



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

Concluding observations on the third periodic report of Colombia*

1. The Committee considered the third periodic report of Colombia (CMW/C/COL/3) at its 436th and 437th meetings (see CMW/C/SR.436 and 437), held on 6 September 2019. At its 443rd meeting, held on 11 September 2019, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the third periodic report of the State party and the additional information provided during the dialogue by the high-level delegation, which was headed by Ms. Adriana Mejía Hernández, Deputy Minister for Multilateral Affairs of the Ministry of Foreign Affairs, together with the Presidential Adviser on Human Rights and International Affairs and the Deputy Attorney General, and comprised representatives of the Attorney General's Office, Migration Colombia, the Office of the Adviser on the Border with the Bolivarian Republic of Venezuela, the Ministry of Foreign Affairs, the Ministry of Labour, the Ministry of the Interior and the Colombian Family Welfare Institute, and the Ambassador and officials of the Permanent Mission of Colombia to the United Nations Office at Geneva.

3. The Committee appreciates the dialogue held with the high-level delegation, the extensive information provided by the State party's representatives and the constructive approach to the meetings, which allowed for joint analysis and reflection. The Committee is grateful for the timely preparation of the report and the submission of replies and additional information within 24 hours of the dialogue.

4. The Committee acknowledges that Colombia, as a country of origin of migrant workers, has made progress in protecting the rights of its nationals working abroad. However, it notes that as a country of origin, transit, destination and return, the State party faces an unprecedented situation owing to mass migratory movements, especially in the areas bordering the Bolivarian Republic of Venezuela and Ecuador.

5. The Committee observes that living conditions in the State party are adverse for a part of the population, owing to a situation of poverty and limited resources for assisting migrants, whose needs have exceeded institutional capacities. The Committee values the State party's effort to ensure the maximum provision of services for the migrant population by steadily increasing human and economic resources. The Committee takes note of the State party's efforts to reverse the situation that has arisen and to uphold the human rights of all persons on its territory.

* Adopted by the Committee at its thirty-first session (2–11 September 2019).



6. The Committee notes that some countries where Colombian migrant workers are employed are not parties to the Convention, which may constitute an obstacle to the enjoyment by migrant workers of their rights under the Convention and that, in spite of this, Colombia has continued to support its nationals in those countries.

B. Positive aspects

7. The Committee welcomes the adoption of the following legislative measures:

(a) The decision allowing children born in Colombia to Venezuelan parents since January 2015 to receive Colombian nationality, which will benefit approximately 24,000 children;

(b) Decision No. 5797 of 2017, which created special stay permits to control the migratory flow from the Bolivarian Republic of Venezuela within the constitutional and legal framework of Colombia, thus allowing Venezuelan nationals to regularize their migration status for two years, during which time they are authorized to work and travel without hindrance in Colombian territory;

(c) Decision No. 10064 of 3 December 2018, amending article 1 (1) of Decision No. 6370 of 2018 of the Ministry of Foreign Affairs, which established that persons entered in the administrative register of Venezuelan migrants who met the requirements set forth in above-mentioned Decision No. 6370 would be able to obtain the special stay permit until 21 December 2018;

(d) Decision No. 10677 of 18 December 2018, establishing a new period for obtaining the special stay permit, whose article 1 stipulated that Venezuelans who were present in Colombian territory on 17 December 2018 (and who met the requirements set forth in Decision No. 5797 of 2017) could apply for the permit within four months following the publication of Decision No. 10677;

(e) Decree No. 542 of 2018, which created the administrative register of Venezuelan migrants, which is an information and consultation mechanism on the migration of Venezuelans and which allows them to obtain a Colombian identification document;

(f) Decree No. 1288 of 25 July 2018, whereby measures were adopted to ensure access to institutional services by persons entered in the administrative register of Venezuelan migrants;

(g) Decision No. 6370 of 1 August 2018, establishing the validity period of the special stay permit which may be obtained by persons entered in the administrative register of Venezuelan migrants, and providing for the extension of that period up to two years;

(h) Decree No. 1036 of 2016, which established the Observatory for the Offence of Trafficking in Persons, as envisaged in the National Strategy to Combat Trafficking in Persons, as a mechanism for collecting, recording and systematizing information on trafficking in persons and a comprehensive analysis tool for the purpose of strengthening prevention, investigation, prosecution, assistance and protection mechanisms;

(i) Act No. 1788 of 2016, which guarantees the equal right of domestic workers to receive a service bonus;

(j) Decree No. 1067 of 2015, which set out the conditions for the recognition of refugee status and established that the Advisory Committee on the Determination of Refugee Status of the Ministry of Foreign Affairs was responsible for receiving, processing and assessing refugee status applications;

(k) Decrees No. 1000, No. 2064 and No. 2192 of 2013 setting out provisions and establishing incentives for the return of Colombians resident abroad;

(l) Decree No. 1000 of 21 May 2013, establishing the Intersectoral Repatriation Commission with the aim of coordinating the measures taken to provide returning Colombian migrants with comprehensive support;

(m) Act No. 1565 of 2012, establishing specific competencies and guidelines to support four types of repatriation (repatriation for work, repatriation for the purpose of setting up a business, repatriation for humanitarian reasons and repatriation for the purpose of solidarity).

8. The Committee also welcomes the following institutional and policy measures for the return of Colombian nationals and their families:

(a) The establishment of the National System for Humanitarian Repatriation;

(b) The implementation between 2013 and 2018 of humanitarian programmes which directly assisted 9,436 Colombians and families of mixed nationality in high-risk situations and the implementation of the stabilization road map for returning Colombians, drawn up by the National System for Humanitarian Repatriation, which arranged for, designed and set up 110 recovery and business units between 2016 and 2018;

(c) The consolidation of an entrepreneurship and competitiveness plan to help returning Colombians to realize their business ventures.

9. The Committee considers it positive that the State party voted in favour of the Global Compact for Safe, Orderly and Regular Migration, adopted by the General Assembly pursuant to its resolution 73/195, and recommends that the State party work towards its implementation, ensuring full compliance with the Convention.

10. The Committee wishes to highlight the establishment of and the activities carried out by a number of collegiate bodies, such as councils, working groups and committees, that have worked in a coordinated manner on programmes and projects devoted to migrants, and it acknowledges the State party's efforts to coordinate the activities of all its institutions to comply with its obligations under the Convention. It also acknowledges the State party's engagement in regional dialogue processes to address the mass flows of people in South America.

C. Principal subjects of concern and recommendations

1. General measures of implementation (arts. 73 and 84)

Legislation and application

11. The Committee notes with appreciation the migration bill that was submitted to the Congress on 25 July 2019. It acknowledges the various laws, development plans, policies, programmes and other initiatives which are intended to strengthen the protection of the rights enshrined in the Convention. However, the Committee is concerned that the State party's regulatory framework is piecemeal and does not address migration comprehensively, and it highlights the obligation to bring it into line with the Convention and other applicable international instruments.

12. The Committee recommends that the State party take the necessary steps to ensure that the new bill submitted to the Congress is adopted in line with human rights instruments, particularly the Convention, and that it is gender-sensitive, generates a broad social debate and empowers Colombians and migrant diasporas so that it becomes a tool for development, well-being and peaceful coexistence.

Reservations

13. The Committee remains concerned about the State party's reservations to articles 15, 46 and 47 of the Convention. The Committee observes that the State party has not given consideration to making the declarations provided for in articles 76 and 77 of the Convention.

14. The Committee reiterates its recommendation that the State party take the necessary steps to withdraw its reservations to articles 15, 46 and 47 of the Convention and encourages the State party to make the declarations provided for in articles 76 and 77 of the Convention as soon as possible.

Ratification of relevant instruments

15. The Committee notes that the State party has ratified almost all the major human rights treaties, as well as a number of International Labour Organization (ILO) conventions. However, it also notes that the State party has not yet ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the ILO Migration for Employment Convention (Revised), 1949 (No. 97), the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the ILO Violence and Harassment Convention, 2019 (No. 190) or the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

16. The Committee recommends that the State party ratify or accede to the above instruments as a matter of urgency.

Coordination

17. The Committee notes with appreciation the solid institutional framework that the State party has established for migration management and that Migration Colombia, the highest migration authority in the State party, plays a fundamental role in the implementation of the Convention and has coordination mechanisms with all State entities. The Committee also notes the role of the Office of the Adviser on the Border with the Bolivarian Republic of Venezuela in achieving the goals of development and healthy political, economic, cultural and cooperation relations in the border region.

18. The Committee recommends that the State party:

(a) **Strengthen Migration Colombia by providing it with sufficient human, technical and financial resources to allow it to implement the provisions of the Convention in all its plans, programmes and services;**

(b) **Develop the institutional capacity of Migration Colombia at the departmental and municipal levels, following an approach that is focused on human rights and sensitized to gender and child protection;**

(c) **Develop the institutional capacity of the Office of the Adviser on the Border with the Bolivarian Republic of Venezuela and ensure that it implements policies with a human rights approach;**

(d) **Ensure that participation, cooperation and dialogue mechanisms are provided with sufficient human, technical and financial resources to effectively work on migration-related matters within their competence.**

Data collection

19. The Committee notes with appreciation the initiatives taken by the State party to install the BIOMIG system in the immigration areas of El Dorado International Airport in Bogotá; to develop the TABLEAU database, which facilitates the management of migration statistics; and to establish, pursuant to Decision No. 4386 of 9 October 2018, the Single Registry of Foreign Workers in Colombia. The Committee also recognizes the positive impact of the Statistical System for International Labour Migration, the Single Registry of Returnees and the Smart Market Analysis of Labour Migration. Nevertheless, the Committee expresses concern about the underrecording of persons in an irregular situation and their families and at the difficulties in keeping accurate records at land borders.

20. The Committee recommends that in line with target 17.18 of the Sustainable Development Goals and following an approach based on human rights, gender equality and non-discrimination, the State party:

(a) **Further consolidate the national migration statistics system;**

(b) **Continue to strengthen the automation of entry and exit processes, by maintaining the quality and reliability of information at all border points;**

(c) **Ensure that the personal information of migrant workers and their families is protected, so that personal data are not used for migration control or for discrimination in public and private services.**

Training on and dissemination of information about the Convention

21. The Committee notes with appreciation the State party's efforts to disseminate human rights instruments, its cooperation with academia and the programmes it has developed and implemented with ILO and the International Organization for Migration. However, the Committee observes that the many national regulations and labour protocols that have been developed make no direct reference to the Convention and that the Convention is not disseminated as a legal instrument in force in the State party.

22. **The Committee reiterates its previous recommendation (CMW/C/COL/CO/2, para. 19) that the State party:**

(a) **Strengthen and expand mandatory education and training programmes on Convention rights for officials from institutions that are responsible for migration issues, including law enforcement officers, border authorities, judges, prosecutors and local authorities;**

(b) **Use effective mechanisms to evaluate the impact of training and consider encouraging more defence lawyers and judges to invoke the Convention and the Committee's general comments when appealing cases or rendering judgments;**

(c) **Intensify cooperation with universities, civil society organizations, the media and local authorities to disseminate information about the Convention, especially in border areas.**

Participation of civil society

23. The Committee takes note of the establishment of new coordination mechanisms for the inclusion and participation of Colombians abroad, Colombian returnees and foreigners in Colombia, and of a national migration committee for civil society, to encourage safe, orderly and regular migration. The Committee is concerned about the limited role of civil society in the implementation of the Convention, particularly in the preparation of reports.

24. **The Committee reiterates its previous recommendation (CMW/C/COL/CO/2, para. 21) and recommends that the State party adopt and implement concrete measures so that civil society participates on an ongoing basis in the implementation of the Convention. It urges the State party to use permanent mechanisms for the preparation of its reports and for follow-up to the Committee's recommendations.**

2. General principles (arts. 7 and 83)

Non-discrimination

25. The Committee notes that the State party's constitutional and legislative framework includes provisions aimed at combating discrimination and xenophobia and recognizes the equal rights and dignity of all persons in the territory of the State party, whether nationals or non-nationals. The Committee also notes that several authorities have played a positive leading role in welcoming and hosting migrants in their territories. Nevertheless, the Committee is concerned about the persistence of xenophobic discourse against migrants, in particular migrant mothers and migrant children born in Colombia.

26. **The Committee recommends that the State party:**

(a) **Deepen its policies to eliminate discriminatory stereotypes regarding migrant workers and their families, and make progress in education for the prevention of xenophobia at all educational levels;**

(b) **Apply promptly and without exception the penalties in force for various acts of discrimination, including when committed by the authorities or the media, in accordance with article 7 of the Convention.**

Right to an effective remedy

27. The Committee notes that, under article 100 of the Constitution, aliens enjoy the same civil rights and guarantees as those granted to Colombians, and that the Constitutional Court in its judgment T-956 of 2013 determined that due legal process must be recognized within the framework of the minimum guarantees that must be provided to all migrants, regardless of whether their migration status is regular or irregular. The Committee remains concerned about limited access to justice and reparation for the victims of abuses and violations of the rights recognized under the Convention, particularly in the case of indigenous communities in border areas.

28. **The Committee recommends that the State party:**

(a) **Ensure that legal assistance is based on non-discrimination and is easily accessible and free of charge;**

(b) **Launch an immediate investigation when crimes and rights violations are brought to its attention and provide access to reparation by means of accessible information and effective legal assistance;**

(c) **Provide assistance with legal defence, interpretation services, the right to individual consideration, gender-sensitive interviewing, interculturality, procedural facilities, the right of appeal, and reparation and/or compensation to the victim and the family.**

3. Human rights of all migrant workers and members of their families (arts. 8–35)

Border management

29. The Committee takes note of the State party's effort, investment and commitment to manage migration at its borders and to facilitate the transit of migrants on its territory, and the attention given to the mass migratory flows of Venezuelan citizens under the National Strategy to Address Migration from the Bolivarian Republic of Venezuela. The Committee welcomes the decision taken by the State party in 2018 to issue border mobility cards, which make it possible for over 4 million Venezuelans to enter, transit through and stay in border areas for up to seven days. The Committee notes with appreciation how this effort has ensured humanitarian assistance for millions of women and access to the public education system for 190,942 migrant children and adolescents.

30. The Committee notes with concern the mass migration of families in an exodus on foot of almost 4 million people between the beginning of the crisis in the Bolivarian Republic of Venezuela and 30 June 2019. Of these, 1.4 million – 48 per cent of whom are women and 12 per cent minors – have decided to settle in the State party. An additional 700,000 people have a regular migration status and a further 665,000 people are thought to be in the process of regularizing their status. Consequently, there are 2.5 million people who are migrants in transit, with a further 400,000 persons expected to arrive in 2019. The Committee also notes the huge “pendular migration” flow of 40,000 people who enter the State party daily for a few hours or days in search of goods, services or work. The Committee further notes the slow response by other States and international organizations to the State party's calls for cooperation.

31. **In conformity with the Recommended Principles and Guidelines on Human Rights at International Borders of the Office of the United Nations High Commissioner for Human Rights, and in line with the terms of the Convention, the Committee recommends that the State party:**

(a) **Strengthen the border mobility system with a human rights approach and maintain its decision not to close the borders;**

- (b) **Ensure that border management includes the development and oversight of joint plans, supported by international cooperation, for safe and orderly migration;**
- (c) **Maintain the mechanisms which provide stay permits, work permits and identity documents and which prevent irregular migration, so that migrant workers and their families do not fall victim to exploitation or extortion during their migration;**
- (d) **Expand policies for the labour integration of migrant workers and their families and their access to social services, in decent conditions, and establish a long-term mechanism for a lasting productive relationship so that they can contribute to the State party's development;**
- (e) **Intensify calls for international funding to address the Venezuelan mass migration crisis, with a view to increasing resources to assist migrant workers and their families and all host communities on an equal basis.**

Labour exploitation and other forms of ill-treatment

32. The Committee welcomes the creation of a strategy to channel migrant workers' inclination for entrepreneurship and work in accordance with local needs, and the protocol to detect labour exploitation. The Committee takes note of the State party's initiatives to prevent forced labour, especially through inspections of different companies undertaken by the Ministry of Labour to verify that Colombian and foreign workers are provided with decent working conditions, in keeping with applicable national and international standards. However, it notes with concern reports that migrant workers, in particular domestic workers who are in an irregular situation in the State party, are often subjected to labour exploitation and trafficking in persons.

33. **In accordance with the Sustainable Development Goals (targets 8.7 and 16.2) and taking into account its general comment No. 2 (2013) on the rights of migrant workers in an irregular situation and members of their families, the Committee recommends that the State party expedite the identification, prosecution and punishment of trafficking in persons offences and provide access to legal representation for victims who are migrant workers, including children, whether documented or undocumented.**

34. The Committee notes with concern the information received about the lack of assistance given to Colombian citizens who were stripped of their property and expelled from the Bolivarian Republic of Venezuela and about those who, although residents in that country, were prevented from returning to their homes as a result of border closures. Several such cases have arisen over a number of years, including one instance in which 50 Colombians were collectively expelled from the Bolivarian Republic of Venezuela.

35. **The Committee urges the State party, once it has exhausted the remedies provided by bilateral and regional mechanisms to seek redress for its nationals who were victims of this abusive treatment, to support the persons concerned in presenting their cases to the United Nations human rights special procedures.**

Consular assistance

36. The Committee notes the progress made by the State party to improve and expand the consular services provided by 105 consulates abroad for the approximately 5 million Colombian migrant workers and members of their families; it also notes the assistance procedures that have been established and the training provided to consular officials. The Committee takes note in particular of the introduction of consular services at the border with the Bolivarian Republic of Venezuela to ensure that Colombian nationals are not left without assistance. The Committee also welcomes the measures taken under the More and Better Services and the Colombia Unites Us programmes to provide comprehensive and multidimensional assistance for Colombian nationals residing abroad. The Committee considers that the organization of employment and study fairs with the support of the International Organization for Migration and the preparation of accessible guidance on the rights of migrant workers in destination countries are innovative steps.

37. **The Committee recommends that the State party:**

(a) **Continue to build the capacity of its consulates and embassies to provide advice, assistance and protection to Colombian migrant workers and their families residing abroad;**

(b) **Take steps to provide free legal counselling to Colombian citizens deprived of their liberty abroad;**

(c) **Involve civil society organizations, associations, volunteer organizations and churches in the management and assistance of migrants, in countries of origin and destination, so that they may enjoy the support and solidarity of their fellow nationals.**

Birth registration and nationality

38. The Committee welcomes the adoption by the National Civil Registry Office of Decision No. 8470 of 5 August 2019, also known as the “Childhood First” decision, which grants Colombian nationality to children born in Colombia whose parents are Venezuelan migrants. According to official estimates, this measure could benefit more than 24,000 children of Venezuelan descent who have been born in Colombia since 15 August 2015. The Committee notes with appreciation the publication by the National Civil Registry Office of Circular No. 168 of 22 December 2017, which states that the children of foreign mothers at risk of statelessness will be recorded in the civil register without the need to provide proof of domicile, thus facilitating Venezuelan children’s access to Colombian nationality. Nevertheless, the Committee is concerned that children whose mothers hold other foreign nationalities are not afforded the same opportunities.

39. **The Committee recommends that the State party treat migrant workers and their children born in Colombia on equal terms, regardless of their place of origin, and that it maintain its policy of eradicating statelessness in its territory by guaranteeing nationality for children born in Colombian territory, without discrimination on the grounds of their parents’ nationality of origin.**

Education and health

40. The Committee notes that the State party has provided migrant workers and their families with access to basic services, has provided care for more than 91,000 pregnant migrant women, has administered more than 1,360,000 doses of vaccine, has incorporated 129,000 children into its education system and has extended welfare system coverage to 70,000 migrant children under the age of 5. However, the Committee is concerned that discriminatory and discretionary practices persist in the public services which provide assistance for migrants, and that health and education funding for migrants is limited.

41. **The Committee recommends that the State party’s policies and plans for the assistance of migrant workers and their families should be the same as those which are implemented for nationals and host communities, so that social equity is the basis for equal, dignified and non-discriminatory access to services. The Committee, mindful that the provision of these services requires considerable resources, urges the State party to deepen international cooperation with other regions and strengthen solidarity funding from other countries.**

4. Promotion of sound, equitable, humane and lawful conditions in connection with the international migration of workers and members of their families (arts. 64–71)

Children in situations of international migration

42. The Committee notes the steps taken and the provisions adopted by the State party to protect children and adolescents in the context of migration. It is concerned about the vulnerability of their situation, given that they travel with their families on foot, have poor food and no access to safe water or basic services, while migration interrupts their education.

43. **In accordance with joint general comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration and joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, the Committee recommends that the State party:**

(a) **Ensure that procedures involving unaccompanied migrant children necessarily take account of the best interests of the child, with a view to adopting short- and long-term solutions, such as family reunification or resettlement in a third country;**

(b) **Ensure that no child or adolescent is repatriated if his or her best interests are not guaranteed, and that his or her life is not endangered;**

(c) **Provide support to Colombian nationals in other countries to prevent their expulsion and the separation of children and adolescents from their parents as a result of forced deportation without due process and in violation of their best interests.**

44. The Committee notes the legal measures taken by the State party to protect migrant children and adolescents from economic exploitation. However, it is concerned about the high number of children and adolescents involved in child labour. In particular, it is seriously concerned about the persistent involvement of migrant children in dangerous or degrading work such as agricultural labour in illegal crops, the drugs trade and illegal mining.

45. **The Committee recommends that the State party:**

(a) **Redouble its efforts to eliminate child labour, including by ensuring that legal proceedings are taken against those who exploit children economically and that child victims receive full reparation;**

(b) **Draw on technical assistance in this regard from the ILO International Programme on the Elimination of Child Labour.**

International cooperation with countries of transit and destination

46. The Committee takes note of the bilateral and regional agreements that have been adopted with neighbouring countries or in the framework of the Declaration of Quito on Human Mobility of Venezuelan Citizens in the Region, the convening of the Andean Committee of Migration Authorities, the holding of follow-up meetings on multilateral commitments and the existence of an inter-agency response plan for the region. The Committee considers that global support is lacking and that shortcomings persist in coordination and harmonization of regional responses to the mass migration of Venezuelan nationals. The Committee considers too that the aforementioned agreements are not being implemented effectively and it notes the absence of coordinated decision-making in countries on the migration route of Venezuelan families and the lack of harmony and cooperation at border crossings.

47. **The Committee recommends that the State party redouble its efforts to address the crisis at the regional level and that it promote joint responsibility and coordination, taking current Venezuelan migration flows into consideration. The Committee also recommends that the State party continue to promote, at the bilateral and regional levels, initiatives and agreements aimed at safeguarding the rights and guarantees contained in the Convention in respect of migrant workers and members of their families, such as those concerning non-discrimination, urgent medical care, education, fair wages and access to social security and retirement benefits, regardless of their migration status.**

Return and reintegration

48. The Committee acknowledges the historic signing of the peace agreement in 2016 and it appreciates the State party's progress in implementing plans for the return and reintegration of persons affected by the conflict, especially in border areas. The Committee notes the implementation of a support strategy pursuant to agreement No. 16 of 31 October 2016, signed between the State party and the International Organization for Migration. It also notes that in 2012 the State party adopted Act No. 1565, containing provisions and establishing incentives for the return of Colombians resident abroad and creating the Intersectoral Repatriation Commission, with the aim of coordinating measures to provide the more than 200,000 returning Colombians with comprehensive support. The Committee notes that the Ministry of Foreign Affairs runs several support programmes for returnees in various categories, including through the National System for Humanitarian Repatriation and the National System of Comprehensive Victim Support and Reparation. Nevertheless, the Committee is concerned that these programmes have had limited success in effectively reintegrating returning migrant workers.

49. The Committee recommends that the State party, in accordance with article 67 of the Convention and the Sustainable Development Goals (target 10.7), intensify gender-sensitive initiatives to support migrants returning to their places of origin and to expand measures for the durable reintegration of deported persons or returned persons. It recommends that the social reintegration of victims of the armed conflict should be strengthened as part of the return process. The Committee also recommends expanding the psychosocial assistance provided to those whose human rights have been violated during the processes of leaving, transit, migration or return.

Trafficking in persons

50. The Committee appreciates the important legislative, policy and institutional measures adopted by the State party to combat trafficking in persons and related practices, including the National Strategy to Combat Trafficking in Persons 2016–2018 (Decree No. 1036 of 2016) and Presidential Decree No. 1069 of 2014, which stipulates that a range of support services must be provided for victims of trafficking. The Committee notes that in 2014 the State party set up a coordination group to combat trafficking in persons and related crimes, which works to dismantle criminal organizations that commit this crime on a transnational basis, and that it signed memorandums of understanding and cooperation agreements with countries such as Argentina, Chile, Costa Rica, Ecuador, El Salvador, Honduras, Panama, Paraguay and Peru, to combat trafficking in persons. The Committee is troubled, however, by:

(a) The significant challenges the State party faces due to the increase in mixed migratory flows (mainly from the Bolivarian Republic of Venezuela) which increase the risk of trafficking in persons, especially that of irregular and undocumented migrants;

(b) The high prevalence of trafficking of children for sexual exploitation in areas with tourism and major extractive industries, and the trafficking of children to military camps for sexual exploitation which occurred during the armed conflict;

(c) The lack of shelters for trafficking victims and the lack of support from community or religious institutions that might be able to provide emergency shelter for people in transit;

(d) The insufficient human, technical and financial resources allocated to preventing and eradicating trafficking in persons.

51. The Committee recommends that the State party continue its efforts to combat trafficking in persons and, in particular, that it:

(a) **Scale up campaigns for the prevention of trafficking in migrant workers;**

(b) **Improve the training of police officers and other law enforcement officials, border guards, judges, prosecutors, labour inspectors, teachers, health-care personnel and embassy and consular personnel to identify and combat trafficking in persons;**

(c) **Ensure that the National Strategy to Combat Trafficking in Persons 2016–2018 is implemented widely and comprehensively, in particular with regard to women, children and adolescents who are victims of trafficking;**

(d) **Strengthen the system put in place to identify persons who have been trafficked and provide protection and assistance to all trafficking victims by, in particular, furnishing them with lodging, medical attention and psychosocial support and adopting other measures that will facilitate their reintegration into society;**

(e) **Enhance international, regional and bilateral cooperation by developing joint action plans with countries of origin, transit and destination on the prevention of trafficking in persons and the detection of organized crime networks, and cooperate with public prosecutors' offices to arrest, prosecute and punish criminals;**

(f) **Take steps to eradicate the structural causes of human trafficking, especially male chauvinism, racial discrimination and factors that impede migrants' access to employment and education;**

(g) **Greatly expand the network of shelters for trafficking victims and adopt measures which are gender-sensitive and which respect human rights;**

(h) **Establish mechanisms for family reunification and the identification of migrants who do not have identity documents as a means of preventing trafficking and the indefinite separation of migrants and their families.**

Indigenous peoples

52. The Committee notes with concern reports that persons – particularly agricultural workers – who belong to indigenous communities on the border between the Bolivarian Republic of Venezuela and Colombia and who regularly cross the border in order to work in the State party are at risk of being subjected to abuse, forced labour and debt bondage. The Committee is concerned about the consequences of this migration, considering that indigenous migrant workers from the Yukpa and Wayuu indigenous peoples and the Warao cross-border community are especially vulnerable.

53. **The Committee invites the State party to contemplate measures to protect the rights of this group of migrant workers, in accordance with the provisions of the Convention, taking into account their particular situations of interculturality, the health risks to which they have been exposed and the need to guarantee their effective enjoyment of rights, despite their living in hard-to-reach areas that are now clandestine migration routes, which further increases their vulnerability.**

5. Dissemination and follow-up

Dissemination

54. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official languages of the State party, to the relevant State institutions, including to government ministries, the legislature, the judiciary and relevant local authorities, as well as to non-governmental organizations and other members of civil society. The State party is encouraged to make the system for follow-up to the Committee's recommendations a flexible tool, to be updated regularly and accessible to the public, alongside the system already set up by the State party.**

55. **The Committee recommends that the implementation of the Convention, in particular the action taken in follow-up to the present concluding observations, should be approached together with civil society organizations, and that the proposals these organizations make with respect to specific migration problems in Colombia should be explored, given their deep understanding of the daily reality of migrants.**

Technical assistance

56. The Committee recommends that the State party further avail itself of international assistance for the implementation of the recommendations contained in the present concluding observations in line with the 2030 Agenda for Sustainable Development.

Follow-up to concluding observations

57. The Committee requests the State party to provide, within two years (that is, by 1 October 2021), written information on the implementation of the recommendations contained in paragraphs 26 and 41 above.

Next periodic report

58. The Committee requests the State party to submit its fourth periodic report by 1 October 2024. In doing so, the State party may wish to follow the simplified reporting procedure. The Committee draws the State party's attention to its harmonized treaty-specific guidelines (HRI/GEN/2/Rev.6).
