, no se haga” (“Don’t turn a blind eye to trafficking”), which was carried out in the border areas, over 500 outreach workers were trained, reaching a target population of over 3 million people and strengthening initiatives to prevent the offences of trafficking in persons and migrant smuggling.

39. In 2017, the Ministry of Foreign Affairs standardized all assistance procedures for nationals abroad, in accordance with the specific needs of each type of assistance (annex 4).

## **K. Measures taken to facilitate migrants' reintegration in case of return to the State party**

40. Act No. 1565 of 2012, which contains provisions on, and establishes incentives for, the return of Colombians resident abroad, was promulgated in order to encourage repatriation and to provide voluntary returnees with comprehensive support. Regulations pertaining to the Act were issued through Decrees Nos. 1000, 2064 and 2192 of 2013.

41. Pursuant to this normative framework, Colombians returning to the country voluntarily are entitled to the following benefits:

- Exemption from taxation: Returning Colombians are exempt from the taxes and import duties normally levied on the importation of household goods, professional tools and proceeds from the sale of assets acquired abroad. The cost of transporting goods and any fees charged by financial intermediaries are borne by the returnee, that is to say, the beneficiary of the Repatriation Act (article 5 of Act No. 1565 of 2012) (annex 5).
- Incentive with regard to military status: Men over the age of 25 who return to Colombia may register their military status without incurring the penalties and fines established in Act No. 1861 of 2017, which regulates military recruitment, reserves and mobilization. The armed forces will also permit the registration of the military status of returning men who are at least 18 but not yet 25 years of age.
- Family allowance funds: Family allowance funds design and run welcome programmes for returning Colombians. Returnees enjoy free access to the services offered by the funds' employment management and placement agencies, such as curriculum vitae registration, interviews to determine jobseekers' skill and training profile, and curriculum vitae selection and referral.
- Tailored support: The agencies that make up the Intersectoral Repatriation Commission and regional bodies offer institutional support to returning Colombians in accordance with the stated reason for their return (annex 6).

42. The Intersectoral Repatriation Commission was established pursuant to Decree No. 1000 of 21 May 2013, which sets out regulations in respect of articles 2, 4, 9 and 10 of Act No. 1565 of 2012. The Commission's role is to facilitate the implementation of the Repatriation Act by coordinating all measures taken with a view to providing returning Colombian migrants with comprehensive support.

43. In light of the foregoing, the principal results of the implementation of Act No. 1565 of 2012 are as follows.

44. Between November 2013 and March 2018, the Intersectoral Repatriation Commission processed 16,371 applications from returnees (annex 7).

45. The Ministry of Foreign Affairs runs the following support programmes for returnees in the categories indicated below:

- Repatriation for humanitarian and/or other exceptional reasons: The National System for Humanitarian Repatriation was established to provide Colombians in high-risk situations with emergency support and assistance in their return to the country. Between 2013 and February 2018, with the support of the International Organization for Migration and the Colombian Red Cross, as well as the organizations that make up the Migrant Support Network in the departments with the most incoming migrants (Norte de Santander, La Guajira, Arauca, Nariño, Valle del Cauca and Bogotá Capital District), humanitarian programmes directly assisted 9,436 Colombian migrants and families of mixed nationality in high-risk situations (annex 8). A stabilization road map for returning Colombians drawn up by the National System for Humanitarian Repatriation arranged for, designed and set up 110 recovery and business units between 2016 and 2018.
- Repatriation for the purpose of setting up a business: Inter-institutional cooperation procedures have been set up with international agencies and organizations specializing in business and entrepreneurship with a view to combining technical and financial resources in support of an entrepreneurship and competitiveness plan

to help returning Colombians to realize their business ventures. The plan includes two distinct strategies. The first strategy supports collective ventures in border towns of the Departments of Nariño, Chocó, Atlántico and Norte de Santander. The second strategy supports production projects and microenterprises set up by individuals in the Departments of Quindío, Risaralda, Caldas, Valle del Cauca, Cundinamarca and Antioquia. Between 2012 and 2017, 142 ventures received support under the plan, benefiting 936 persons.

- Repatriation for work: The Ministry of Labour, with support from the International Organization for Migration, implemented a strategy for providing returnees with employment guidance and assistance. The strategy targeted 1,200 beneficiaries of Act No. 1565 of 2012 in the Departments of Antioquia, Atlántico, Cundinamarca, Santander, Valle del Cauca, Risaralda and Bogotá Capital District. Of the 706 persons ultimately contacted, 382 were profiled and 81 attended employment orientation workshops in the above-mentioned departments.
- Repatriation for the purpose of solidarity: The Ministry of Foreign Affairs works to support this type of repatriation through the National System of Comprehensive Victim Support and Reparation, led by the Comprehensive Victim Support and Reparation Unit.
- Measures taken in conjunction with local entities: The Ministry of Foreign Affairs, in conjunction with local authorities, has set up and operationalized Returnee Referral and Opportunity Centres in the areas that experience the most migration. There are currently nine such centres, located in the Departments of Atlántico, Caldas, Nariño, Norte de Santander, Quindío, Risaralda, Valle del Cauca, Antioquia and Bogotá Capital District. Inter-institutional Migrant Support Networks have been set up to promote cooperation. These networks provide support, care and services in the areas of education, health, legal assistance and emergency humanitarian aid.
- Informing the public about Act No. 1565 of 2012: The measures taken to raise awareness of the Act include: (i) the design and publication of a section on repatriation on the website Colombia Nos Une (Colombia Unites Us);<sup>6</sup> (ii) the publication of a pamphlet on the basics of the Repatriation Act;<sup>7</sup> (iii) the publication of an interactive book entitled “Lo que me une a Colombia 2” (What connects me with Colombia 2)<sup>8</sup> for children and adolescents returning to Colombia; and (iv) continuous training for public officials with consular functions through induction and reinduction programmes run by the Ministry of Foreign Affairs.

**L. Multilateral or bilateral agreements relating to migration the State party has entered into, including regional agreements**

46. The State seeks to regulate migration in an orderly and coordinated manner to ensure that Colombian migrant workers settle in States with which it has entered into agreements on the protection of their labour rights and guarantees, as enshrined in the legislation of the receiving State.

47. The table below lists the regional agreements to which Colombia is a party:

<i>Entity</i>	<i>Title</i>
<b>Pacific Alliance</b>	Inter-institutional Agreement of the Pacific Alliance on a Working Holiday Programme
	Inter-institutional Agreement on the Implementation of a Migration Information System to Facilitate the Movement of Persons
	Inter-institutional Agreement between the Ministries of Foreign Affairs of the States Parties to the Pacific Alliance on the

<sup>6</sup> See <http://www.colombianosune.com/acomp%C3%B1amiento-al-retorno>.

<sup>7</sup> See <http://www.colombianosune.com/abece-de-la-ley-1565-de-2012-ley-de-retorno>.

<sup>8</sup> See <http://www.colombianosune.com/loquemeuneacolombia2/>.



<i>Entity</i>	<i>Title</i>
	Establishment of Cooperative Measures regarding Consular Assistance
<b>Southern Common Market (MERCOSUR)</b>	Agreement on Residence for Nationals of the MERCOSUR States Parties and Associated States
	Agreement on Travel and Return Documents of the MERCOSUR States Parties and Associated States
<b>Andean Community</b>	Decision No. 548: Andean Cooperation Mechanism on Consular Assistance and Protection and Migratory Matters
	Decision No. 545: Andean Labour Migration Instrument
	Decision No. 526: Immigration checkpoints at airports for nationals and foreign residents of member States
	Decision No. 503: Recognition of national identity documents
	Decision No. 397: Andean Migration Card

#### **M. Efforts made, also in cooperation with other States, in order to prevent migrants' loss of life at the land and maritime border areas**

48. On 10 May 2016, the Governments of Colombia and Ecuador adopted a protocol on the expulsion of third-country nationals, in which the migration authorities of both Ecuador and Colombia play a direct role.

49. The protocol is intended to guarantee freedom of movement in keeping with human dignity and respect for human rights. It provides that:

“[...] Freedom of movement and migration shall be ensured, in keeping with human dignity, respect for human rights and the rights enshrined in the Constitutions of the signatory States; special treatment shall be accorded to vulnerable groups, such as children, adolescents, persons with terminal illnesses, persons with disabilities, pregnant women and older persons; priority shall be given to the safe and orderly repatriation of persons in an irregular situation [...]”.

#### **N. Measures to prevent clandestine movements and employment of migrants in an irregular situation**

50. The Colombian State, through Migration Colombia, has taken the following measures:

(1) Special residence permit: The normative framework<sup>9</sup> necessary for the issuance of a special residence permit was established in view of the current situation in the area of the Colombian-Venezuelan border. The special residence permit allows Venezuelan nationals to engage in any lawful activity or occupation in Colombia, including as

<sup>9</sup> Decision No. 5797 of 25 July 2017 establishing a special residence permit.

Decision No. 1272 of 28 July 2017 providing for the issuance of the special residence permit established pursuant to Ministry of Foreign Affairs decision No. 5797 of 25 July 2017 and establishing the procedure for its issuance to Venezuelan nationals.

Decision No. 0740 of 5 February 2018 establishing a new time limit on applications for the special residence permit established pursuant to Ministry of Foreign Affairs decision No. 5797 of 25 July 2017 and containing other relevant provisions.

Decision No. 0361 of 6 February 2018 implementing the new time limit on applications for the special residence permit established by Ministry of Foreign Affairs decision No. 0740 of 5 February 2018.

employees or contractors, provided that they meet the requirements established in Colombian law for the performance of regulated activities.

(2) **Border mobility card:** Established pursuant to decision No. 1220 of 2016, the border mobility card authorizes Venezuelan nationals resident in border areas to cross the border, provided that they do not intend to remain or take up residence in Colombia. A border mobility card may be used as a supporting document for an application to register with the Colombian social security or education system only if the competent authority recognizes it as such. It should be noted that the issuance of border mobility cards ceased on 8 February 2018, as part of the effort to manage migration from Venezuelan territory. Only Venezuelan citizens with a passport or a border mobility card issued before that date may enter Colombia.

(3) **Specialized Migration Unit:** The Specialized Migration Unit was established in February 2018. It is composed of Migration Colombia, the National Tax and Customs Authority, the National Police and the Colombian Family Welfare Institute. The Specialized Migration Unit periodically conducts operations to control irregular migration, clear public spaces, combat smuggling and protect the rights of children and adolescents. It also conducts immigration checks at roadsides and in parks and shopping centres.

(4) **Joint Memorandum No. 01 of 27 April 2017:**<sup>10</sup> This memorandum was issued in order to give effect to Memorandum No. 7 of 2 February 2016 setting out guidelines and provisions relative to the inclusion of Venezuelan child migrants of school age in the education system.

(5) **Inspection, monitoring and control:** The Ministry of Labour has carried out inspection, monitoring and control measures to discourage the illegal subcontracting of Venezuelan nationals in Colombia. As of April 2018, 701 inspection, monitoring and control measures had been carried out throughout the country. They can be broken down as follows:

<i>Inspection, monitoring and control measures</i>	<i>Number</i>
Preventive visits	411
Conciliation	51
Guidance on labour matters	239
<b>Total</b>	<b>701</b>

*Source:* Ministry of Labour.

### III. Specific provisions

#### 1. Provisions to guarantee the application of the Convention

51. In this regard, reference should be made to the information provided by the Colombian State in paragraph 45 of its initial report and paragraph 243 of its second periodic report, which demonstrate its compliance with the general provisions to guarantee the application of the Convention, including due observance of articles 73 and 84.

52. With regard to the recommendation contained in paragraph 9 of the Committee's concluding observations on the second periodic report of Colombia (CMW/C/COL/CO/2) (hereinafter referred to as "the concluding observations"), the Colombian State has promulgated a series of regulations concerning the rights and duties of migrant workers and members of their families in Colombia.

53. In this regard, reference should be made to the following:

<sup>10</sup> See [http://www.seb.gov.co/wp\\_educacion/wp-content/uploads/Circular-Conjunta-01-de-2017-MEN-Migracio%CC%81n-Atenci%C3%B3n-Poblaci%C3%B3n-Venezuela.pdf](http://www.seb.gov.co/wp_educacion/wp-content/uploads/Circular-Conjunta-01-de-2017-MEN-Migracio%CC%81n-Atenci%C3%B3n-Poblaci%C3%B3n-Venezuela.pdf).

- Decree No. 46 of 2013 adopting the implementation guide for Decision No. 545 of the Andean Community on the Andean Labour Migration Instrument.
- Decree No. 1072 of 2015 issuing the consolidated regulatory decree for the labour sector, which is a compilation of all the regulatory decrees related to this sector, including Decree No. 682 of 2014 establishing social protection mechanisms for Colombian migrants and their families in Colombia.
- Decree No. 1067 of 2015 issuing the consolidated regulatory decree for the foreign affairs administrative sector, which is a compilation of all the regulatory decrees related to the foreign affairs sector, including Decree No. 1743 of 2015 on the granting of visas and the Intersectoral Repatriation Commission.
- Decision No. 1481 of 2014 laying down the requirements that agencies providing employment management and placement services must meet in order to recruit or place workers abroad.
- Decision No. 5512 of 2015 laying down visa provisions and repealing decision No. 532 of 2 February 2015. This regulation sets out the requirements for each category and class of visa.
- Decision No. 439 of 2016 laying down visa exemption provisions and repealing decision No. 572 of 3 February 2015 and its amending decisions Nos. 5622 of 2017 and 6771 of 2017. The regulation specifies the countries whose nationals require a visa to enter Colombia.
- Decision No. 6045 of 2017 laying down visa provisions, which reduces the number of visa categories to three and sets out the requirements for each type of visa.
- Decision No. 9713 of 2017 establishing user fees for the services provided by the Ministry of Foreign Affairs, which are paid into its revolving fund, and repealing decision No. 5370 of 24 August 2015. This regulation sets the visa fees that are currently in effect.

## 2. General principles

### Articles 1 (1) and 7: Non-discrimination

54. As to the principle of non-discrimination, the Colombian State provided evidence of its compliance with articles 1 and 7 of the Convention in paragraphs 46 to 48 of its initial report.

55. With regard to the recommendation contained in paragraph 19 of the concluding observations, it should be emphasized that the Ministry of Labour plays an important role in developing ongoing programmes and actions that incorporate the principle of non-discrimination.

56. In the light of the above and in order to formalize and foster social dialogue on migration issues, the Subcommittee on Tripartite Social Dialogue on Labour Migration Management of the Standing Committee on the Coordination of Wage and Employment Policy (decision No. 0425 of 2013) was created to promote the active participation of the different actors involved in social and employment relations (the Government, employers and workers) through the creation of mechanisms for devising programmes, strategies and recommendations to guide the Government in labour migration policy and management.

57. Since 2013, the Subcommittee has held regional workshops on tripartite social dialogue and labour migration and follow-up meetings in the parts of the country where migration has had the greatest impact.

58. The purpose of the regional workshops<sup>11</sup> is to provide information and guidance on the role of the key actors in the design and implementation of labour migration policy, and

<sup>11</sup> In 2013, three regional workshops were held in the city of Pereira, in which representatives of the main coffee-growing departments (Risaralda, Quindío and Caldas) and of those located in the border area (Norte de Santander and Nariño) took part. In 2014, four workshops were held in the cities of Medellín, Cali, Barranquilla and Leticia. In 2016, a workshop was held on San Andrés Island.

to publicize the international instruments on migration<sup>12</sup> among the subnational authorities and regional actors concerned, with a view to coordinating efforts to develop and implement programmes and initiatives for the benefit of migrants.

59. The purpose of the follow-up meetings<sup>13</sup> is to evaluate technical assistance activities and initiatives and to support representatives of subnational authorities and other regional migration actors in pinpointing labour migration issues and in obtaining input for the design and management of labour migration policy to ensure that the phenomenon of migration features in departmental and municipal development plans.

60. The Ministry of Labour provides ongoing technical assistance to its 32 territorial directorates and two special offices, with a focus on migration policy and management, international instruments, migration agreements and the human rights of migrants.

### **3. Part III of the Convention: Human rights of all migrant workers and members of their families**

#### **Article 8: Right to leave any country, including their State of origin, and to return**

61. The Colombian State provided reliable evidence of its compliance with article 8 of the Convention in its initial report, having included relevant information in paragraphs 49 and 50, which it supplemented and elaborated on in paragraphs 5 to 60 of its second periodic report.

#### **Articles 9 and 10: Right to life; prohibition of torture; prohibition of cruel, inhuman or degrading treatment or punishment**

62. As to the right to life, the Colombian State provided evidence of its compliance with articles 9 and 10 of the Convention in paragraph 51 of its initial report.

#### **Article 11: Prohibition of slavery and servitude**

63. The Colombian State provided reliable evidence of its compliance with article 11 of the Convention in its initial report, having included relevant information in paragraph 52.

64. With regard to the recommendation contained in paragraph 39 (a) of the concluding observations, the Colombian State issued Decree No. 1069 of 2014 setting forth the powers of the entities responsible for adopting measures to protect and assist victims of the crime of human trafficking, as well as the benefits to be provided and the procedures to be followed. The decree was incorporated into Decree No. 1066 of 2015 issuing the consolidated regulatory decree for the internal affairs sector.<sup>14</sup>

65. Pursuant to judgment No. C-470/2016 of the Constitutional Court of Colombia, subnational authorities provide longer-term assistance to victims of trafficking even in cases where no complaint is lodged.

66. With regard to the recommendation contained in paragraph 39 (b) of the concluding observations, the entities that make up the Inter-Agency Committee to Combat Trafficking in Human Beings<sup>15</sup> held various day-long training sessions throughout 2017. By way of example, the prosecutors assigned to the departmental and/or municipal committees tasked with combating human trafficking have taken part in five day-long training sessions held in the Departments of Arauca, Santander and Caldas and in the cities of Barranquilla and Bogotá. At the last-mentioned session, the process was supported by the Ministry of Labour,

<sup>12</sup> All the actors involved in migration issues take part in these workshops, including mayor's offices, local governments, trade unions, workers' unions and civil society.

<sup>13</sup> The plenary meeting of the Subcommittee was held in Bogotá in 2015. Seven meetings were held to follow up on the workshops that had taken place in the cities of Cúcuta, Pasto, Leticia, Manizales, Pereira, Armenia and Medellín. A workshop was also held in Mocoa, Putumayo. In 2016, follow-up meetings were held in the cities of Cúcuta, Pasto, Pereira and Barranquilla.

<sup>14</sup> Available at [https://www.mininterior.gov.co/sites/default/files/decreto\\_1066\\_de\\_2015\\_unico\\_reglamentario\\_del\\_sector\\_administrativo\\_del\\_interior.pdf](https://www.mininterior.gov.co/sites/default/files/decreto_1066_de_2015_unico_reglamentario_del_sector_administrativo_del_interior.pdf).

<sup>15</sup> Attorney General's Office, National Police, Migration Colombia, Ministry of Foreign Affairs.

the International Organization for Migration (IOM) and the United Nations Office on Drugs and Crime (UNODC).

67. With regard to the recommendation contained in paragraph 39 (c) of the concluding observations, the systematic collection of disaggregated data is provided for in article 17 of Act No. 985 of 2005, which refers to the National System for Information on Trafficking in Persons.

68. With regard to the recommendation in paragraph 39 (e) of the concluding observations, the Ministry of the Interior, in cooperation with the relevant institutions, has been conducting anti-trafficking campaigns with a special focus on the World Day against Trafficking in Persons, which is observed on 30 July.

69. The Attorney-General's Office, as part of the activities of the Inter-Agency Committee to Combat Trafficking in Human Beings and with the support of the "Future Colombia" programme, launched the ongoing anti-trafficking campaign "#EsoesCuento". The aim of this initiative is to disseminate information on how to prevent the crime of trafficking by targeting persons in vulnerable situations or at risk of becoming victims of this scourge.

70. In 2014, the Ministry of Foreign Affairs, together with IOM, launched the "Ante la trata de personas, reaccionemos en cadena" ("Chain Reaction") campaign, the purpose of which is to teach Colombians how to recognize the signs and not become victims of this crime.

71. The campaign was conducted in five phases, namely phase 1: "Ante la trata de personas, #ReaccionemosEnCadena" (2014); phase 2: building the capacity of the Returnee Referral and Opportunity Centres of the Ministry of Foreign Affairs (2015); phase 3: awareness-raising in educational institutions in Bogotá, Cali, Medellín, Ipiales, the main coffee-growing region and Putumayo (2015); phase 4: relaunching the campaign under the slogan "#OjoALaTrata" (Watch out for trafficking) (2016); phase 5: relaunching the campaign under the slogan "#AnteLaTrataNoSeHaga" (Don't turn a blind eye to trafficking) (2017) (annex 9).

72. As part of the campaign, 500 persons received training on combating trafficking and have reached more than 3 million people in the target population.

73. With regard to the recommendation contained in paragraph 39 (f) of the concluding observations, the Inter-Agency Committee to Combat Trafficking in Human Beings and the Ministry of the Interior, in its capacity as the Committee's technical secretariat, are devising policies and procedures for providing comprehensive care to victims and timely and effective assistance in suspected cases of human trafficking.

74. Within this Committee, the Ministry of Foreign Affairs conducts preventive activities and provides assistance to suspected victims of trafficking<sup>16</sup> abroad.

75. The Ministry of Foreign Affairs, through its consulates, provides assistance in the first instance by activating the immediate assistance protocol once the victim has been received. Next, the victim is provided with security services, food, accommodation, guidance on regularizing his or her immigration status, and medical attention. Lastly, he or she is voluntarily returned to his or her place of origin in Colombia.

76. The alleged victim is provided with further assistance upon his or her return to Colombia, which is coordinated from Bogotá by the entities that make up the Anti-Human Trafficking Operations Centre, for which the Ministry of the Interior serves as technical secretariat. These entities are responsible for providing the victim with comprehensive services in Colombia and for prosecuting the perpetrators of the crime.

77. In 2017, the Ministry of Foreign Affairs adopted a set of instructions or road map for providing assistance to Colombians who fall victim to trafficking abroad. This document

<sup>16</sup> Reference is made to "suspected victim" since the Ministry of Foreign Affairs deals with the national technical entity responsible for making this determination, namely the Attorney General's Office.

was the outcome of the semi-annual training provided to consular staff on assisting victims of this crime.

78. These instructions set out the approach to be taken to individual interviews and the format of the report to be used to document a suspected case of human trafficking (AN-GT-P2-F1), which serves to collect important information on the suspected victim and the details of the crime. This information is transmitted to the entities of the Inter-Agency Committee to Combat Trafficking in Human Beings to ensure that the suspected victim is not revictimized by the conduct of a duplicate interview upon his or her return to the country.

79. With regard to the recommendation contained in paragraph 39 (g) of the concluding observations, it should be mentioned that, by virtue of Decree No. 1036 of 2016, which added a chapter to book 2, part 2, section 3 of Decree No. 1066 of 2015, or the consolidated regulatory decree for the internal affairs sector, for the purpose of adopting the National Strategy to Combat Trafficking in Persons 2016–2018, the Government adopted guidelines for developing public policy on human trafficking. This policy is based on six approaches: (i) rights; (ii) gender; (iii) life cycle; (iv) differentiation; (v) territory; and (vi) the fight against crime. It includes actions in the following areas: (i) coordination and sustainability; (ii) monitoring and evaluation; (iii) prevention; (iv) assistance and protection; (v) knowledge management; (vi) investigation and prosecution; and (vii) international cooperation.

80. With regard to the recommendation contained in paragraph 39 (h) of the concluding observations, in 2017, the Colombian State signed and implemented technical and financial cooperation agreements with IOM on prevention and assistance to victims of trafficking (annex 10).

81. One of the objectives of the National Strategy to Combat Trafficking in Persons is to create and strengthen bilateral, regional and multilateral mechanisms of international cooperation in order to progress in the fight against human trafficking. The Colombian State takes the view that human trafficking is a manifestation of transnational organized crime, which is complex in nature insofar as multiple countries can simultaneously become points of origin, transit and destination for victims, making it more difficult to detect criminal organizations and the links between them.

82. In the light of the above, the bilateral agreements and memorandums of understanding concluded in this area are listed below:

- Memorandum of understanding between the Republic of Colombia and the Republic of Chile on cooperation in preventing and controlling trafficking in persons and the smuggling of migrants (27 June 2013).
- Agreement between the Republic of Colombia and the Argentine Republic on the prevention and investigation of the crime of trafficking in persons and on the provision of assistance and protection to its victims (18 July 2013).
- Memorandum of understanding between the Republic of Colombia and the Republic of Honduras on the prevention and investigation of the crime of trafficking in persons and on the provision of assistance and protection to its victims (23 September 2013).
- Memorandum of understanding between the Republic of Colombia and the Republic of El Salvador on the prevention and investigation of the crime of trafficking in persons and on the provision of assistance and protection to its victims (27 September 2013).
- Memorandum of understanding between the Republic of Colombia and the Republic of Paraguay on the prevention and investigation of the crime of trafficking in persons and on the provision of assistance and protection to its victims (31 October 2014).
- Memorandum of understanding between the Republic of Colombia and the Republic of Costa Rica on cooperation in preventing, investigating and controlling trafficking in persons and the smuggling of migrants (9 December 2014).

- Agreement between the Republic of Colombia and the Republic of Peru on the prevention, investigation and prosecution of the crime of trafficking in persons and on the provision of assistance and protection to its victims (25 May 2015).

83. Through the implementation of the above instruments, it has been possible to establish links with counterparts in other States parties and to exchange good practices and experiences in the fields of law enforcement and prevention and assistance programmes. In addition, information on suspected victims and perpetrators and on binational dynamics and trends in trafficking has been exchanged in order to facilitate investigations, assistance protocols have been developed and binational prevention fairs have been held.

84. Colombia participates in Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants 2015–2019 (GLO.ACT), a joint initiative of the European Union and UNODC that is being implemented in partnership with IOM and the United Nations Children’s Fund. The aim of the programme is to support States parties in providing comprehensive responses to trafficking and the smuggling of migrants through a dual prevention and protection approach. The programme implements measures designed to build the capacity of key actors as part of a comprehensive approach to dealing with these crimes. Such capacity-building has already been provided to prosecutors, labour inspectors, family ombudspersons, specialized ombudspersons, public officials and members of civil society organizations to enable them to provide a comprehensive response to human trafficking.

85. At the multilateral level, Colombia has made progress in implementing the United Nations Global Plan of Action to Combat Trafficking in Persons and the Second Work Plan against Trafficking in Persons in the Western Hemisphere 2015–2020, which include measures to prevent, combat and punish this crime and to assist and protect victims.

**Articles 12, 13 and 26: Freedom of expression; freedom of thought, conscience and religion; right to join freely any trade union**

86. The Colombian State provided reliable evidence of its compliance with articles 12, 13 and 26 of the Convention in its initial and second periodic reports, having included relevant information in paragraph 53 and in paragraphs 255 to 258, respectively.

87. Without prejudice to the foregoing, it should be noted that the Ministry of the Interior is in the process of rolling out the pilot strategy for the implementation of the comprehensive public policy on freedom of religion and worship. The policy entered into force in December 2017, reaffirming the commitment of the Colombian State to guaranteeing the exercise of religious freedom in accordance with constitutional and legal principles, including for foreign nationals on Colombian soil.

**Articles 14 and 15: Prohibition of arbitrary or unlawful interference with privacy, family, home, correspondence or other communications; prohibition of arbitrary deprivation of property**

88. The Colombian State points out that its compliance with articles 14 and 15 of the Convention was detailed in paragraph 54 of its initial report.

**Articles 16 (1) to (4), 17 and 24: Right to liberty and security of person; protection against arbitrary arrest or detention; recognition as a person before the law**

89. The Colombian State provided reliable evidence of its compliance with articles 16, 17 and 24 of the Convention in its initial report, having included relevant information in paragraphs 55 to 60, which it supplemented in paragraphs 260 to 265 of its second periodic report.

**Articles 16 (5) to (9), 18, 19 and 20: Right to procedural guarantees; prohibition of imprisonment, deprivation of authorization of residence and/or work permit or expulsion merely on the ground of failure to fulfil a contractual obligation**

90. The Colombian State wishes to inform the Committee that it provided evidence of its compliance with articles 16, 18, 19 and 20 of the Convention in paragraphs 61 and 62 of

its initial report and an update on the right to procedural guarantees in paragraphs 266 and 267 of its second periodic report.

91. In addition, Migration Colombia introduced temporary migrant holding facilities to provide a physical space for the holding of foreign nationals while migration measures are being carried out pursuant to Decree No. 1067 of 2015.

92. Temporary migrant holding facilities offer the services necessary to guarantee that the migrants who temporarily occupy them receive adequate care. They provide medical diagnostic services, legal assistance, consular representation, space for family visits, interpretation services (where possible) and access to sanitary facilities and food.

93. Colombian legislation grants all persons present in the national territory access to appropriate remedies in the event of an unfavourable administrative decision arising from general proceedings in accordance with the full guarantees provided for in the Constitution. In the case of proceedings initiated by Migration Colombia, the available remedies may be consulted on its website,<sup>17</sup> which is accessible to all.

**Articles 21, 22 and 23: Protection from confiscation and/or destruction of identity and other documents; protection from collective expulsion; right to have recourse to the protection and assistance of consular or diplomatic authorities**

94. The Colombian State wishes to inform the Committee that it provided evidence of its compliance with the provisions of articles 21, 22 and 23 of the Convention in paragraphs 63 and 64 of its initial report and that it did likewise in paragraphs 268 to 275 of its second periodic report, where it reiterated that no authority in Colombia is empowered to retain, confiscate or destroy identity documents of nationals or foreigners.

**Articles 25, 27 and 28: Principle of equality of treatment in respect of remuneration and other conditions of work and terms of employment and in respect of social security; right to receive urgent medical care**

95. The Colombian State wishes to inform the Committee that it provided evidence of its compliance with the provisions of articles 25, 27 and 28 of the Convention in paragraphs 65 to 70 of its initial report and that it did likewise in paragraphs 276 to 280 of its second periodic report, where it reiterated the applicable regulatory provisions.

**Articles 29, 30 and 31: Right of each child of a migrant worker to a name, to registration of birth and to a nationality; access to education on the basis of equality of treatment; respect for the cultural identity of migrant workers and members of their families**

96. The Colombian State provided reliable evidence of its compliance with articles 29, 30 and 31 of the Convention in its initial report, having included relevant information in paragraphs 71 to 73, and in paragraphs 281 to 302 of its second periodic report.

**Articles 32, 33 and 37: Right to transfer earnings, savings and personal effects; right to be informed of their rights arising out of the Convention; right to information**

97. The Colombian State provided reliable evidence of its compliance with articles 32, 33 and 37 of the Convention in its initial report, having included relevant information in paragraphs 74 to 78.

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<sup>17</sup> <http://www.migracioncolombia.gov.co/index.php/es/>.



#### **4. Part IV of the Convention: Other rights of migrant workers and members of their families who are documented or in a regular situation**

##### **Articles 38 and 39: Right to be temporarily absent without effect upon their authorization to stay or to work in the country; right to liberty of movement in the territory of the State of employment and freedom to choose their residence there**

98. The Colombian State provided reliable evidence of its compliance with articles 38 and 39 of the Convention in its initial report, having included relevant information in paragraph 79, and in paragraphs 305 to 310 of its second periodic report.

##### **Articles 40, 41 and 42: Right to form associations and trade unions; right to participate in public affairs of their State of origin and to vote and to be elected at elections of that State; procedures or institutions through which account may be taken of the needs of migrant workers in the State of employment and possible enjoyment of political rights**

99. The Colombian State provided reliable evidence of its compliance with articles 40, 41 and 42 of the Convention in its initial report, having included relevant information in paragraphs 80 to 83, which it supplemented with the information provided in paragraphs 311 to 334 of its second periodic report.

100. The national Government, on behalf of the Colombian State, reiterates that article 100 of the Constitution of 1991 provides as follows:

“... Article 100: Foreign nationals in Colombia shall enjoy the same civil rights as Colombian citizens. Nevertheless, for reasons of public order, the law may impose special conditions on or nullify the exercise of specific civil rights by foreign nationals. Similarly, foreign nationals shall enjoy, in the territory of the Republic, guarantees granted to citizens, subject to such limitations as may be established by the Constitution or by law. Political rights shall be reserved for citizens, but the law may grant foreign nationals resident in Colombia the right to vote in municipal or district elections and referendums ...”.

101. In this regard, it should be pointed out that foreign nationals in Colombia enjoy the same civil rights as citizens, including the right to work, in both the individual and the collective sense, and to social security. In consequence, the same applies to the right to freedom of association, with its three constituent elements: the right to form and join trade unions, to strike and to engage in collective bargaining.

##### **Articles 43, 54 and 55: Principle of equality of treatment with nationals of the State of employment in relation to the issues indicated; equality of treatment in respect of protection against dismissal, unemployment benefits and access to public work schemes and alternative employment; equality of treatment in the exercise of a remunerated activity**

102. The Colombian State provided reliable evidence of its compliance with articles 43, 54 and 55 of the Convention in its initial report, having included relevant information in paragraph 84, and in paragraphs 335 to 338 of its second periodic report.

103. It should be pointed out that the labour inspectors of the Ministry of Labour<sup>18</sup> conduct visits to different companies to verify that Colombian and foreign workers are provided with decent working conditions, in keeping with applicable national and international standards.

<sup>18</sup> Labour inspectors perform general supervisory and monitoring functions in accordance with labour protection standards. They conduct labour relations in an orderly and constructive manner. They also perform administrative, preventive and enforcement or administrative police functions. For additional information, see the labour and social security inspectors' handbook at [http://www.mintrabajo.gov.co/documents/20147/51963/manual\\_del\\_inspector.pdf/b032aaad-3151-0a2b-a8d6-9cf75eb51d4a](http://www.mintrabajo.gov.co/documents/20147/51963/manual_del_inspector.pdf/b032aaad-3151-0a2b-a8d6-9cf75eb51d4a).

104. In this regard, the Ministry of Labour developed an employment information booklet for foreign workers in Colombia as part of a series of measures reflecting the provisions of the Convention.

105. The Colombian State has offices of the Special Administrative Unit of the Public Employment Service where foreign nationals in Colombia can find information on employment assistance, consult job vacancies and take free job search preparation courses.

106. In Circular No. 0056 of 10 October 2017,<sup>19</sup> the Ministry of Labour established that the Special Administrative Unit of the Public Employment Service would provide Venezuelan nationals with employment management and placement services, guaranteeing them the same rights as Colombians when they apply for available vacancies and the same access to the portfolio of services offered by the Unit's provider network.

107. Lastly, migrant workers and their families have the same right as Colombian workers to join family allowance funds, obtain subsidized or prepaid health services and join trade unions.

**Articles 44 and 50: Protection of the unity of the families of migrant workers and reunification of migrant workers with their families; consequences of death or dissolution of marriage**

108. The Colombian State provided reliable evidence of its compliance with articles 44 and 50 of the Convention in its initial report, having included relevant information in paragraphs 85 to 87.

**Articles 45 and 53: Enjoyment of equality of treatment for members of the families of migrant workers in the areas indicated and measures taken to guarantee the integration of children of migrant workers in the local school system; right of members of a migrant worker's family freely to choose a remunerated activity**

109. The Colombian State referred to its compliance with these provisions in paragraphs 340 and 341 of its second periodic report.

110. In keeping with the information provided in part N of this report, Migration Colombia and the Ministry of Education published Joint Circular No. 01 of 27 April 2017 laying down guidelines for governors, mayors, education secretaries, rectors, directors and teachers in certified territorial divisions with regard to the provision of services to school-age children from the Republic of Venezuela.

**Articles 46, 47 and 48: Exemption from import and export duties and taxes in respect of personal effects; right to transfer earnings and savings from the State of employment to the State of origin or any other State; tax liability and avoidance of double taxation**

111. The Colombian State referred to its compliance with these provisions in paragraph 342 of its second periodic report submitted at the request of the Committee.

**Articles 49 and 56: Authorization of residence and authorization to engage in remunerated activity; general prohibition and conditions of expulsion**

112. The Colombian State provided reliable information on its compliance with the provisions of articles 49 and 56 of the Convention in its second periodic report.

**Articles 51 and 52: Right of migrant workers who are not permitted freely to choose their remunerated activity to seek alternative employment upon termination of the remunerated activity for which they were admitted; conditions and restrictions applying to migrant workers who can freely choose their remunerated activity**

113. The Colombian State referred to its compliance with these provisions in paragraph 343 of its second periodic report submitted at the request of the Committee.

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<sup>19</sup> Available at <http://www.mintrabajo.gov.co/documents/20147/648769/circular+0056.pdf>.

## 5. Part V of the Convention: Provisions applicable to particular categories of migrant workers and members of their families

114. The Colombian State provided relevant information on the articles in part V of the Convention in paragraphs 88 to 96 of its initial report and updated this information in paragraph 337 of its second periodic report.

115. With regard to the recommendation contained in paragraph 17 of the concluding observations, it should be mentioned that Migration Colombia periodically (monthly and annually) prepares reports and conducts studies based on statistical information on predetermined variables associated with migratory flows.

116. In this regard, Migration Colombia and IOM conducted a joint study entitled *Caracterización Sociodemográfica y Laboral de los Trabajadores Temporales Extranjeros en Colombia – Una Mirada Retrospectiva*<sup>20</sup> (Sociodemographic and Employment Profile of Temporary Foreign Workers in Colombia – A Retrospective), which describes and analyses foreign labour migration in Colombia. Migration Colombia also conducted a study together with the Ministry of Labour entitled *Dinámicas y características socioeconómicas, demográficas y laborales de los trabajadores fronterizos extranjeros en Colombia y colombianos en el exterior*<sup>21</sup> (Socioeconomic, demographic and employment dynamics and profiles of foreign frontier workers in Colombia and of Colombians abroad), which supplements the information available on cross-border migratory flows between Colombia and Venezuela, Ecuador, Peru and Brazil.

117. The Ministry of Foreign Affairs has adapted the statistical information system with a view to validating the data on the basis of administrative records on visas. In April 2014, it conducted evaluation and adaptation exercises with the support of the National Department of Statistics. At the same time, with the assistance of the migration entities concerned, it undertook an inter-agency linkage of the statistical system to ensure the quality, timeliness, comparability and complementarity of the information. This served as an impetus for the consolidation of the national migration statistics system.

118. As to the availability of statistical data in relation to the Colombia-Ecuador Binational Committee, a statistical table was drawn up as a means of presenting information, disaggregated by different variables, on the visas granted by the Colombian State to Ecuadorian citizens (annex 11).

119. The Ministry of Labour is developing the tools indicated below in an effort to address employment issues.

Title	Description
<b>Statistical System for International Labour Migration (SEMILI)</b>	<p>The tool known as SEMILI contains details of the sociodemographic and economic profile of emigrants to the four countries hosting the largest number of Colombians, namely Spain, Ecuador, Venezuela and the United States. It also includes details of the sociodemographic profile of the Colombian population in Chile.</p> <p>It likewise contains representative information on foreign nationals living in Colombia. Thus, the profiles constructed on the basis of the information provided by SEMILI will help to highlight the significance of the Colombian migrant population and of migrants in Colombia.</p> <p>To date, four SEMILI reports have been published: a report on Colombians in the United States, a report on Colombians in Ecuador, a report on the migratory profile of Colombians in Chile and a report on the employment profile of foreign nationals in Colombia.</p>

<sup>20</sup> Document available at <http://migracioncolombia.gov.co/phocadownload/Migracion%20Laboral%20en%20Baja.pdf>.

<sup>21</sup> Document available at [http://migracioncolombia.gov.co/index.php/es/?option=com\\_content&view=article&id=1437](http://migracioncolombia.gov.co/index.php/es/?option=com_content&view=article&id=1437).

<i>Title</i>	<i>Description</i>
<b>Single Registry of Foreign Workers in Colombia (RUTEC)</b>	This registry will contain information for constructing a sociodemographic and economic profile of foreign workers in Colombia, such as level of education, gender, age, identification, occupation and economic sector of the company.
<b>Single Registry of Returnees (RUR)</b>	This registry builds a profile of the returnee population according to specially developed indicators while also analysing the internal migration of returnees.
<b>Smart Market Analysis of Labour Migration (AMIL)</b>	This analysis helps Colombians determine the destination that is best suited to their objectives. It contains relevant general information on the economic situation in the countries hosting the greatest number of Colombian migrants, such as unemployment rate, gross domestic product per capita, youth unemployment rate and total population.  AMIL will be included in the national employment information portal of the Ministry of Labour, along with the descriptive maps that have been drawn up as a means of constructing a profile of those who migrated internally, for various reasons, in the 2013–2014 period.

**Article 65: Establishment of appropriate services to deal with questions concerning international migration of workers and members of their families**

120. The Colombian State provided relevant information in relation to the provisions of article 65 in paragraphs 358 to 361 of its second periodic report.

121. With regard to the recommendation contained in paragraph 33 of the concluding observations, it should be noted that, pursuant to Decree No. 1239 of 2003 establishing the National Intersectoral Migration Commission, different aspects of the phenomenon of migration are being fleshed out and analysed. The functions of the Commission were set out in Decree No. 1239 of 2003.

122. Within the Commission, the Working Group on Employment, which is chaired by the Ministry of Labour, has brokered various partnerships with public employment agencies and the National Training Service with the aim of coordinating efforts to train and employ returnee families and mixed families.

123. With regard to the recommendation contained in paragraph 35 of the concluding observations, the Committee is referred to the information contained in part K of the general information section of the present document.

**Articles 67, 68 and 69: Adoption of measures regarding the orderly return of migrant workers and members of their families to the State of origin when they decide to return or their authorization of residence or employment expires or when they are in the State of employment in an irregular situation**

124. The Colombian State reiterated its commitment to take measures to give effect to the provisions of articles 67, 68 and 69 of the Convention in paragraphs 362 and 363 of its second periodic report.

**Articles 70 and 71: Measures taken to ensure that the living conditions of migrant workers and members of their families in a regular situation are in keeping with the standards of fitness, safety, health and principles of human dignity**

125. The Colombian State referred to its compliance with the provisions of articles 70 and 71 of the Convention in paragraphs 364 to 369 of its second periodic report submitted at the request of the Committee.

126. With regard to the recommendation contained in paragraph 37 of the concluding observations, reference should be made to the information contained in parts I and N above and to the information relating to article 11 of the Convention.

127. A national strategy to combat the crime of smuggling of migrants was devised following the adoption by the Colombian State of Decree No. 1692 of 24 October 2016<sup>22</sup> establishing the Intersectoral Commission to Combat the Smuggling of Migrants. At the Commission's meetings, it was agreed that a process should be launched to define the migratory phenomenon associated with organized crime, including the smuggling of migrants. This process involves the active participation of the Attorney General's Office, given that it is responsible for conducting investigations and receiving criminal complaints (annex 12).

#### **IV. Final considerations**

128. The Colombian State is making strenuous efforts to align its regulatory frameworks with international standards on the protection and enjoyment of the rights of migrant workers and members of their families.

129. In order to prevent and combat human trafficking and to ensure that victims are provided with assistance and protection, Colombia has intensified cooperation in capacity-building by concluding agreements and memorandums of understanding with various States, particularly those of origin, transit and destination of victims of this scourge.

130. Colombia is currently experiencing high levels of emigration and a significant percentage of these emigrants are migrant workers in developed or highly industrialized, high-income countries. Unfortunately, these destination countries are not States parties to the Convention, and this may affect the protection and observance of the rights of Colombian nationals in such countries.

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<sup>22</sup> Available at <http://es.presidencia.gov.co/normativa/normativa/DECRETO%201692%20DEL%2024%20DE%20OCTUBRE%20DE%202016.pdf>.