



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Combined second to fourth periodic reports submitted by Colombia under article 35 of the Convention*, **

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* The present document is being issued without formal editing.
** The annex to this document is available on the Committee's website.



Introduction

1. On 10 May 2011, Colombia ratified the Convention on the Rights of Persons with Disabilities, which had been adopted by the United Nations General Assembly on 13 December 2006 and signed by Colombia by Act No. 1346 of 31 July 2009. Thus, in fulfilment of the obligation assumed under article 35 of the Convention, the State hereby submits its combined second to fourth periodic reports, which cover the main advances made by State entities in the area of disability during the period from 1 January 2016 to 27 May 2021.
2. During the preparation of these combined reports, the recommendations made by the Committee to the Colombian Government on 30 September 2016 (document with symbol [CRPD/C/COL/CO/1](#)) were taken into account. In order to save space, the recommendations related to the measures being discussed under each article are referred to in the footnotes. It is to be noted that the recommendations made by the Committee do not always correspond to the contents of the article in question. The information contained herein is nonetheless presented in the same order as was used in the Committee's concluding observations.
3. The figures cited in the report are expressed in nominal Colombian pesos (Col\$). In accordance with the moving average of the representative market rate for the 20-day period ending on 13 May 2021, \$3,705.53 Colombian pesos (Col\$) were equivalent to 1 United States dollar (US\$).

Part one

General provisions

Articles 1 and 2

Purpose and definitions

4. The Colombian Constitution protects the rights of persons with disabilities and promotes respect for their dignity by combating discrimination and recognizing specific rights that emanate from laws and decrees that will be addressed in this report.
5. Act No. 1346 of 31 July 2009, by which the Convention on the Rights of Persons with Disabilities was approved, uses the definition of persons with disabilities set forth in the Convention, where they are described as persons with "long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others". By the same token, the aforementioned Act adopts the definition of reasonable accommodation that appears in the Convention, which refers to "necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms".
6. Statutory Act¹ No. 1618 of 27 February 2013, whereby provisions are established to guarantee the full exercise of the rights of persons with disabilities, is designed to safeguard and ensure the effective exercise of their rights by persons with disabilities through the adoption of measures to promote inclusion, affirmative action and reasonable accommodation and eliminate all forms of discrimination based on disability. Article 2 of this law defines affirmative actions as policies, measures and actions intended to benefit

¹ Statutory laws occupy a special position in the legal hierarchy. Their essential purpose is to regulate the following matters: fundamental rights and duties and the procedures and remedies for their protection; administration of justice; organization and regulation of political parties and movements, the status of the opposition and electoral functions; institutions and mechanisms for citizens' participation; and states of emergency, among others. Their special status ensures the effective application of basic constitutional principles and is intended to contribute to the achievement of the essential purposes of the State (Decision C-748/11 of the Colombian Constitutional Court).

persons or groups with a disability by eliminating or reducing inequalities and barriers of an attitudinal, social, cultural or economic nature that affect them.

7. Article 36 of the Children and Adolescents Code (Act No. 1098 of 8 November 2006) establishes the rights of children and adolescents with disabilities. It states that, in addition to the rights enshrined in the Constitution and in international treaties and conventions, children and adolescents with disabilities have the right to enjoy a full quality of life and to have the State establish the conditions they require in order to be able to fend for themselves and be integrated into society. It specifically states that they have the right to respect for their differences, to enjoy a decent life in conditions of equality with other people and to receive services, diagnoses, specialized treatment, rehabilitation and special health care, education and guidance.

8. The National Disability System² was created by Act No. 1145 of 10 July 2007. Its purpose is to promote the formulation and implementation of public policy on disability in coordination with national, regional and local public entities, organizations of persons with disabilities, civil society, the private sector and academia. The System is composed of the Presidential Advisory Office for the Participation of Persons with Disabilities, which serves as its lead agency; the National Council on Disability, which provides consultative and institutional advisory assistance and verification, follow-up and assessment services for the System in connection with the National Public Policy on Disability; sectoral liaison groups that provide technical support; local disability committees; and other bodies.

9. In addition to serving as the lead agency of the National Disability System, the Presidential Advisory Office for the Participation of Persons with Disabilities is the senior government body for the coordination of the work done by institutions and other members of the National Council on Disability on the formulation of public policies on disability and social inclusion. Its duties include monitoring compliance with current regulations and standards on inclusion and heading up the management of international cooperation resources and partnerships with the private sector, the regions and the academic sector.

Articles 3 and 4

General principles and obligations

10. National Economic and Social Policy Council (CONPES) document No. 166 of 9 December 2013 establishes the National Public Policy on Disability and Social Inclusion. This policy, together with the 2030 Agenda on the Sustainable Development Goals (see CONPES document No. 3918 of 15 March 2018), is the instrument used by the Colombian State to promote the rights of persons with disabilities and to ensure that these rights are respected and protected on the basis of a sustainable approach in line with the applicable international guidelines.

11. The National Development Plan 2018–2022, named “Pact for Colombia, Pact for Equity”, was adopted by Act No. 1955 of 25 May 2019. This plan calls for the formation of a cross-cutting pact aimed at strengthening the social and productive inclusion of all persons with disabilities. Its objectives are to: (i) evaluate and update the National Public Policy on Disability and Social Inclusion; (ii) strengthen the institutional framework of the National Disability System in order to improve the coordination, implementation and monitoring of public policies; (iii) establish the National Observatory for the Social and Productive Inclusion of Persons with Disabilities; (iv) develop measures for ensuring the full recognition of rights and access to justice for persons with disabilities; and (v) achieve the effective integration of persons with disabilities into the labour market and entrepreneurship systems.

² The System encompasses the guidelines, standards, activities, resources, programmes and institutions that make the application of the general principles on disability set out in this law possible. Departmental and district disability committees are also part of the System and act as mid-level bodies that provide consultative and advisory support and work to consolidate and monitor the application of the Public Policy on Disability. Lastly, municipal disability committees are deliberative bodies that help to enlarge upon and monitor this policy.

12. The Colombian State is working on the development of a national human rights action plan. This is a public policy tool that will enable the State to set out the steps to be taken to improve the promotion, protection and effective enjoyment of human rights. The aim is to strengthen the institutions responsible for ensuring compliance with the standards and/or recommendations of international human rights organizations. This action plan is being developed on the basis of wide-ranging, intensive consultations that have included working groups involving social organizations, the international community, local governments and government agencies.

13. Within this framework, on 25 June 2018 a joint declaration was issued by human rights platforms and the Government in which they announced their agreement to work together to develop a national human rights action plan based on a participatory dialogue among stakeholders, civil society sectors and the member entities of the National Human Rights System in order to facilitate the work of the coordinating body for all these sectors. The signatories of this joint declaration include a civil society representative of the National Council on Disability.

14. The need to reduce the labour exclusion of persons with disabilities is being taken into account in the formulation of the national human rights action plan. It will call for the provision of technical assistance and the organization of awareness-raising activities for entrepreneurs concerning the labour inclusion of persons with disabilities and labour intermediation services in line with the National Public Policy on Disability and Social Inclusion. In order to promote access to justice, guidelines are to be developed concerning gender and disability mainstreaming in the administrative justice sector.

15. In conformity with Resolution No. 1519 of 24 August 2020, which defined standards and guidelines for the publication of the information specified in Act No. 1712 of 6 March 2014 and the requirements for public information accessibility, web accessibility, digital security and open data access, all the portals of the Government of Colombia are accessible for persons with disabilities, and all private entities are required to ensure this accessibility by January 2022.

16. Various technology strategies have been developed, including the Relay Centre project, ConverICT, Cinema For All, Inclusive Smart ICT, the Training for Persons with Disabilities programme and Accessible Entertainment. These strategies make it possible to create channels through which persons with disabilities will be able to work in educational institutions and enterprises and which will facilitate their full integration and performance. Additionally, the relevant Ministry has established a budget line for projects for persons with disabilities. Over the period 2016–2020, these allocations amounted to Col\$ 30,112,484,017. Agreements have also been reached and projects have been organized with such institutions as the National Federation of Deaf Persons and the National Institute for the Blind.

17. The State has incorporated respect for the human rights of persons with disabilities into the transitional justice system established following the conclusion of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace between the Colombian Government and the demobilized Revolutionary Armed Forces of Colombia – People’s Army (FARC-EP) in 2016 (the Final Agreement). The Special Jurisdiction for Peace has incorporated differential approaches into all its proceedings, abides by international standards for upholding the rights of persons with disabilities and embraces all the principles set out in the Convention, including the principles of inherent dignity, non-discrimination and equal opportunities, participation and inclusion, respect for difference and acceptance of persons with disabilities as part of human diversity and humanity, gender equality and accessibility for persons regardless of disability, among others.

18. By Resolution No. 652 of October 2018, the Counsel General’s Office established the Working Group for the Rights of Persons with Disabilities to promote and protect the rights of persons with disabilities and to monitor national actions and policies affecting them. The Working Group is comprised of representatives of the Office of the Special Counsel for Civil and Labour Matters; the Office of the Special Counsel for Human Rights; the Office of the Special Counsel for Health, Social Protection and Decent Work; the Office of the Special Counsel for the Defence of the Rights of Children, Adolescents, the Family and Women; the Office of the Special Counsel for Follow-up to the Peace Agreement; and the Office of the

Counsel General of Colombia. The Working Group developed the Charter of Principles for the Inclusion of the Rights of Persons with Disabilities and the List of Rights, which were issued on 3 December 2019, the International Day of Persons with Disabilities. The Counsel General's Office has also participated in the Sectoral Liaison Group of the Ministry of the Interior and the Presidential Advisory Office for the Participation of Persons with Disabilities, which identified pending issues to be addressed in order to ensure the effective enjoyment of the rights enshrined in Statutory Act No. 1618 of 2013. Its active involvement in this area has also taken the form of the submission of recommendations for the formulation and start-up of the independent mechanism referred to in article 33 of the Convention.

Part Two

Implementation of the rights guaranteed in articles 5 to 31 of the Convention, with the exception of articles 6 and 7

Article 5

Equality and non-discrimination

19. Thanks to the collaborative work of the National Council on Disability with various institutions and representatives of civil society and academia, Act No. 1996, which establishes the regime for the exercise of legal capacity by adults with disabilities, was passed on 26 August 2019. This law partially repealed Act No. 1306 of 5 June 2009, which established regulations for the protection of persons with mental disabilities and a system for the legal representation of “emancipated incapacitated persons”, and Act No. 1412 of 19 October 2010, which dealt with surgical contraception procedures for persons with mental disabilities. With the adoption of these legislative measures, the Colombian legal order has underscored the fact that all persons with disabilities have rights and obligations and have the same legal capacity as everybody else, without any distinction and regardless of whether they use support for the performance of legal acts. It is emphasized that under no circumstances may the existence of a disability be a reason for restricting a person's legal capacity, with priority being placed on supported decision-making.

20. The Colombian Family Welfare Institute made substantive progress in the period 2016–2020, succeeding in increasing budgetary allocations in various areas involved in providing services to children and adolescents with disabilities, especially in the areas of early childhood, childhood, adolescence, nutrition and protection. These aspects, which will be discussed in more detail later in this report, underscore the priority accorded to persons with disabilities by the relevant institutions in each of their programmes (see annex 6, table 1).

21. The Special Jurisdiction for Peace has developed guidelines for the implementation of differential approaches, including a disability-based approach. The courses of action covered by these rights-based guidelines focus on the objective of guaranteeing, on an equal opportunity basis, the rights to information, participation, truth, justice, and reparation and non-repetition for victims, participants and other persons involved in matters relating to a condition of disability. By virtue of these rights, reasonable accommodation, the reduction of attitudinal and communications barriers and the participation of all victims, participants and other parties with disabilities in the different proceedings of the Special Jurisdiction for Peace are to be guaranteed.

22. A handbook on the foundational principles for the recognition of the rights of persons with disabilities before the Special Jurisdiction for Peace has been prepared for civil servants. The handbook provides its users with the tools needed to understand and apply this approach in the work of the Jurisdiction. In order to facilitate and enhance the effective participation of victims with disabilities in the Jurisdiction, a handbook on the presentation of reports incorporating a disability-based approach has been developed, which serves as a useful tool for human rights organizations and victims wishing to present their reports to the Jurisdiction. The work carried out in order to incorporate the disability-based approach has contributed to guarantees for the right to due process of persons with disabilities, regardless of the type of disability, be it physical, sensory, mental, psychosocial, cognitive or multiple, and for their effective participation in the work of the Jurisdiction.

23. With the approval of CONPES document No. 3918 of 15 March 2018, on the strategy for achieving the Sustainable Development Goals in Colombia, the system for monitoring, reporting and supporting accountability processes has been defined, as have the plan for strengthening statistical capacity, the strategy for implementation at the local level and the mechanism for dialogue with non-governmental stakeholders.³ This document serves as a frame of reference for the definition of public policies and the prioritization of funding for public agencies at both the national and subnational levels.

Article 8

Awareness-raising

24. A disability and supported decision-making training programme is run each year for various groups.⁴ This programme is offered to the legal community in particular, and, to date, more than 4,000 people have received the training, which is coupled with regional events and virtual refresher courses. Educational tools have been developed to reinforce learning and enable people to keep updated on legal matters. These tools, which have been made available on the website of the “Interconnecting Justice” (Tejiendo Justicia) network, include primers, infographics and videos.⁵ The “Interconnecting Justice” network was formed to incorporate gender and disability issues into the training and legal practices of future lawyers through strategic alliances with academia. The Ministry of Justice has prepared a handbook on access to justice and working with persons with disabilities and has developed a protocol on inclusive services for the provision of access to justice for persons with disabilities. Both the handbook and the protocol have a section on the subject.⁶

25. The Ministry of the Interior has established various types of mechanisms for promoting inclusion, including the recruitment of sign language interpreters, who, in addition to facilitating access to information for members of the deaf population in need of services, provide tools that raise awareness among public servants. In addition, various training modules for public servants are conducted in coordination with the National Institute for the Blind in order to sensitize officials and provide them with a number of basic tools for working with persons who have visual impairments.

26. The Ministry of Labour carried out 163 workshops and regional forums in the 32 departmental capitals in the period 2016–2020 to raise awareness and provide information on legal and tax benefits and the employability of persons with disabilities. The 11,700 participants in these workshops and forums included entrepreneurs and persons working with employment and disability policies (see table 2 in the annexes). Outreach activities are designed to promote inclusion and raise awareness among employers and to advise business owners about mechanisms for the labour inclusion of persons with disabilities.

27. In 2018 the National Library developed a virtual course called “My Inclusive Library”, which provides library staff with conceptual guidance and strategies for raising awareness of the role played by public libraries in providing persons with disabilities with access to library resources and services on an equal footing with others. In the period 2016–2019, the Maguaré and MaguaRED portals, which provide specialized information on early childhood, posted various accounts and stories relating to disability issues in order to provide food for thought and promote equity, diversity and inclusion. The content bank of the Ministry of Culture is another audiovisual resource of this kind.

Article 9

Accessibility

28. With the implementation of Resolution No. 1519 of 2020 by the Ministry of Information and Communications Technology, guidelines and criteria for ensuring web

³ Recommendation, para. 71 (CRPD/C/COL/CO/1).

⁴ Recommendation, para. 21 (CRPD/C/COL/CO/1).

⁵ Retrieved from: https://www.minjusticia.gov.co/Tejiendo_Justicia.

⁶ Recommendation, para. 9 (CRPD/C/COL/CO/1).

access for persons with disabilities have been established. This resolution also requires the media (specifically television) to broadcast all messages issued by the emergency authorities in Colombian Sign Language so that hard-of-hearing persons will have access to emergency information in real time.

29. The National Accessibility Plan is being formulated to ensure that the physical environment of public or private facilities that are open to the public, modes of transportation, and information and communications channels, including information and communications technologies, meet internationally recognized standards.

30. The offerings for 2020 in the 2018–2022 catalogue of the Ministry of Culture are presented in an accessible audiovisual format using Colombian Sign Language. The purpose of this initiative was to provide persons with disabilities with equitable access to information and opportunities for interaction via videos related to the catalogue. This was made possible by services provided by a deaf professional. The corresponding budget allocation amounted to Col\$ 28,333,333.

31. To promote access to information, in 2020 the Ministry of Culture hired another deaf professional to provide Colombian Sign Language subtitling for 25 minutes of its videos. The budget allocation for this was Col\$ 10 million. Work on adjustments to the portal, in compliance with Web Content Accessibility Guidelines (WCAG) 2.0, has been ongoing since 2016. In 2016, images in Graphics Interchange Format (GIF) were introduced in partnership with the National Institute for the Deaf, and in 2019 a deaf professional was hired to develop GIFs in Colombian Sign Language for use in updating the menu on the Ministry of Culture website in 2020.

32. Since 2021, in synergy with the National Institute for the Deaf and the Ministry of Culture, interpretation services have been made available. The participation of deaf people is emphasized in the different events and productions promoted by the cultural sector. In parallel, initiatives undertaken by the Teatro Colón of the Ministry of Culture have included: (i) production of accessible publicity spots for plays and concerts; (ii) programming of accessible and inclusive virtual and in-person guided tours (Colombian Sign Language interpretation for members of the deaf community and accessible entry for people with physical disabilities); (iii) organization of multisensory workshops around artistic programming for persons with disabilities; (iv) addition of Colombian Sign Language interpretation (special subtitling) for the plays staged by the Teatro Colón; and (v) establishment of a partnership with the National Institute for the Blind to produce audio narrations of some plays and their dissemination via media for the blind.

33. The Accessibility Programme and the Exploring Heritage Programme apply physical and communications accessibility principles and have produced accessible audiovisual material that has helped them to maintain ties with different groups, communities and institutions. Projects have been carried out that involve the organization of temporary exhibitions, ongoing workshops on such subjects as tactile perception, visits conducted using Colombian Sign Language, and the design, production and review of accessibility devices (tactile maps, videos with subtitles, audio narration and Colombian Sign Language rebroadcasts, and Braille cards).

34. The Ministry of the Interior, working in conjunction with other national institutions specializing in inclusion processes for persons with visual and hearing impairments, has organized training opportunities for civil servants in such subject areas as digital spaces for all, accessible digital documents, interactions with persons with visual impairments, and Braille reading and writing workshops. As other government agencies have done, it has identified instances in which Braille inscriptions need to be added to existing signage in order to facilitate access for the visually impaired. Accordingly, the respective studies have been carried out in preparation for contracting the production of such signage, a service portfolio and maps for visually impaired persons.

35. The Relay Centre project provides hard-of-hearing persons with an emergency line (Line 123) that they can use to contact selected public and private companies, banks and public service providers on a priority basis. The ConverITC project facilitates access to digital content for visually impaired people using Jaws and Zomtext software tools. Lastly, the Training for Persons with Disabilities project is designed to motivate persons with

disabilities, especially those with visual, hearing and/or intellectual disabilities, to create digital content, and to support them in this effort so that they will not only be consumers of such content, but can also become producers in this content industry.

36. For persons deprived of liberty, with the construction of second-generation prisons since the late 1990s and early 2000s, appropriate facilities are being designed to facilitate the entry, exit and emergency evacuation of persons with temporary or permanent reduced mobility. Prisons are classified into first-, second- and third-category facilities (see table 3 in the annexes).

37. During 2020, the Counsel General's Office moved ahead with the project to verify compliance with article 14 (1) and (3) of Statutory Act No. 1618 of 2013, on the rights of access and accessibility of persons with disabilities. As a first stage in this preventive effort, a diagnostic baseline study was undertaken in order to identify the public and private agencies against which the most complaints have been filed concerning the violation and/or endangerment of the rights of this population group, which enjoys special protection under the Constitution. Contact was also made with these agencies in order to ascertain their current degree of advancement. In 2021, plans were put in place to monitor the situation and enter into formal commitments with the agencies that have already been identified. Court attorneys have filed actions or otherwise intervened in various judicial and constitutional proceedings (guardianship cases, class action suits) in order to defend the rights of persons with disabilities.

Article 10

Right to life

38. Article 11 of the Constitution establishes that the right to life is inviolable and that the death penalty may not be applied in Colombia. Article 13 states that all persons are born free and equal before the law and must therefore receive equal protection and treatment from the authorities and enjoy the same rights, freedoms and opportunities without discrimination of any form on account of sex, race, national or family origin, language, religion or political or philosophical opinion.

Article 11

Situations of risk and humanitarian emergencies

39. The Comprehensive Victim Support and Reparation Unit, established within the framework of the Public Policy on Victims, has adopted a strategy to strengthen the life plans of participating victims within their family and social environments and foster a sense of the restorative and transformative nature of their claims for compensation. This strategy incorporates measures of satisfaction and measures that serve to guarantee non-repetition and is based on six approaches, including a psychosocial approach. It includes the general principles defined in the Victims Act (Act No. 1448 of 10 June 2011), which, among other provisions, sets forth care, assistance and comprehensive reparation measures for victims of the internal armed conflict. In short, the strategy is transformative, differentiated, comprehensive and based on human dignity, joint participation and mutual respect.⁷

40. The Comprehensive Victim Support and Reparation Unit has established that a psychosocial approach must be mainstreamed throughout the support process as victims exercise their rights to assistance and comprehensive reparation. Victim support is provided with a contextual perspective that includes dignified treatment, recognizes the harm and suffering caused by human rights violations and grave infringements of international humanitarian law and acknowledges strengths and resources in people who survived the conflict.⁸ This perspective encompasses victims with disabilities, and takes account of persons who: (a) fall victim to an act which directly causes physical, sensory, intellectual, mental or multiple disabilities; (b) have a previous disability and fall victim to an act which

⁷ Recommendation in para. 29 (a) of [CRPD/C/COL/CO/1](#).

⁸ Ibid.

aggravates this disability; (c) are already victims and acquire a disability subsequently due to a cause other than the armed conflict; and (d) already had a disability before they became a victim.⁹ Based on these criteria, 1,197 victims with disabilities received support through the comprehensive reparation strategy entitled “Strengthening Capacities”; 7,564 were supported through the emotional recovery strategy in a group setting; and 1,457 were supported through the emotional recovery strategy in an individual setting (see annexes, tables 4, 5 and 6).¹⁰

41. The Central Register of Victims is a technical and administrative tool used to recognize and profile victims of the armed conflict, so enabling the State to organize its response. It is a highly useful tool for the design of public policies to give effect to victims’ constitutional rights. It also serves as a mechanism for affirming dignity, preserving historical memory of the armed conflict and affording victims access to the legally established assistance, support and reparation measures.¹¹ The Register contains all records generated under the legal frameworks that have supported victims since 1997, namely Act No. 387 of 1997, Act No. 418 of 1997, Act No. 975 of 2005, Decree No. 1290 of 2008, and Act No. 1448 of 2011. It allows users to consult information aggregated at the national, departmental, local and municipal levels, searching by individual, location, act of victimization, differential approach (gender, ethnicity, life cycle) and year of occurrence or declaration of the events.¹²

42. Persons who individually or collectively consider themselves to be victims of the armed conflict in Colombia under the terms described in article 3 of the Victims Act begin their application to be entered in the Register by making a declaration before the Public Prosecution Service (municipal or regional ombudsman’s offices or provincial or regional prosecutors’ offices) and/or before a consulate.¹³ This is done by filling out a standard declaration form, which must bear the signature and fingerprint of the applicant and the signature of the attending official. The Comprehensive Victim Support and Reparation Unit then evaluates the information provided and determines whether or not to enter the victim in the Register. The Unit then issues a decision of inclusion or non-inclusion to the applicant or to a member of his or her family.¹⁴

43. In addition to establishing the Central Register of Victims under the Victims Act, the Comprehensive Victim Support and Reparation Unit took steps to create individual and collective standard declaration forms and establish the required assessment procedures, in order to fulfil its mission.¹⁵ Notable other actions included online statement-taking and the implementation of a data quality strategy, which have a positive impact on support and comprehensive reparation for victims.¹⁶

44. Between 2016 and 21 February 2021, assistance was provided through service points, regional centres and support events to 311,654 victims with some form of disability (see annexes, table 7).¹⁷ Over approximately the same period (1 January 2016 to 28 February 2021), the Comprehensive Victim Support and Reparation Unit assisted 1,479,248 victims with disabilities who contacted the Unit through its telephone and virtual channels (see annexes, table 8).

45. A strategy to raise public awareness about disaster risk management was included in the National Disaster Risk Management Plan 2015–2025, an instrument of the national disaster risk management system adopted pursuant to Act No. 1523 of 24 April 2012 (which also established the National Disaster Risk Management Policy). The strategy envisages a programme of citizen participation in disaster risk management, with projects including the development of evacuation routes for persons with disabilities and social and community

⁹ Ibid.

¹⁰ Ibid.

¹¹ Recommendation in para. 29 (b) of [CRPD/C/COL/CO/1](#).

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

participation in decision-making that serve to enhance the inclusion of persons with disabilities in disaster risk management.

46. In 2019, the National Disaster Risk Management Unit set up a national committee for community strengthening and inclusion with the participation of public, private and community actors. The committee was established to develop guidance, coordinate activities and implement joint processes aimed at strengthening communities through a differential and inclusive approach at the national and local levels, with the participation of various actors with expertise in disability.

47. The National Disaster Risk Management Unit led a project to develop evacuation routes for persons with disabilities in accordance with the National Disaster Risk Management Plan. The long-term goal of this project is to have evacuation routes for persons with disabilities signposted in essential buildings in 34 cities. As of 2021, the Departments of Antioquia, Atlántico, Bolívar, Boyacá, Caldas, Cauca, Córdoba, Choco, Cundinamarca, Guaviare, Huila, Bucaramanga, Meta, Putumayo, Quindío, Santander, Tolima and Vaupés have reported substantial progress towards this goal.

Article 12

Equal recognition before the law

48. The elimination of substitute decision-making regimes that do not take account of the will and preferences of persons with disabilities constitutes a major advance towards the exercise of legal capacity by persons with disabilities, on equal terms with others, in all aspects of life, besides facilitating measures to uphold their right to maintain their physical and psychological integrity. Colombia is one of the few countries in the region to have eliminated such regimes from its legal order.

49. Act No. 1996 of 26 August 2019 establishes the regime for the exercise of legal capacity by adult persons with disabilities. It is implemented in accordance with Decree No. 1429 of 5 November 2020, regulating articles 16, 17 and 22 of Act No. 1996, and Decree No. 1069 of 2015, containing the consolidated regulations for the justice and law enforcement sector.

50. Act No. 1996¹⁸ recognizes that persons with disabilities have legal capacity on equal terms with others in all aspects of life and eliminates the concept of interdiction. It gives persons with disabilities the possibility of performing legal acts autonomously, with or without support, through two mechanisms: (a) the conclusion of a support agreement between the person performing the legal act and any natural person of legal age or any legal entity that will provide support for the performance of the act; and (b) a non-contentious or oral summary procedure for the designation of support known as judicial adjudication of support. The procedure for the conclusion of support agreements includes additional safeguards.

51. This landmark piece of legislation eliminates concepts inherited from Roman law and has been recognized by the United Nations as a giant stride by the Government of Colombia in pursuit of the rights of persons with disabilities. Moreover, the Constitutional Court has issued several rulings recognizing the constitutionality of several provisions of Act No. 1996 that had been challenged.

52. In order to move forward with efforts to raise awareness of persons with disabilities' equal recognition before the law, support agreements have been concluded before notaries' offices and in conciliation centres and the Ministry of Justice has organized virtual training courses on Act No. 1996, resulting in the certification of more than 3,000 persons during 2020 and 2021. In addition, virtual teaching tools, which can be consulted on the justice network web page,¹⁹ have been developed.

53. Municipal Decree No. 1500 of 2014 of the Medellín Mayoral Office, which established a care procedure for drug-dependent adults in street situations with a complete mental disability (now referred to as psychosocial and/or intellectual disabilities) with a view

¹⁸ Recommendation in paras. 7 and 35 (a) of CRPD/C/COL/CO/1.

¹⁹ Available at: <https://www.minjusticia.gov.co/programas/tejiendo-justicia>.

to restoring their rights, is an administrative law that applies only to the inhabitants of the municipality. A significant part of it was repealed by Act No. 1996 of 2019 and Municipal Order No. 144 of 2019.²⁰

54. Specifically, with the entry into force of Act No. 1996, articles 1, 2, 5, 8, 11, 18, 20 and 21 of Act No. 1306 of 2009, which established the legal foundation for much of the Municipal Decree, were repealed. Article 61 of Act No. 1996 reads as follows: “Article 22 (5) and (6) of Act No. 1564 of 2012; article 127 (3), article 1061 (2) and article 1068 (3) of Act No. 57 of 1887; articles 1–48, 50–52, 55, 64 and 90 of Act No. 1306 of 2009; article 6 of Act No. 1412 of 2010; article 210 (1) of the General Code of Procedure; article 36 (1) of Act No. 1098 of 2006; and any other provisions that may be contrary to this Act, are hereby repealed.”

55. Article 14 of Act No. 1996 provides a mechanism that ensures that persons with disabilities receive the necessary support to exercise their legal capacity. It states that, where persons with disabilities require support but do not have a trusted person they can designate for this purpose, the family judge will appoint a personal advocate from the Ombudsman’s Office.

Article 13 **Access to justice**

56. Under the pact aimed at strengthening the social and productive inclusion of all persons with disabilities, training activities are carried out with a view to the removal from current legislation of all pejorative terminology that undermines the rights and dignity of persons with disabilities, especially persons with psychosocial or intellectual disabilities. Accordingly, training programmes and initiatives to build awareness of the rights and dignity of persons with disabilities are coordinated with the competent institutions and are aimed at civil servants at all levels, justice officials, police and civil defence personnel, the media and Colombian society in general.

57. In 2019, the Attorney General’s Office published the fourth version of its handbook on user services, to which all staff have access, on its website.²¹ The handbook establishes guidelines for standardizing user services and optimizing resources, time frames and institutional capacity, thus improving access to the administration of justice. It also seeks to promote patterns of behaviour that strengthen service management through a differential approach, using the Office’s access channels and taking into account the physical, cultural and social diversity of the population, with a view to breaking down attitudinal, communication and physical barriers.

58. The Centralized Criminal Information System was launched in 2018. This new platform for receiving complaints is used to capture the information needed to create offence notices within the oral adversarial criminal justice system in accordance with rules and criteria that improve the quality of the information. The System can be used to record whether parties to criminal proceedings have a disability and, if so, the type of disability.

59. The Attorney General’s Office is gradually introducing a queue management system in its staffed facilities. This system registers users by their citizenship cards and identifies those, such as persons with disabilities, who should be served as a priority. Thus, any such persons arriving at a facility of the Attorney General’s Office in order to receive guidance or to file a complaint will be attended to as a matter of priority. In February 2021, there were 100 queue management systems in 98 courts throughout the country. Telephone, written and virtual channels of communication have also been enhanced, allowing members of the public to obtain relevant information and guidance on the services offered by the Attorney General’s Office without having to visit its premises. For example, in 2017, a contact centre was created to handle the telephone and email channels. Since January 2021, the contact centre has

²⁰ Recommendation in para. 33 of [CRPD/C/COL/CO/1](#).

²¹ Recommendation in para. 39 of [CRPD/C/COL/CO/1](#).

provided the options of click-to-call, text messaging and video call in Colombian Sign Language, guaranteeing access for persons who are hard-of-hearing.

60. The Ministry of Justice has a protocol on support for persons with disabilities seeking access to justice services. Experts have contributed to the implementation of this tool in 77 legal aid clinics, 71 of which were recognized as providing inclusive services to persons with disabilities. Family commissioners' offices in 20 municipalities that benefit from local development programmes (municipalities severely affected by the conflict) are currently providing this technical support, and a further 20 municipalities will address the issue in the second half of the year.

61. The Colombian Family Welfare Institute has updated the content of its virtual courses (named "Support for persons with disabilities in access to justice" and "Implementing actions for social and productive inclusion") in order to train the staff of its Family Ombudsman offices in assisting persons with disabilities, focusing on rights restoration processes.

62. For the period 2016–2021, the Attorney General's Office has no record of investigations into deaths illegitimately presented as combat casualties by members of the security forces in which the victim was in a situation of disability.

63. Between 1988 and 2008, 69 victims with some type of disability (physical, sensory, cognitive or intellectual) were identified in the course of 69 investigations conducted into deaths illegitimately presented as combat casualties by members of the security forces. These investigations concerned events that took place in 16 departments, with Antioquia accounting for the largest number of cases (see annexes, tables 9 and 10).

64. Of the above 69 investigations, 15 are classed as inactive for various procedural reasons, including: charges being laid and the case brought to trial; consolidation of proceedings; and referral to another prosecuting authority (see annexes, table 11). Seven of these investigations concerned cases in which the proceedings were consolidated; therefore, only eight investigations are actually inactive. The investigations that are active are in different stages of the proceedings, either the pretrial proceedings, preliminary inquiry, trial, inquiry or investigation stage (see annexes, table 12).

65. Of the 54 cases with active investigations, 27 are at the pretrial proceedings stage, 4 are at the preliminary inquiry stage, 2 have gone to trial, 15 are at the inquiry stage, 3 are at the investigation stage and 3 have gone to trial. Between 2016 and 2021, 410 relevant or substantive procedural steps were taken in the framework of the 69 investigations (see annexes, table 13).

66. Since the adoption of Statutory Act No. 1957 of 2019, on the administration of justice in the Special Jurisdiction for Peace, investigations in this type of case have been conducted in a specific way. Article 79 (3) (j) of the Act states that: "In view of the exclusive competence of the Special Jurisdiction for Peace over acts committed before 1 December 2016, as established in transitional article 5 of Legislative Act No. 1 of 2017, the public bodies and servants that conduct the aforementioned investigations may only perform acts of inquiry and investigation in accordance with the procedure in question and shall refrain from pronouncing judgments, imposing security measures, ordering arrests or carrying out those that may previously have been ordered, concerning persons whose conduct falls within the competence of the Special Jurisdiction for Peace."

67. By Order No. 033 of 12 February 2021, the Judicial Panel for Acknowledgement of Truth, Responsibility and Determination of Facts and Conduct of the Special Jurisdiction for Peace announced publicly that Case No. 03, entitled "Deaths illegitimately presented as combat casualties by agents of the State" was being prioritized internally. During this macrocase, the Panel received report No. 5 of the Attorney General's Office, which recorded 62 victims with some type of cognitive or physical disability, accounting for 3 per cent of the total number of victims described in the report. It should be noted that the Attorney General's Office reported these figures to the Special Jurisdiction for Peace in July 2018 and that by May 2021, the number of victims had increased.

68. According to information analysed and confirmed by the Special Jurisdiction for Peace, the greatest number of deaths illegitimately presented as combat casualties by State agents in Catatumbo occurred in 2007 and 2008. Reports submitted by organizations indicate

that some of the victims were persons with mental disabilities. In the Department of Casanare, the Panel specified that, among more than 7,270 victims, there were two older persons (one 84 years old), two persons with disabilities, persons in street situations, persons reported to be drug users, persons linked to political activism and social leaders.

69. To identify persons with disabilities who were killed and illegitimately presented as combat casualties by State agents in the context of the armed conflict, the Special Jurisdiction for Peace reviewed the available data and verified the figures found, using the tables of the National Centre for Historical Memory, the Colombia-Europe-United States Coordination Group and report No. 5 of the Attorney General's Office. It was thus able to identify 107 such victims (see annexes, figures 1, 2 and 3).

70. The victims included 52 persons with mental or intellectual disabilities, 28 persons with physical disabilities and 15 persons with unknown disabilities. The years with the largest number of victims with disabilities presented as combat casualties were 2006 and 2007, with more than 30 victims recorded in 2007. Most of the deaths occurred in the Departments of Antioquia, Meta, Cesar, Norte de Santander, Guajira and Casanare (see annexes, figures 1, 2 and 3).

Article 14

Liberty and security of the person

71. Article 20 of the Prison Code (Act No. 65) of 19 August 1993 provides for the establishment of prison facilities for persons who cannot be held criminally responsible owing to a permanent or temporary pathological mental disorder. These facilities are intended for the accommodation and rehabilitation, pursuant to a decision of the judge hearing the case on the basis of an expert opinion of the National Institute of Forensic Medicine and Science, of persons who have committed an offence and have a supervening mental disorder.

72. These facilities are managed and coordinated by the Ministry of Health, although the National Prisons Institute is responsible for custody and external surveillance. They specialize in psychiatric treatment, mental rehabilitation and family, social and labour inclusion. The National Prisons Institute has placed some persons diagnosed with mental illness in temporary mental health units, which are available at the Cali and Bogotá facilities. At these centres, care is provided by specialist medical personnel made available by the Health-Care Fund for Persons Deprived of Their Liberty. They have a limited number of places and currently house 95 people. Persons who cannot be held criminally responsible are under the care of the Ministry of Health. The Institute and the Ministry have participated in joint working groups to draw up documents and formulate policies on mental health.

73. The Prison Services Unit was established with the aims of providing goods, services and infrastructure and delivering the required logistical and administrative support for the proper functioning of prisons administered by the National Prisons Institute.

Article 15

Freedom from torture or cruel, inhuman or degrading treatment or punishment

74. Considering the needs of persons deprived of their liberty and with a view to their social rehabilitation, the National Prisons Institute prepared a guide for the special care of groups in exceptional circumstances. The objective is to actively involve such groups in the social care and treatment of prisoners and to introduce activities aimed at transforming relationships. Accordingly, the guide sets forth the obligations to support, assist and care for persons with disabilities through an approach based on human and social development; to ensure that the physical environment of persons with disabilities deprived of their liberty in national prisons takes account of their locomotive abilities and limitations and facilitates their mobility; and to inform the competent prison authorities of any requests made by persons with disabilities deprived of their liberty regarding possible risk factors or the need to adapt spaces to support their personal development.

75. In 2020, 7,344 persons with disabilities deprived of their liberty received support in the form of social inclusion activities, talks, intercultural meetings and days of affirmation and self-recognition, among other activities (see annexes, table 14). The National Prisons Institute has taken the following measures for persons deprived of their liberty who are hard-of-hearing: in 2017, it held an awareness workshop on the sociolinguistic characteristics of deaf persons with the participation of the citizen services office of the National Prisons Institute, the National Institute for the Deaf and officials from headquarters and the national prison of Bogotá; in 2018, it introduced a tool for hard-of-hearing persons in the Colombian Electronic Information System of the Institute's citizen services office and held training in Colombian Sign Language and in how to manage contacts with blind/deaf persons with disabilities for officials from headquarters and the national prison of Bogotá; and, in 2019, it organized a videoconference to raise awareness of Colombian Sign Language among prison officials at the national level.

76. In 2019, the Ministry of Justice embarked on a profiling exercise to identify the various disabilities that may be found among persons deprived of their liberty. For this purpose, it established the Location and Categorization Register of Persons with Disabilities, which is designed to be continuously operated and updated. The purpose of the Register is to make information available at the national, departmental, district and municipal levels to support the development of plans, programmes and projects to uphold the rights of persons with disabilities in Colombia.

Article 16

Freedom from exploitation, violence and abuse

77. Between 2016 and May 2021, 3,035 persons with disabilities were recorded in the Central Register of Victims as victims of offences against sexual freedom and integrity. Of these, 282 were men, 1 was an intersex person, 64 were lesbian, gay, bisexual, transgender and intersex persons and 2,688 were women (see annexes, table 15). These victims were provided with access to the measures foreseen in the Victims Act.²²

78. At the institutional level, tools such as the guide to support for persons with disabilities seeking access to justice have been disseminated among entities that provide justice services, and specialized support has been provided so that legal aid clinics can implement them. To date, the Ministry of Justice has recognized 71 legal aid clinics as providing inclusive services. Between 2021 and 2022, the same exercise will be carried out with family commissioners' offices and authorities responsible for preventing and responding to domestic violence.

79. Ministry of Health Decision No. 429 of 7 February 2016, on the Comprehensive Health-Care Policy, provided for the establishment of a comprehensive health-care model – now known as the Comprehensive Territorial Action Model – to strengthen local coordination and intersectoral work.²³ This policy is particularly relevant to the issue of sexual abuse, since comprehensive care pathways are one of its components. Furthermore, Decision No. 3202 of 2016 accorded priority to at-risk groups, including persons with disabilities and victims of aggression, accidents and trauma, including victims of gender-based and interpersonal violence and armed conflict.

80. Within the framework of the Comprehensive Policy on Human Rights and International Humanitarian Law and the Policy on Sexual and Reproductive Rights, Equality, Gender-based Violence and Sexual and Reproductive Health, with an emphasis on HIV, the Ministry of Defence has developed a protocol on prevention and the response to sexual violence, especially in relation to the armed conflict, to serve as an awareness-raising tool for the security forces that increases visibility on the problem and helps them in their efforts to meet the commitment of zero tolerance.

81. In 2018, the Colombian Family Welfare Institute, under its Strategy for the Prevention of Specific Risks, implemented the “Súper Campeonas” initiative, consisting of activities to

²² Recommendation in para. 45 (a) of [CRPD/C/COL/CO/1](#).

²³ Decision No. 429 of 2016 was amended by Decision No. 2626 of 27 September 2019, which established the Comprehensive Regional Action Model.

promote and protect the rights of children and adolescents, encouraging self-recognition and the prevention of commercial sexual exploitation of children and adolescents.²⁴ In 2019, the Institute and the Ministry of Labour, within the framework of the Inter-Institutional Committee for the Prevention and Elimination of the Commercial Sexual Exploitation of Children and Adolescents and in accordance with Act No. 1336 of 21 July 2009,²⁵ led the “Eyes Everywhere” (Ojos en todas partes) campaign, an inter-institutional strategy to prevent and address this form of sexual exploitation and sex trafficking.²⁶

82. Between 2016 and 2020, the Colombian Family Welfare Institute assisted 1,383 children and adolescents with disabilities who were victims of sexual violence, as part of a rights restoration process. This was achieved through established care models, including support interventions, psychosocial support, half-day non-residential care, residential care and foster homes.

Article 17

Protecting the integrity of the person

83. The Ministry of Information and Communications Technology works to ensure that images and videos show persons with disabilities in a positive light, producing video testimonials, with prior consent, that showcase the development of their life skills and abilities.²⁷ In addition, awareness-raising workshops are held for public sector employees and partners that give them the opportunity to reflect on how they should relate to persons with disabilities, taking into account central concepts such as the language to be used, use of Colombian Sign Language and readiness to assist persons in this group.

84. The Ministry of Defence’s Comprehensive Policy on Human Rights and International Humanitarian Law and its Policy for Defence and Security for Legality, Entrepreneurship and Equity set forth the following objectives: (i) to guarantee sovereignty, independence and territorial integrity; (ii) to protect the public and contribute to its welfare while maintaining institutional control over the country; (iii) to preserve and defend water, biodiversity and natural resources as strategic State assets of national interest; (iv) to consolidate security for legality and contribute to entrepreneurship and the achievement of equity; (v) to innovate, transform and strengthen the defence and security sector; and (vi) to guarantee the protection, professionalization and welfare of members of the armed forces and the national police and their families.

Article 18

Liberty of movement and nationality

85. Article 96 of the Constitution of Colombia establishes two routes to Colombian nationality: (i) acquisition of Colombian nationality by birth; and (ii) acquisition of Colombian nationality by adoption. Article 1 of Act No. 43 of 1 February 1993, regulating the acquisition, renunciation, loss and recovery of Colombian nationality, expanding on article 40 (7) of the Constitution and setting forth other provisions, establishes which persons are considered Colombian nationals pursuant to the aforementioned article of the Constitution.

86. The Ministry of Foreign Affairs’ involvement in the realm of acquisition of Colombian nationality is limited to the procedure for acquiring nationality by adoption. This procedure is set forth in article 96 (2) of the Constitution and is in compliance with the requirements and conditions established in Act No. 43 of 1993, as amended by Act No. 962 of July 2005, containing provisions to streamline administrative formalities and procedures for State agencies and bodies and persons exercising public functions or providing public

²⁴ Recommendation in para. 45 (c) of [CRPD/C/COL/CO/1](#).

²⁵ Supplementing and strengthening Act No. 679 of 2001 on the fight against exploitation, pornography and sex tourism involving children and adolescents.

²⁶ Recommendation in para. 45 (c) of [CRPD/C/COL/CO/1](#).

²⁷ Recommendation in para. 21 of [CRPD/C/COL/CO/1](#).

services and regulated by Decree No. 1067 of 26 May 2015, constituting the consolidated regulatory decree on the administration of foreign affairs. These provisions do not establish any express or special rules for persons with disabilities. However, article 9 (1) of Act No. 43 of 1993 establishes that “applicants who cannot prove compliance with some of the requirements set forth in this article must annex to their naturalization application a letter addressed to the Ministry of Foreign Affairs explaining why. The Ministry, at its discretion, will consider authorizing the submission of supplementary evidence in the case.” In application of this provision, the Ministry has authorized supplementary evidence in the case of knowledge tests for persons with disabilities.

Article 19

Living independently and being included in the community

87. One of the objectives of the pact aimed at strengthening the social and productive inclusion of all persons with disabilities formulated under the National Development Plan 2018–2022 is to enhance support for the social and productive inclusion of persons with disabilities and caregivers. The essential aim is to improve the care offering for persons with disabilities, particularly those with a functional dependency. The pact is also intended to ensure the effectiveness of action to foster gender equity and the social and productive inclusion of caregivers that is undertaken within the care system at different points in the lives of those concerned, recognizing the needs of both those who receive care and those who provide it. Several performance indicators have therefore been set for this objective (see annexes, tables 16 and 17).

Article 20

Personal mobility

88. Regarding visual and eye health, Decree No. 1030 of 30 March 2007 contains technical regulations establishing the requirements that customized medical devices for visual and eye health and the establishments in which such devices are manufactured and sold must meet, amongst other provisions. A handbook establishing technical and sanitary conditions for establishments in which medical devices for visual and eye health are manufactured and sold was adopted by Resolution No. 4396 of 12 November 2008. The cost of some of these devices, including ophthalmic lenses for glasses and ocular prostheses, are covered under the benefits plan.

89. Resolution No. 2968 of 14 August 2015 sets forth the sanitary requirements to be met by establishments in Colombia that manufacture and adapt customized external orthopaedic devices. External prostheses and orthoses of all kinds are covered under the benefits plan financed through the capitation payment unit mechanism, and some mobility aids, such as walkers, canes and crutches, can be borrowed. All types of hearing aids are covered under the benefits plan (including both in the ear and behind the ear hearing aids).

Article 21

Freedom of expression and opinion and access to information

90. Ministry of Information and Communications Technology Resolution No. 1519 of 2020 promotes the use of Colombian Sign Language and the provision of information in accessible formats for persons with disabilities in both public and private institutions. The SmarTIC initiative for inclusion promotes the production of short films shot on mobile phones by persons with disabilities in which they freely exercise their rights.

91. On 11 November 2020, bill No. 138, ratifying the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled was adopted unanimously by the Senate on second reading.²⁸

²⁸ Recommendation in para. 67 of [CRPD/C/COL/CO/1](#).

92. Given that the aforementioned instrument has the legal status of a formal treaty under Colombian law, prior to accession, a law approving its content must be issued by Congress and its compatibility with the Constitution must be reviewed by the Constitutional Court.²⁹ Thus, Senate bill No. 138/19 – House bill No. 488/20, ratifying the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, signed in Marrakesh, Morocco, on 27 June 2013, was adopted in fourth debate in plenary session of the House of Representatives on 13 April 2021. Once the bill has been approved by the President of the Republic, it will be sent to the Constitutional Court, which will conduct the relevant constitutional review.³⁰

Article 22

Respect for privacy

93. Resolution No. 2256 of 6 November 2020, updating the General Policy on Information Security and Privacy, Digital Security and Continued Provision of the Services of the Ministry of Information and Communications Technology and the Unified Fund for Information and Communications Technology, setting out guidelines for the use and handling of information and repealing Resolutions No. 2999 of 2008 and No. 1124 of 2020, established the national information privacy policy applicable to all sectors and citizens. Thus, the protection of any type of information is guaranteed for persons with disabilities, in order to protect their good name, privacy and reputation, based on the provisions of article 15 of the Constitution, which establishes that all persons have the right to personal and family privacy and to retain their good name, and that the State must both respect these rights and ensure that they are respected. Article 15 also recognizes the right of all persons to have knowledge of, and to have updated and rectified, all information about them that has been compiled in data banks and in the files of public and private entities.

94. Through Act No. 79 of 20 October 1993, regulating population and housing censuses throughout Colombia, the National Department of Statistics aims to protect the anonymity of persons who provide information for its statistical activities by ensuring that no information of an individual nature that could be used for commercial, tax, judicial investigation or any purpose other than statistics can be extracted from its operations.

95. Act No. 2015 of 31 January 2020, providing for the creation of an interoperable electronic medical records system, regulates the interoperability of the electronic medical records through which key clinical data are exchanged and the documents and clinical records accumulated over the course of each person's life. The electronic medical records system will facilitate, expedite and guarantee access to and the exercise of the rights to health and information, respecting *habeas data* (the right to control over one's personal data) and data confidentiality.

Article 23

Respect for home and the family

96. Resolution No. 1904 of 2017 enacted regulations to ensure that persons with disabilities have access, based on a differential approach, to adequate and sufficient information on their sexual and reproductive rights and specifies the related obligations to provide support, reasonable accommodation and safeguards that allow persons with disabilities to make the informed decisions relevant for access to the corresponding services that are incumbent on member institutions of the General Health and Social Security System. The resolution establishes that all persons with disabilities must be guaranteed their fundamental rights in conditions respectful of human dignity, equality and non-discrimination, freedom, autonomy, privacy and intimacy and the free development of their personality.

²⁹ Recommendation in para. 67 of [CRPD/C/COL/CO/1](#).

³⁰ Ibid.

97. Family support and strengthening programmes form part of the measures taken by the Colombian Family Welfare Institute to uphold the rights of children with disabilities. Should the administrative authority, as a result of the administrative procedure for the restitution of rights, conclude that the threat to and/or violation of the child's rights can be addressed and the child's best interests upheld in his or her home environment, its preference is for the child to remain with his or her family or support network. In such cases, the administrative authority instructs all members of the family or support network to participate in a programme of support that helps them to resolve the crises identified and improves their ability to protect rights, as established in article 39 of Act No. 1098 of 2006. In addition, in the period 2016–2020, the Protection Office of the Colombian Family Welfare Institute restored the fundamental right to a family for 74 children with disabilities by means of adoption.

98. In the period 2016–2019, a number of family support and strengthening units offering specialized family support exclusively for families of children with disabilities were rolled out. The purpose of these units is to provide support for the families of children with disabilities through education, facilitation services and network management activities that foster family development and social inclusion.

99. Since 2020, support has also been provided to families of children with disabilities through the “My Family” Programme, which encourages families with children with and without disabilities to become involved with a view to fostering inclusion. The programme is built around three key components: (i) participation and inclusion within the family and of the family in social and institutional settings and in public policy; (ii) care for caregivers; and (iii) planning, inter-institutional coordination and supply management for the care and inclusion of persons with disabilities. By the end of 2020, through the “My Family” Programme, assistance and psychosocial support had been provided to 2,727 families including persons with disabilities.

Article 24

Education

100. Decree No. 1421 of 29 August 2017, issued in accordance with the provisions of Statutory Act No. 1618 of 2013, regulates educational support for persons with disabilities in inclusive education. The Decree provides for a 20 per cent increase in the resources assigned to accredited local education authorities, through the General Participation System, for the public school enrolment of students with disabilities registered in the integrated enrolment system. The accredited local education authorities are responsible for putting together an educational offering that satisfies the needs of persons with disabilities identified in the local area, in line with the technical, administrative and pedagogical guidelines issued by the Ministry of Education (see annexes, table 21). The resources allocated to guarantee the efficient and timely provision of educational services to persons with disabilities are set out in table 22 of the annexes.

101. As provided for in Decree No. 1421, these resources have been invested in the following areas: (i) establishment of temporary posts for educational support teachers, made feasible on an annual basis by the Ministry of Education; (ii) recruitment of the support staff needed by students, prioritizing Colombian Sign Language interpreters, guide-interpreters, linguistic models, mediators and blindness experts; and (iii) the relevant technical, technological and didactic tools, in accordance with the established regulations. It should be noted that, since 2020, the temporary employment of educational support teachers to support educational establishments and classroom teachers has been facilitated in a number of accredited local education authorities. The Ministry of Education, together with the Ministry of Finance and the National Planning Department, is responsible for defining the strategies for monitoring, follow-up and comprehensive oversight of how these resources are used.

102. In order to guarantee access to the public education system, without charge, for persons with disabilities, an active search is undertaken consisting of home visits to families during which they can register and enrol children over 5 years of age in educational establishments close to their place of residence. The municipalities also run a school transport

programme, which covers persons with disabilities and is financed using funds from the General Participation System, the General Royalties System and their own resources. Each municipality manages and employs staff in accordance with its requirements and resource availability.

103. The State has made accessible resources and materials that contribute to the training of teachers, the education of children and the strengthening of educational establishments and families available to schools, including through its affiliated bodies, the National Institute for the Blind and the National Institute for the Deaf. These resources and materials include: (i) resources to facilitate cultural, artistic and recreational experiences that favour diversity and promote play, literature, artistic expression and exploration of the environment; (ii) documents that provide technical, administrative and pedagogical guidelines to guarantee the right to education for persons with disabilities (see annexes, table 18); (iii) a teacher training diploma course on strategies and resources for attention to diversity in early childhood and a diploma course on inclusion and equity in the education of children and young persons with disabilities; and (iv) 32,811 books, texts and materials for persons with visual impairments printed by the National Institute for the Blind as part of the collections included in the national reading and writing plan. Furthermore, 102 texts have been prepared for incorporation into the virtual library for access by persons with visual impairments and 17 resources have been adapted to audiovisual format. Various courses covering a range of topics have also been run for persons with visual impairments (see annexes, table 19).

104. In parallel with the above, the National Institute for the Deaf has developed 337 educational resources that are fully accessible to the deaf population, including live classes, works of literature and teaching modules, and has provided advisory services to the National Training Service.³¹ Progress has also been made with preparations for the implementation of a national test for Colombian Sign Language interpreters and the introduction of a national register of interpreters, and documents providing guidance for planning an appropriate educational offering that responds to academic, linguistic, administrative and community specificities have been drafted (see annexes, table 20).

105. Work is ongoing to adapt the knowledge (Saber) tests for pupils in the third, fifth, ninth and eleventh grades in order to guarantee their accessibility and thus that persons with disabilities can sit them. Along the same lines, to provide support for students with disabilities in higher education, financial resources are being allocated to help those with more limited resources, including through a fund that grants forgivable loans to students belonging to social strata 1, 2 and 3 to cover 100 per cent of their tuition fees and living expenses. These loans are granted for in-person and distance learning undergraduate, vocational, technology and university programmes in Colombia and have benefited 344 young persons to date.

Article 25

Health

106. The Public Legal Service has processed various individual complaints regarding effective access to the fundamental right to health of persons with disabilities, who have special constitutional protection. These have dealt mainly with the following issues: guardianship and contempt of court; affiliation; benefits not included in the benefits plan financed by the capitation payment unit mechanism; medical procedures; timeliness and continuity of care; provision of medicines; and the quality of health services. Through Resolution No. 788 of 2018, the Special Ombudsman for Economic, Social and Cultural Rights was given the task of promoting, implementing and raising awareness of the economic, social and cultural rights of persons with disabilities. The Special Ombudsman for Health

³¹ A body that undertakes action for the comprehensive professional training of Colombians in order to contribute to their advancement in productive activities and to the technological development of training programmes. In the case of persons with disabilities and Colombian Sign Language interpreters, representatives of civil society organizations and regional associations of interpreters and deaf people in the country are involved.

and Social Security therefore only deals with matters related to persons with disabilities when their rights to health and social security are affected or compromised.³²

107. Regarding the adoption of the measures necessary to end the sterilization of persons with disabilities without their free and informed consent, the most important advances in the health sector between 2016 and 2020³³ were: (i) the promulgation of Resolution No. 1904 of 31 May 2017, available in Easy Read format and enacting regulations to ensure that persons with disabilities (including intellectual or psychosocial disabilities) have access to adequate and sufficient information about their sexual and reproductive rights; (ii) the issuance of technical guidelines for ensuring the informed consent of persons with disabilities in matters related to sexual and reproductive rights, which include the provisions of the above-mentioned Resolution and establish guarantees of support, reasonable accommodation and safeguards in the provision of comprehensive health care; and (iii) the issuance of Resolution No. 1904 of 31 May 2017, which addresses the ban on surgical contraception established in article 7 of Act No. 1412 of 19 October 2010, promoting and authorizing the performance, without charge, of vasectomy or vasoligation and fallopian tube ligation as ways to encourage responsible parenthood.

108. Article 10 of Resolution No. 1904 of 2017 provides that the informed consent of persons with disabilities, as defined in article 5 (5) (4) thereof, is required for sterilization procedures. In the event that the sterilization procedure is not directly requested by the person with a disability, or that, despite the provision of reasonable support and accommodation, his or her preferences and wishes cannot be established sufficiently to take a decision, the safeguards intended to protect those wishes should be applied. The same procedure should be followed in the event that medical personnel have well-founded suspicions of coercion, undue influence or similar pressures in relation to the request.

109. Persons with disabilities and, where appropriate, their caregivers should be informed of other non-permanent contraceptive methods available as an alternative to permanent sterilization. The aforementioned provision reiterates the prohibition of surgical contraception established in article 7 of Act No. 1412 of 2010 or any subsequent legislation that amends, supplements or replaces that article and provides that the prohibition extends to children with disabilities, and, consequently, that sterilization procedures may not be performed on children with disabilities, even with informed consent. To flesh out Resolution No. 1904 of 2017, technical guidelines for ensuring the informed consent of persons with disabilities in matters related to sexual and reproductive rights have been issued.

110. In 2018, four regional training events were held, and were attended by 152 representatives of local authorities from 32 departments, 7 districts and 7 municipalities, 75 delegates from 59 health promotion bodies and 128 delegates from 89 health service providers. The training was designed to promote and ensure the continuity of the maternal and perinatal comprehensive care pathway, the operational guidelines for which provide that insurers and service providers must make adaptations and take steps to guarantee physical, communication and emotional accessibility for persons with disabilities. Also in 2020, four meetings were held with stakeholders in the General Health and Social Security System with a view to strengthening adaptation measures in line with Resolution No. 3280 of 2 August 2018, guaranteeing reasonable support and accommodation in the provision of comprehensive health care and during functional rehabilitation. A total of 704 health personnel from departmental and district health secretariats, health promotion bodies and health service providers received training.

111. Resolution No. 113 of 31 January 2020 enacted provisions relating to the Disability Certification, Location and Categorization Register of Persons with Disabilities created through a simultaneous multidisciplinary clinical assessment procedure based on the International Classification of Functioning, Disability and Health (ICF).³⁴ This international classification system is used to categorize the bodily impairments, including psychological impairments, limitations on functional activity and restrictions on participation, that a person

³² Recommendation in para. 73 of [CRPD/C/COL/CO/1](#).

³³ Recommendation in para. 47 of [CRPD/C/COL/CO/1](#).

³⁴ Recommendation in para. 13 of [CRPD/C/COL/CO/1](#).

exhibits, with the results of the classification process having previously been reflected in the corresponding certificate and incorporated in full in the Location and Classification Register of Persons with Disabilities.

112. The Disability Certification, Location and Categorization Register of Persons with Disabilities includes information on type of disability, functional profile and degree of difficulty in performing functional activities. It is being built up gradually, on a voluntary basis, and reflects each person's self-recognition of their disability. It has been in place since 1 July 2020 and, as of December of the same year, 3,280 persons, corresponding to 10.93 per cent of the proposed goal of 30,000 set for 2020 had had their disability status certified.³⁵ Upon the establishment of the Disability Certification, Location and Categorization Register of Persons with Disabilities, operation of the previously existing register was suspended, with the information contained therein being made available as statistical reference data to the bodies that require it. As at 30 June 2020, 1,555,708 persons with disabilities were registered in the previous register throughout the country, of whom 166,154 (10.7 per cent) were children between 0 and 18 years of age, 99,576 (59.93 per cent) were men, and 65,873 (39.65 per cent) were women. The sex variable was blank in the records of 285 children registered (see annexes, tables 23, 24, 25, 26 and 27).³⁶

113. Regarding comprehensive health care for persons with disabilities who were victims of the armed conflict, the functional rehabilitation process and the benefits plan financed by the capitation payment unit mechanism, through the benefits plan's administrative units, guarantee access to treatment, disease prevention, diagnostic tests, general and specialized medical care, therapeutic support and rehabilitative care, as prescribed by the treating physician of the health promotion body and its service delivery network. The system covers the therapeutic services required by individuals in their rehabilitation process and assistive devices such as prostheses, braces and hearing aids as well as some walking aids.

114. To comply with the Final Agreement and strengthen the mechanisms in place to ensure a timely and quality response with a differential approach that guarantees barrier-free access to comprehensive health care and functional rehabilitation, the certification of disability and registration of persons with disabilities in the process of reintegration is being coordinated with the Agency for Reintegration and Normalization and officials from the General Health and Social Security System. By December 2020, through an agreement between the Agency for Reintegration and Normalization, the International Organization for Migration and the Ministry of Health, 316 persons with disabilities in the process of reintegration from eight regions had their disability certified and registered in line with the provisions of Resolution No. 113 of 2020.

115. The Location and Categorization Register of Persons with Disabilities was set up in order to provide information to the Integrated Social Protection Information System. Registration is voluntary, free of charge and contributes to self-recognition as a person with disabilities. An original identification document is required for registration, the interested party must be present at the time of registration and a medical certificate identifying the disability-related diagnosis must be provided. The registration exercise revealed that, at that time, there were persons with disabilities living in 132 establishments throughout the country, of which 6 were women's prisons and that, in 2019, there were 869 persons with disabilities deprived of their liberty (see annexes, figure 4). The results of the exercise also facilitated implementation of the access pathway for categorization and registration of location, which allows for data to be updated on an ongoing basis, for example, in cases of a change of address or change in health status (see annexes, figure 5).

116. As part of the health-care procedures in place for specific and vulnerable groups of persons deprived of liberty, arrangements have been made for all services and complex and simple assistive devices necessary for comprehensive rehabilitation to be made available through an external provider. Thus, once a person deprived of liberty has been assessed by health professionals at the different levels of care, the appropriate biomedical equipment is ordered through the corresponding contact centre. Once authorized, the prison staff contact

³⁵ Ibid.

³⁶ Ibid.

the relevant health-care provider with a view to coordinating the formalities necessary for delivery of the biomedical equipment to the person deprived of liberty. During the current administration, various types of personal protective equipment have been delivered nationwide to persons with disabilities deprived of their liberty (see annexes, tables 28, 29 and 30). The placement board of each prison assesses in which cells it is appropriate to place specific population groups, depending on type of disability, the degree of complexity and personal characteristics.

Article 26

Habilitation and rehabilitation

117. Resolution No. 2481 of 24 December 2020, on the comprehensive update of health services and technologies financed with resources from the capitation payment unit mechanism, guarantees the provision of initial and follow-up consultations, home consultations by general and specialized medical practitioners, physical therapy, occupational therapy, physiotherapy, speech therapy, functional rehabilitation of impairment or disability (physical, sensory or intellectual), and individual and group psychotherapy.³⁷ This resolution covers all elements related to functional rehabilitation,³⁸ taking into account that it is for the treating physician to decide upon the frequency and focus of any treatment, based on clinical relevance and the patient's state of health, and thus determine the procedures necessary, including the consultations with general practitioners and specialists, therapeutic support, individual, family and group psychological support and diagnostic tests that the person with a disability requires.

118. Responding to individual cases, the Counsel General's Office has endeavoured to ensure continuity of treatment for the habilitation and rehabilitation of persons with disabilities. The commission responsible for following up on and monitoring the implementation of the Victims Act, on which the Office is represented, submits an annual report to Congress that includes a chapter on rehabilitation and an update on the indicators contained in the National Development Plan 2018–2022, in CONPES document No. 3726 of 30 May 2012, establishing the guidelines, implementation plan, budget and follow-up mechanism for the national plan for care and comprehensive reparation for victims, and in the framework plan for implementation. The report also issues recommendations to the different bodies responsible for implementing this policy.

Article 27

Work and employment

119. In accordance with Act No. 361 of 7 February 1997, establishing mechanisms for the social integration of persons with disabilities, and Decree No. 392 of 26 February 2018, regulating article 13 (1) and (8) of Act No. 1618 of 2013, on incentives for the recruitment of persons with disabilities, in 2019 technical assistance and training was provided to 193 labour inspectors and officials of the regional directorates in Amazonas, Cesar, Apartadó (Antioquia), Caquetá, Cundinamarca, Meta, Tolima, Nariño, Casanare, among others. The training day covered the guidelines on labour inclusion procedures for persons with disabilities. As a result, the number of certificates issued by the Ministry of Labour to employers who had workers with disabilities on their payrolls rose from 607 certificates in 2017 to 4,290 certificates by December 2020, a sevenfold increase on the number issued prior to the promulgation of the aforementioned Decree of 26 February 2018 (see annexes, figure 6).

³⁷ The procedures that are covered by this plan can be consulted at the following link [in Spanish]: <https://www.minsalud.gov.co/salud/POS/Paginas/plan-obligatorio-de-salud-pos.aspx>.

³⁸ Statutory Act No. 1618 of 2013, article 2 (6) (6). Functional rehabilitation: medical and therapeutic measures aimed at enabling persons with disabilities to attain and maintain their optimal physical, sensory, intellectual, psychiatric and/or social functional levels, and thus to change their lives and become more independent.

120. A key aim of Decree No. 2177 of 22 December 2017, creating the Disability Inclusion Council and setting forth provisions for its operation, was to coordinate private sector action, in the form of training for work, productivity and employment, that contributes to the exercise of the rights and the labour and productive inclusion of persons with disabilities. The State has provided technical assistance to 36 departmental, district and municipal disability committees for the Decree's implementation and the establishment of subcommittees for the social, labour and productive inclusion of persons with disabilities. To date, eight subcommittees for social, labour and productive inclusion have been set up within the disability committees of Bogotá, Cesar, Caldas, Quindío, Bolívar, Meta, Huila and Casanare.

121. Act No. 1920 of 12 July 2018, issuing provisions related to specialized private surveillance and security cooperatives and intended to improve the conditions in which their operational staff provide such services, also known as the Vigilante Act, establishes incentives for private security and surveillance companies and specialized cooperatives to give priority to women in public tenders, merit-based competitions and direct recruitment to their operational staff. The incentives also apply for persons with disabilities and/or persons over 45 years of age recruited in accordance with all legally established requirements and safeguards. A draft decree, prepared under the oversight of the National Planning Department, is being reviewed by the Legal Office.

122. The Government promotes and guarantees the right to formal employment. Its objective is to enhance the labour market inclusion of persons with disabilities by building on the measures adopted in the regulations implementing Act No. 1618 of 2013, such as Decree No. 392 of 26 February 2018. In order to encourage preferential treatment for persons with disabilities in public tenders and merit-based competitions, this decree provides that State bodies must grant one per cent of the total points provided for in tender documents to bidders able to demonstrate that they have workers with disabilities on their staff. This provision is also in compliance with Decree No. 2011 of 3 November 2017, adding a chapter 2 to title 12, part 2, book 2 of Decree No. 1083 of 2015, containing the consolidated regulations of the civil service, related to the percentage of persons with disabilities employed in the public sector.³⁹

123. Act No. 1618 of 2013 and Decree No. 2011 of 2017 establish an obligation to raise awareness of the aforementioned Decree, to follow up on its implementation and to draft an annual report on compliance with the percentage of positions in public bodies that should be reserved for persons with disabilities (see annexes, table 31). The aim was to identify a baseline for the employment of persons with disabilities in the public sector, using as source of reference the Public Employment Information and Management System in which the curriculum vitae information of public servants is stored. The information contained therein has been entered and filtered by the public bodies that are already part of the system, since they are directly responsible for updating the information.

124. According to data drawn from the Public Employment Information and Management System, as of March 2018 1,192 persons with disabilities were employed in 230 Colombian public sector bodies. Marking progress towards compliance with and implementation of Decree No. 2011 of 2017, as at 31 March 2021 it was reported that 6,814 persons with disabilities were employed in public sector bodies. Of this number, 5,026 were providing services in a total of 834 bodies and the remaining 1,788 were providing services on a contractual basis. Since 2020, progress has also been made in the development of a labour inclusion programme for persons with disabilities in the public sector that will provide a pathway to employability which facilitates public sector employment opportunities for persons with disabilities. In addition, a public inclusion microsite has been set up on which information of interest on the subject of labour inclusion for persons with disabilities is available. The site can be accessed at the following link [in Spanish]: <https://www.funcionpublica.gov.co/web/inclusion-publica>.

³⁹ The percentage applies to bodies, agencies and entities of the State in the three branches of government at the national, departmental, district and municipal levels, in centralized and decentralized sectors and to autonomous and independent bodies. The percentage is established in accordance with the total number of staff of the entity.

125. The Public Employment Service has 231 authorized providers nationwide that offer management and placement services for persons with disabilities, including help with job seeking, career guidance, referrals to training programmes and advice on how to improve their employability. To this end, the Service has been encouraging public employment service providers and their employment centres to make reasonable accommodation, physical and technological adjustments and changes to training programmes to make them inclusive. Under this initiative, service providers have made accommodations to ensure comprehensive support for persons with disabilities ranging from mobility improvements such as ramps and elevators to sign language training for advisors to use of the relay centre for hard-of-hearing persons. In addition, service providers work with businesses to encourage them to hire persons with disabilities, highlighting that the skills they have can translate into productivity gains for the employer.

126. A guide for adjustments to the pathway to employability with a focus on persons with disabilities has been prepared, and was shared with 198 public servants from 63 employment service providers and bodies related to the labour sector in 2020. The guide offers public employment service providers technical guidelines and tools for adjustments to the pathway to employability that make it easier to assist persons with disabilities and are based on a labour inclusion model where the focus is on closing gaps. In turn, the Public Employment Services Unit has made a virtual training course designed to strengthen skills for the labour inclusion of persons with disabilities available to the network of service providers, which has now been completed by 205 learners from 73 employment centres.

127. Since 2019, a labour inclusion strategy for persons with disabilities has been implemented that is designed to facilitate and progressively increase their employment in the public and private sector, applying a labour inclusion model where the focus is on closing gaps. In application of this model, 4,568 persons with disabilities had been placed in employment as of December 2020, equivalent to 65 per cent of the target of 7,082 set out in the National Development Plan.

128. Policy guidelines for the incorporation of a disability approach in regional development plans were included in the regional planning toolkit. The toolkit is intended to help municipal and departmental governments to construct their regional development plan and consists of guidelines, model documents, explanatory videos, supporting content and a technological platform that will facilitate the formulation and follow-up of regional development plans for the period 2020–2023. The toolkit includes documents providing support for the formulation of the development plans of local authorities as well as guidelines for the social and productive inclusion of persons with disabilities. Using this toolkit, in 2020 a training strategy for government officials reaching the end of their term of office and for newly elected officials was implemented under which technical assistance was provided to all 32 departments and 97 per cent of the 1,102 municipalities in the country.

129. The National Training Service hired 86 sign language interpreters in 2016, 122 in 2017, 113 in 2018, 149 in 2019 and 153 in 2020, thus ensuring that deaf persons can take part in available work training programmes. In addition, depending on the requirements of the educational programme, teaching support is provided for persons with intellectual disabilities and specialized aids for persons with visual impairments, while adjustments have been made to the curricula of training programmes covering pedagogical planning, learning guides and assessment tools, and the tools used to assess and certify labour skills have been adapted (see annexes, tables 32 and 33).

130. In 2020, the Counsel General's Office issued a report on progress made in the inclusion of persons with disabilities in the public sector. The report recommended that the Administrative Department of the Civil Service and the National Civil Service Commission should continue promoting and adopting strategies to raise awareness among and provide support and follow-up to national bodies with a view to ensuring compliance with the minimum number of positions that should be reserved for persons with disabilities. The Ministry of Labour, the National Training Service and the General Public Employment Services Unit have also been asked to provide follow up to ensure the labour market inclusion of young persons with disabilities. In 2020, preventive monitoring was conducted pursuant to Act No. 1618 of 2013 through the coordinated efforts of the Office of the Specialized Counsel for Health, Social Protection and Decent Work, the Office of the Specialized

Counsel for Regional Affairs and Social Dialogue and the Counsel General's Office. Governors and mayors of some of the prioritized regions were asked to prepare a pilot study on labour inclusion in the public sector.

Article 28

Adequate standard of living and social protection

131. The State's strategy for addressing and preventing malnutrition involves providing support through a differential rights-based approach that is adapted to the specific needs and regional, social and cultural contexts of different population groups, including children with disabilities and their families. For example, at the Nutritional Rehabilitation Centres, on-site assistance is provided by interdisciplinary teams and support staff who advise on health care, nutrition, food and nutritional supplements, working closely with families, with a view to improving the nutritional status of children under 5 years of age who are not also affected by illness or disease. The "1,000 Days to Change the World" initiative, meanwhile, contributes to the prevention of acute malnutrition in children under 5 years of age and to the care of underweight pregnant women, newborns with a low birth weight and children suffering from stunting by promoting adequate nutrition and health conditions, inter alia, again in collaboration with families.

132. For the period 2016–2020, significant investments were made in a number of strategies, including Col\$ 5,848,388,159 in ConVerICT, Col\$ 10,565,324,616 in the Relay Centre project, and \$10,272,010,163 in Cinema For All. These strategies are designed to guarantee the corresponding rights and thus to help to improve the quality of life of persons with disabilities.⁴⁰ The State encouraged the involvement of organizations of persons with disabilities including the National Council for the Coordination of Organizations of Visually Impaired Persons (a civil society association), the National Institute for the Blind (a national public body) and the National Federation of Deaf Persons (a civil society organization) in the above-mentioned projects.

Article 29

Participation in political and public life

133. In the period 2017–2018, the State organized a working group to agree regulations for implementing article 22 of Statutory Act No. 1618 of 2013, on participation in political and public life. Representatives of organizations of persons with disabilities forming part of the National Disability Council and leaders of federations and networks of persons with disabilities were invited to participate. The result of their work was Decree No. 1350 of 31 July 2018, which added a title 3, concerning persons with disabilities, to part 3 of book 2 of Decree No. 1066 of 2015 (containing the consolidated administrative regulations of the Ministry of the Interior), as well as a chapter on measures for the creation and operation of organizations representing persons with disabilities.

134. The particular issues addressed through the issuance of Decree No. 1350 of 2018 included: the priority to be accorded to compliance with the minimum quota for the employment of persons with disabilities by organizations working to represent their interests; the need for affirmative action on the part of organizations working to represent the interests of persons with intellectual or multiple disabilities and deafblind persons, since these groups often find it more difficult to form associations and initiate or become involved in advocacy activities; and the different percentage quotas established for departmental organizations in Antioquia, Cundinamarca, Boyacá, Amazonas, Guainía, Guaviare, Vichada and Vaupés, reflecting the particular characteristics of the local population in each case. In the case of persons with intellectual disabilities, in conformity with the provisions of Statutory Act No. 1618 of 2013 and the Convention, the aforementioned decree recognizes the need to provide for a period of transition during which young persons and adults with disabilities can prepare and empower themselves to establish their own organizations.

⁴⁰ Recommendation [CRPD/C/COL/CO/1](#), para. 51.

135. Regarding the right to elect and to be elected, since 2017 the Ministry of the Interior working groups responsible for the management of disability and electoral affairs have been consulting with the Electoral Guarantees Committee on the political participation of persons with disabilities and coordinating on measures with the National Civil Register Office, the Counsel General's Office, the National Electoral Council, the Electoral Observation Mission, the National Institute for the Blind, the National Institute for the Deaf and civil society representatives forming part of the National Disability Council. As a result of these efforts, reasonable accommodation and affirmative action measures including improvements to accessibility at voting stations, the adoption of a protocol for assisting persons with disabilities with voter registration, the publication of support materials in Braille and the introduction of assisted voting have been agreed.

136. Regarding action to support the creation and continued operation of organizations working to protect the rights of persons with disabilities, two meetings for dialogue and knowledge exchange between organizations of persons with disabilities were organized by the Ministry of the Interior, on 7 December 2018 and 2 December 2019, in Bogotá. Thus, persons with disabilities and the organizations representing them have been recognized as political actors, and the importance of their empowerment and the promotion of their civic and political participation are acknowledged.

137. Two national meetings of staff from the technical secretariats of departmental and district disability committees were organized in 2018–2019. The purpose of these meetings was to share, discuss and obtain feedback on the reports on measures taken during the previous administration that provided a source of reference for the regions. With regard to regional technical assistance services available to help with the implementation of affirmative action measures and reasonable accommodation for persons with disabilities, in 2019 the Ministry of the Interior issued a training guide for actors in the National Disability System that should improve the management of regional bodies.

138. The School for Virtual Participation became operational in 2020, offering courses on the political participation of women and young persons, social control and leadership in organizations of persons with disabilities. The “Interconnecting Knowledge” (Tejiendo Saberes) strategy, under which material incentives worth up to Col\$ 5 million may be awarded to civil society organizations to help them to carry out initiatives that promote citizen participation throughout the country, was also launched and, to date, has awarded incentives to 56 organizations of persons with disabilities.

Article 30

Participation in cultural life, recreation, leisure and sport

139. The National Cultural Coordination Programme provides financial resources to facilitate and showcase cultural activities of public interest through eight lines of action, one of which is action to promote cultural practices, including artistic and cultural projects, for persons with disabilities. The Programme is designed to foster efficient management, training, creativity, research and sharing and thus to increase the visibility of the contributions of particular groups of persons with disabilities, including children and adolescents, young persons, older adults, black, Afro-Colombian, Palenquera and Raizal communities, Indigenous Peoples and the Roma people. In the period 2016–2020, the Minister of Culture supported 272 such projects, providing them with around Col\$ 4,343,800,000 and thus helping to uphold the cultural rights of this population group throughout the country.

140. Under the Regional Advisory Strategy Project, meetings for dialogue and exchange of views between regional cultural institutions and national bodies are organized to strengthen the national cultural system. For the period 2016–2020, the population with disabilities benefited from a budget allocation of Col\$ 328,301,316 and, in the same period, training on cultural management to strengthen local capacities was provided for cultural managers, a number of whom completed a diploma course on including persons with disabilities in cultural activities for which a budget of Col\$ 19,323,333 was allocated.

141. In 2019, a programme entitled “Building Deaf Culture at the Regional Level” was launched to give visibility to the linguistic rights of the deaf community and the recognition

of deaf culture. A total of 458 deaf persons participated in this programme, which was carried out in coordination with associations of deaf persons and had a budget allocation of Col\$ 33,537,447. Additionally, in recognition of the cultural identity of Indigenous persons with disabilities, the Convention on the Rights of Persons with Disabilities had been translated into four Indigenous languages (Embera Katío, Awapit, Runa Simi (Inga) and Kamentsa) by 2020, with an allocated budget of Col\$ 8,800,000.

142. A programme of regular financial benefits funded by allocation of 10 per cent of the tax raised through the award of the “Pro Culture” (Procultura) seal in each region has also been launched. The Ministry of Culture and the Colombian Pensions Administration have established procedures for the programme’s operation in each municipality and department and a total of 977 municipalities across the 32 departments have between them registered 26,991 creators and cultural managers. Of the total number of creators and cultural managers registered on the platform, 2,897 are persons with disabilities, 925 of them women with disabilities. To date, 653 municipalities have between them transferred a sum of Col\$ 191,643 million to the Colombian Pensions Administration, which has been redistributed to 7,789 creators and cultural managers in the form of either life annuity benefits (7,087) or financial contributions to the complementary social security service of the regular financial benefits programme (702). Of the 7,789 beneficiaries, 1,207 are persons with disabilities (343 of them women with disabilities) who between them have received a total of Col\$ 27,588 million in benefits.

143. Through Decree No. 561, issued on 15 April 2020 after the national Government declared a state of economic, social and ecological emergency, special measures aimed at mitigating the negative impact of the coronavirus disease (COVID-19) on the cultural sector were adopted. This decree introduced a requirement to apply at least 3 per cent of the value of unconditional cash transfers and financial incentives for the benefit of artists, creators and cultural managers with disabilities. To address the health emergency and its impact on artists, creators and cultural managers, the country’s departments and Capital District have funds amounting to Col\$ 31,751 million, of which Col\$ 13,389 million corresponds to uncommitted funding for fiscal year 2019 and Col\$ 18,362 million uncommitted funding for fiscal year 2020. Of these total funds, Col\$ 952.5 million has been reserved to support approximately 1,984 artists, creators and cultural managers with disabilities, who will receive three monthly payments of Col\$ 160,000 each.

144. The Linguistic Diversity Policy in place for the period 2016–2021 promotes the recognition of specific cultural and linguistic identities, including Colombian Sign Language and deaf culture. The celebration of the National Day of Indigenous Languages and International Mother Language Day (the latter on 21 February) has provided an opportunity to raise the visibility of Colombian Sign Language as one of the country’s many languages and to recognize this language community. Furthermore, from 2016 to 2019, an annual festival of languages was held during the International Book Fair to promote the country’s Linguistic Diversity Policy, including Colombian Sign Language.

Article 31

Statistics and data collection

145. The Colombian Government is committed to the collection and dissemination of information that facilitates the statistical visibility of all population groups. With the annual quality of life survey as its point of departure, and through a range of activities and media including inter-institutional dialogues at the national and international level, audiovisual communications and the online publication of documents and presentations with a differential and intersectional focus, the authorities are constantly working to collect and disseminate data that ensures the availability of detailed information on persons with disabilities, including in the period between censuses.⁴¹

146. Through national statistical surveys such as the 2018 National Population and Housing Census and the quality of life survey, the Government collects information that gives

⁴¹ Recommendation [CRPD/C/COL/CO/1](#), para. 69.

an overview of the sociodemographic profile of the general population and the population of persons with disabilities. These statistical activities take account of the recommendations for disability measurement proposed by the Washington Group on Disability Statistics, based on the conceptual guidelines provided by the International Classification of Functioning, Disability and Health, addressing disability from a biopsychosocial perspective.⁴²

147. The State assesses disability from the perspective of the limitations or difficulties that people may face when performing basic daily activities such as hearing, speaking, seeing, moving their body, walking, picking up and moving objects with their hands, understanding, learning and remembering, eating, dressing and bathing on their own, interacting with other people and performing daily activities without experiencing heart or respiratory problems. Other factors taken into account are: (a) the degree of severity with which a person's skills and ability to perform basic daily tasks are affected (I cannot do it/I can do it with considerable difficulty/with some difficulty/without difficulty); (b) whether or not the person uses permanent aids (technical aids/third parties/medicines); and (c) the possible causes of the difficulty experienced by persons who state that they have at least some difficulty in performing basic daily tasks. This latter consideration reflects the fact that recognition of a difficulty does not necessarily mean that the person in question has a disability.

148. The information presented and disseminated is disaggregated by sex, age, ethnicity, type of difficulty and geographic location, among other variables, with a view to facilitating the characterization of the population and the identification of inequalities and gaps between population groups (see figures VII, VIII and IX and table 34 in the annexes).

149. Since 2007, annual information on disability has been compiled through the quality of life survey, taking into account international guidelines for disability measurement and the conceptual evolution of disability. Accordingly, the sixteenth national population census and the seventh housing census in 2018 included questions on disability centred around the concept of human functioning, after cognitive tests and pilot surveys had been carried out. The aim was to test the usefulness of the questions, and also to conduct focus groups with organizations of persons with disabilities such as the National Institute for the Blind and the National Institute for the Deaf, the Colombian Association of Parents of Children with Special Needs and FUNDAMENTAL (a non-governmental organization).

150. The Retrieval of Data for Small Areas by Microcomputer (REDATAM) tool and the Geovisor online consultation tool (for the National Population and Housing Census 2018) have been made available to the public to facilitate the consultation and analysis of information from the 2005 and 2018 censuses. To share disability-related findings, the State developed and made available to the public, through a website with a differential and intersectional focus, a tool for viewing data on the sociodemographic characteristics of people who have difficulty performing basic tasks and a viewer indicating their level of vulnerability. These tools contain information disaggregated at the national, departmental and municipal levels and by area (urban, rural and remote rural) as well as by type of difficulty.

151. In 2020, the National Statistical System issued a document entitled "Guidelines for the Inclusion of a Differential and Intersectional Approach in the Production of Statistics" in order to foster the development of an inclusive statistical ecosystem and progress towards standardization of the differential and intersectional approach applied in national statistical production. A virtual course on these guidelines intended to encourage their adoption and implementation is expected to be available towards the end of 2021.

152. When the Large Integrated Household Survey was being redesigned, disability identification questions were included in the pilot survey in order to test their utility for purposes of analysis and reach a decision on its definitive inclusion in the final questionnaire, which will provide socioeconomic information on persons with disabilities.

153. The Special Jurisdiction for Peace has incorporated population variables and categories based on different types of disability in the digital data capture forms used to generate information for profiling exercises and statistical reports. It is also moving ahead

⁴² Ibid.

with the formulation of strategic and management indicators that reflect the differential approach to disability. In the processing of the macrocases and the different lines of investigation pursued by the Special Jurisdiction, the importance of recording information related to the disability status of victims has become clear. Accordingly, this information has been recorded by the commission established to handle Case No. 03, entitled “Deaths illegitimately presented as combat casualties by agents of the State”, and in investigations into forced displacement, the responsibility of third parties and sexual violence, including their impact on ethnic peoples.

Part Three

Implementation of the rights protected in articles 6 and 7 of the Convention

Article 6

Women with disabilities

154. The National Development Plan 2018–2022, named “Pact for Colombia, Pact for Equity”, accords priority to the formulation of phase two of the National Public Policy on Gender Equity for Women, aimed at guaranteeing empowerment, equality and non-discrimination for women and their recognition as agents for sustainable development.⁴³

155. The National Public Policy on Gender Equity for Women is aimed at all social groups and sectors without distinction, taking into account the diverse needs of different women and the particular issues that affect them in urban and rural areas, including those affecting black, Afro-Colombian, Palenquera, Raizal, Indigenous and Roma women, women of diverse sexual orientations, women in vulnerable situations, women in situations of displacement, women with disabilities and victims of various forms of gender-based violence, among others. This policy is underpinned by the recognition that women are holders of rights and the State must guarantee conditions for the effective enjoyment of their rights. The policy guidelines establish a commitment to supporting women with disabilities in that they define the policy’s target population as persons in situations of particular vulnerability.

156. In advance of the second phase of the National Public Policy on Gender Equity for Women defined in the National Development Plan 2018–2022, in 2021, working in conjunction with the National Planning Department, the Presidential Advisory Office on Gender Equality put together a team of experts in which the Presidential Advisory Office for the Participation of Persons with Disabilities had a key role. The lines of action on which the team has been working include: institutional capacity-building and cultural transformation; the Comprehensive Plan to Guarantee a Violence-Free Life for Women; social and economic development; and women’s participation and health care. This second phase is key because it will make it possible to organize the various sectors around the common goal of building institutional capacity in gender equity. Additionally, a component on intersectionality has been proposed that will encompass issues relating to ethnicity, lesbian, gay, bisexual, transgender and intersex women, and women with disabilities, besides addressing rural issues raised in response to Act No. 731 of 14 January 2002, setting forth provisions benefiting rural women. The aim is thus to take a cross-cutting approach to issues such as roles and stereotypes, sustainability, the environment and technological transformation.

157. The aim of the “ThroughICT Women” (PorTIC Mujer) project is to promote and facilitate the use of information and communications technologies by empowering women from various regions, and preferably women belonging to women’s organizations and/or networks that encourage the adoption and use of information and communications technologies. In this way, preventive initiatives and digital platforms designed with a view to guaranteeing a gender perspective, contributing to gender equality and advancing the adoption and correct use of information and communications technologies can be accessed remotely by women, including by women with motor, visual and intellectual disabilities.

⁴³ Recommendation [CRPD/C/COL/CO/1](#), para. 17 (a).

158. As part of efforts to assist victims of the armed conflict, by Agreement AOG No. 06 of 8 March 2021, the Special Jurisdiction for Peace adopted a gender policy entitled “Policy for Equality and Non-Discrimination on the Basis of Sex, Gender, Gender Identity and Sexual Orientation”. This gender policy addresses intersectional and cross-cutting forms of discrimination attributable to characteristics such as ethnicity, sexual orientation or gender identity, age, socioeconomic status, disability and motherhood and provides that the policy should be integrated with the guidelines for the adoption of a differential approach, including with respect to persons with disabilities.

159. Sensitization campaigns, virtual conferences and educational workshops have been carried out to raise awareness of gender-based violence and routes of access to justice among hard-of-hearing persons. Implementation of the protocol on assisting persons with disabilities and the guidelines for the provision of support to facilitate access to justice for women and lesbian, gay, bisexual and transgender persons has also been promoted, through 50 legal aid clinics, with a view to fostering an inclusive service that takes account of the intersectional discrimination faced by women with disabilities.

160. The “Women tell their story” (Mujeres Narran su Territorio) programme was developed as a means to recognize women’s forms of self-expression. In 2020, in response to the health emergency, the programme was expanded in scope so that the cultural contributions of Indigenous women, rural women, women with disabilities, women of diverse sexual orientations and Roma women could be heard, read and recognized. The programme included the design and development of a digital initiative, entitled Women’s Stories, under which samples of the works of women storytellers in Colombia are shared online. Under this initiative, women, including women with disabilities, are encouraged to submit audiovisual content from their homes. In 2020, works by nine women storytellers from different departments who were deafblind or hard-of-hearing or had intellectual, psychosocial or physical disabilities were shared over social networks.

Article 7

Children with disabilities

161. In 2019–2020, a support programme for children and adolescents under the protection of the Colombian Family Welfare Institute was developed with a view to fostering action to eliminate barriers affecting access to timely, high-quality health-care services. Another aim of this programme is to strengthen the participatory forums through which intersectoral services are coordinated at the regional level, the ultimate objective being to ensure comprehensive support for children and adolescents engaged in administrative rights restitution processes.⁴⁴ Regarding comprehensive health care for children and adolescents with disabilities, the health benefits plan financed through the capitation payment unit mechanism includes preferential and differential coverage according to life stage for persons under 18 years of age.⁴⁵

162. Through Resolution No. 1904 of 2017, technical guidelines for obtaining the informed consent of persons with disabilities in the context of sexual rights and reproductive rights were adopted. Consequently, the consent of children and adolescents with disabilities must be obtained for all forms of sexual and reproductive health interventions, in accordance with article 5 (5.4) of the aforementioned Resolution, except in cases where their life or physical integrity is at risk.⁴⁶

163. The State has collected information on children and adolescents with disabilities in numerous censuses, particularly the National Population and Housing Census 2018 and the annual quality of life survey. According to the National Population and Housing Census 2018, 8.1 per cent of those who reported having a disability were children in the 0–14 age group,

⁴⁴ Recommendation CRPD/C/COL/CO/1, para. 19.

⁴⁵ Ibid.

⁴⁶ Ibid.

and, within this group, 6.6 per cent were girls with a disability and 9.9 per cent were boys with a disability.⁴⁷

164. In 2019–2020, the aforementioned support programme for children and adolescents was implemented, including the health benefits plan financed through the capitation payment unit mechanism, the coverage of which is categorized by life stage for persons under 18 years of age. Resolution No. 1904 of 2017 was also implemented, enabling persons with disabilities, including children and adolescents with disabilities, to make free and informed decisions about their sexual and reproductive rights, except in cases in which their life or physical integrity is at risk.

165. Regarding the participation of children in armed conflict, in Case No. 07, concerning the recruitment and use of children in armed conflict, the Special Jurisdiction for Peace has found that, of the 181 victims of forced recruitment recognized by the Jurisdiction, 4 have a registered disability.

166. The “Music for Reconciliation” programme offers opportunities for musical training and practice and the enjoyment of music with a social perspective. Under the programme, music centres are divided into three categories, namely A, B or C, with category C centres offering music appreciation and learning programmes for children and adolescents with disabilities in departmental and municipal capitals. With 600 annual places available in the period 2016–2021, the allocated budget was Col\$ 8,792,431,664.

Part Four

Implementation of the rights guaranteed in articles 6 and 7 of the Convention

Article 32

International cooperation

167. The thematic priorities that guide cooperation efforts, as defined in the National Strategy for International Cooperation 2019–2022, include: regional stabilization; rural development; environmental conservation and sustainability; entrepreneurship and the orange economy; and migration from Venezuela. In relation to specific support for persons with disabilities in the country, it should be noted that Colombia is deeply committed to the implementation of the Sustainable Development Goals; for this reason, the National Development Plan 2018–2022, named “Pact for Colombia, Pact for Equity”, was formulated with the Sustainable Development Goals and the 2030 Agenda for Sustainable Development in mind, addressing in chapter 13, among other issues, the inclusion of all persons with disabilities.

168. The management of international development cooperation in Colombia is anchored within a tripartite framework composed of the Ministry of Foreign Affairs, the Colombian Presidential Agency for Cooperation and the National Planning Department. Within this framework, the Colombian Presidential Agency for Cooperation and the National Planning Department take the role of technical leaders of cooperation, while the Ministry of Foreign Affairs is responsible for the formulation, development and execution of cooperation policies in its capacity as lead agency for the administration of foreign relations. Through dialogue between these three entities and various other agencies, including, in particular, the Presidential Advisory Office for the Participation of Persons with Disabilities, the inclusion of differential components in the requests that Colombia makes of the donor community has been guaranteed.

169. According to the CICLOPE international cooperation report for the period 2018–2021 (cut-off date 10 May 2021), there are seven projects intended to benefit persons with disabilities, which are funded by Japan, the Inter-American Development Bank and the Development Bank of Latin America and the Caribbean. The CICLOPE system is a database

⁴⁷ Ibid.

maintained by the Presidential Agency for Cooperation that contains information on all international cooperation projects under way in Colombia (see table 35 in the annexes).

170. Within the framework of the United Nations system, 33 projects benefiting persons with disabilities have been identified, with some currently under way and others already completed. The implementation of these initiatives has benefited a large number of persons with disabilities, including members of rural communities, children and adolescents, women, older adults, people in the process of reintegration, migrants and victims of armed conflict, among others (see table 36 in the annexes).

Article 33

National implementation and monitoring

171. The Government of Colombia reiterates its respect for and commitment to the fulfilment of the rights enshrined in the Convention and any other rights that may subsequently be recognized in favour of persons with disabilities. Consequently, legislative, normative and regulatory initiatives are spearheaded by the Presidential Advisory Office for the Participation of Persons with Disabilities within the framework of the National Disability System. The Presidential Advisory Office is also responsible for the development and coordination of communication and dissemination strategies that highlight key achievements and progress in terms of the inclusion of persons with disabilities and effective guarantees for the enjoyment of their rights on an equal basis with others, as well as for the development and coordination of strategies that showcase the abilities, talents and potential of persons with disabilities and their contributions to the social, cultural, productive and economic development of the country.
