

# Derecho en breve

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**Stakeholder  
Submission**

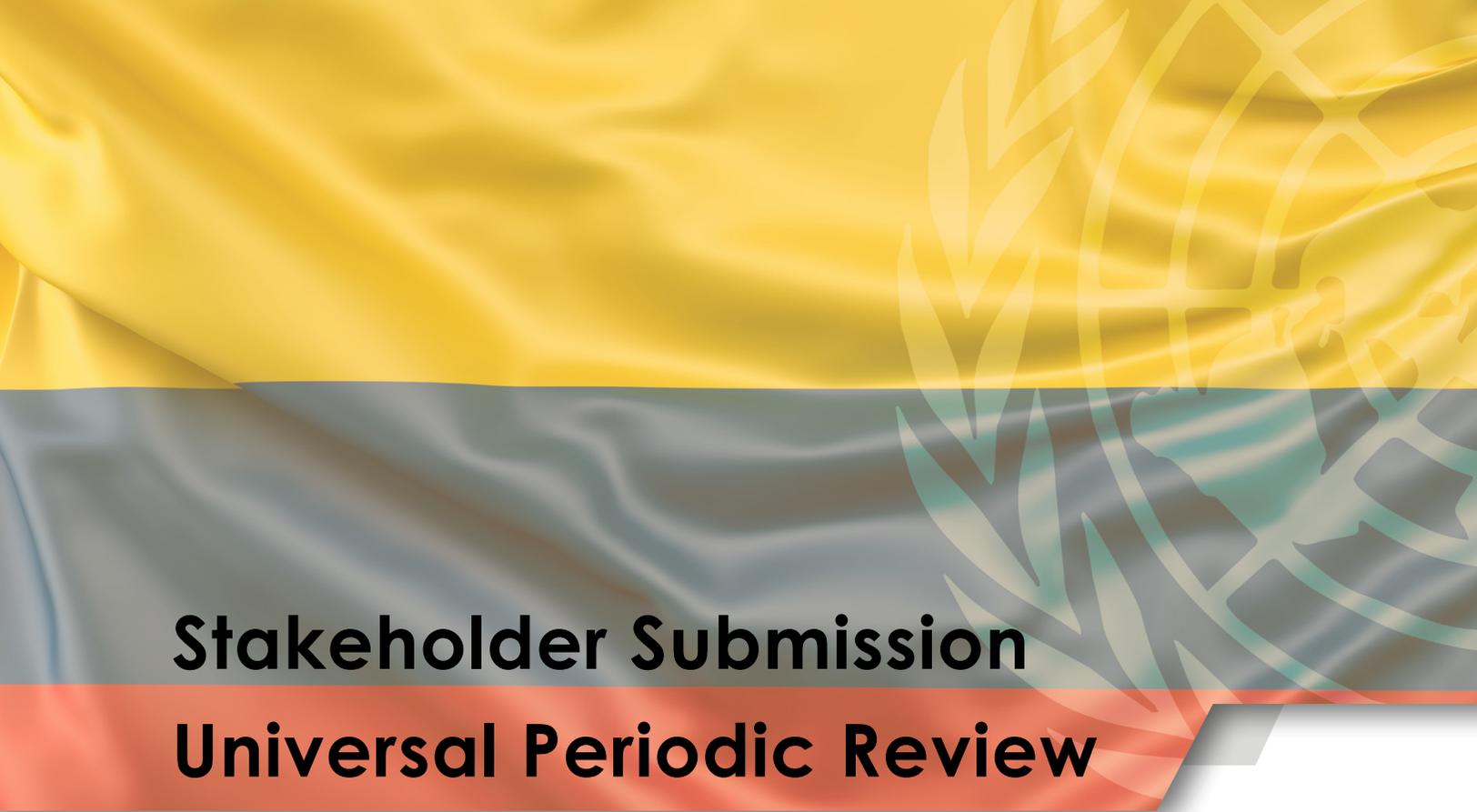
**Universal Periodic  
Review**

**44th Session-  
Colombia**

**Dejusticia**

Fundación  
**Karisma**





# Stakeholder Submission Universal Periodic Review 44th Session–Colombia

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## I. Introduction

1. This stakeholder submission was prepared by Dejusticia, Fundación Karisma, and Privacy International. Dejusticia is a legal and social studies research center committed to strengthening the rule of law and promoting human rights in Colombia and the global South. Fundación Karisma is a Colombian civil society organization that seeks to ensure that digital technologies protect and advance fundamental human rights and promote social justice. Privacy International is an international human rights nongovernmental organization working at the intersection of human rights and technology.
2. Dejusticia, Fundación Karisma, and Privacy International wish to raise concerns regarding the protection of the rights to freedom of expression and opinion, to privacy, and to personal data protection; the shutdown of civil society spaces; protection of the right to protest; and protection of the rights of the Venezuelan migrant and refugee population, for consideration in the upcoming review of Colombia at the 44<sup>th</sup> session of the Working Group on the Universal Periodic Review.

## II. Areas of Concern

### Section 1: Mass Surveillance by the State

3. In the previous cycle of Colombia's Universal Periodic Review, several stakeholders raised the issue of the illegal surveillance of human rights defenders and the use of intrusive surveillance technologies by different state bodies.<sup>1</sup> We highlighted how the state's surveillance practices violate Colombia's international obligations.<sup>2</sup> Five years later, the situation is even more concerning.

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1 A/HRC/WG.6/30/COL/3. During Colombia's 2018 review, the state did not receive specific recommendations on this issue.

2 Dejusticia, Fundación Karisma, and Privacy International, *The Right to Privacy in Colombia: Stakeholder Report, Universal Periodic Review, 30th Session – Colombia* (2017), <https://privacyinternational.org/sites/default/>

4. In addition to its international obligations,<sup>3</sup> Colombia has a national legal framework that protects the rights to privacy (article 15 of the Constitution<sup>4</sup>) and to freedom of expression (article 20 of the Constitution<sup>5</sup>). The interception of communications is regulated by the Constitution and other laws.<sup>6</sup> Colombia also has a general data protection law.<sup>7</sup>

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[files/2018-03/UPR\\_The%20Right%20to%20Privacy%20in%20Colombia\\_2017.pdf](#)

- 3 Colombia has ratified several international human rights treaties with privacy implications. One of them is the International Covenant on Civil and Political Rights, which protects the right to privacy in article 17 and freedom of expression and opinion in article 19. The Human Rights Committee has noted that states that are party to the this treaty have a positive obligation to “adopt legislative and other measures to give effect to the prohibition against such interferences and attacks as well as to the protection of this right [privacy].” See Human Rights Committee, General Comment No. 16 (1988), para. 1. Another is the American Convention on Human Rights, which establishes in article 11 that “no one may be the object of arbitrary or abusive interference with his private life, his family, his home, or his correspondence, or of unlawful attacks on his honor or reputation.”
- 4 “Correspondence and other forms of private communication may not be violated. They may only be intercepted or recorded on the basis of a court order in cases and following the formalities established by law.”
- 5 “Every individual is guaranteed the freedom to express and diffuse his or her thoughts and opinions, to transmit and receive information that is true and impartial.”
- 6 Article 250 of the Constitution grants the Office of the Attorney General the power to carry out seizures, confiscations, and the interception of communications without a warrant. In addition, article 235 of the Criminal Procedure Code stipulates the conditions under which the Office of the Attorney General may order the interception of communications. Except for the power of the Office of the Attorney General to carry out an interception, interception without a warrant is a crime under the Criminal Code. Law 1266 of 2008 protects personal financial data in Colombia. Originally, this law was meant to be the general legal framework applicable to the processing of personal data. After its revision by the Constitutional Court, its scope was reduced to financial, credit, commercial and service information, as well as information that originates abroad, such as information related to financial risk and credit risk assessment. All of this information falls into the category of personal financial data.
- 7 In 2012, the Colombian Congress enacted Law 1581 of 2012, which provides the general legal framework for personal data processing. The law

## Mass and Indiscriminate Surveillance

5. The indiscriminate surveillance that is practiced in Colombia, regardless of the specific technologies used to carry it out, does not meet the criteria of legality, necessity, and proportionality.<sup>8</sup>
6. In 2013, Colombia adopted Statutory Law No. 1621 to regulate intelligence and counterintelligence activities. Despite widespread criticism of this law by civil society, both for its lack of legal precision and the absence of guidelines on implementation, the state has not amended it. The law continues to be overly ambiguous and does not create effective accountability and oversight mechanisms for intelligence activities.
7. Indiscriminate surveillance has become commonplace in Colombia. In 2020, an investigative report published by *Semana* magazine revealed how some state intelligence agencies were using the internet and social media to conduct mass, warrantless surveillance.<sup>9</sup> Security forces were using open-source intelligence tools (OSINT) to gather information to profile journalists, political opponents of the administration, and human rights defenders, and to monitor social media during protests.
8. This investigation also revealed that the National Army had collected personal information on more than 130 individuals in order to create detailed profiles for each person. Creating these profiles and analyzing the information serves no legitimate purpose, especially since it is discriminatory to conduct surveillance on an individual based on their political affiliation, human rights work, or reporting.<sup>10</sup>

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was reviewed by the Constitutional Court in Sentence C-748 of 2011 and is regulated by Decree 1377 of 2013.

- 8 Human Rights Committee, General Comment No. 27, CCPR/C/21/Rev.1/Add.9 (1999).
- 9 *Semana*, “Las carpetas secretas” (May 1, 2020), <https://www.semana.com/nacion/articulo/espionaje-del-ejercito-nacional-las-carpetas-secretas-investigacion-semana/667616/>
- 10 Camacho Gutiérrez, L., Ospina Celis, D., and Upegui Mejía, J. C., *Inteligencia estatal en internet y redes sociales: El caso colombiano* (Dejusticia, 2022),

9. More recently, in February 2023, leaked emails from the General Command of the Military Forces revealed the government's intention to acquire additional tools that enable it to identify threats on social media.<sup>11</sup> The military negotiated with companies such as Mollitiam Industries, which in the past have supplied surveillance software used unchecked by the state.<sup>12</sup>
10. According to the Colombian military forces, they do not conduct human rights impact assessments on this type of technology because they assume that all information on the internet is public,<sup>13</sup> even though the availability of information online does not eliminate the need for privacy guarantees.<sup>14</sup>
11. Using OSINT does not preclude state institutions from having to ensure the legality and legitimacy of their surveillance and monitoring activities.<sup>15</sup> However, in some cases there is no legal norm that clearly and unequivocally establishes that state security agencies can monitor the internet. And yet these agencies have contracts in place to acquire OSINT, which is justified by the need to respond to social unrest or to

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<https://www.dejusticia.org/wp-content/uploads/2022/12/InteligenciaEstatalEnInternet-Web-Dic23.pdf>

- 11 Rico, M., "Mollitiam: Así es la contratista del Ejército y sus herramientas de ciberespionaje," *El Espectador* (February 20, 2023), <https://www.elespectador.com/judicial/mollitiam-asi-es-la-contratista-del-ejercito-y-sus-herramientas-de-ciberespionaje/>.
- 12 Ibid.
- 13 FLIP, *Inteligencia militar incrementa su capacidad para vigilar periodistas y ciudadanía con tecnologías de fuentes abiertas* (2023), <https://flip.org.co/index.php/es/publicaciones/informes/item/3007-inteligencia-militar-incrementa-su-capacidad-para-vigilar-a-periodistas-y-ciudadania-con-tecnologia-de-fuentes-abiertas>
- 14 Camacho Gutiérrez, L., Ospina Celis, D., and Upegui Mejía, J. C., *Inteligencia estatal en internet y redes sociales: el caso colombiano* (Dejusticia, 2022), <https://www.dejusticia.org/wp-content/uploads/2022/12/InteligenciaEstatalEnInternet-Web-Dic23.pdf>
- 15 A/HRC/51/17, paras. 35–37.

increase the state’s ability to retaliate against the “internal enemy.”<sup>16</sup> In Colombia, the Army, the Office of the Attorney General, the Directorate of Criminal Investigation and Interpol, and the National Police have acquired OSINT that allow them to conduct mass surveillance, profiling, and anonymous activities on the internet.<sup>17</sup> There is no public information available on the operation of these technologies or on protocols aimed to protect human rights during their utilization.<sup>18</sup>

12. Examples of state abuses of surveillance powers highlight the importance of having a system that meets international standards, can be monitored, sanctions abuse, and incorporates accountability mechanisms.

## Section 2: Gradual Digitization of the National Identity System<sup>19</sup>

13. Since 2021, the National Civil Registry (RNEC) has been pursuing efforts to digitize the national identity system through the adoption of a digital ID card.<sup>20</sup> This document incorporates the registration of facial biometric data of the entire population both in printed and virtual versions.<sup>21</sup> The data gathered allow for the facial recognition

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16 Fundación Karisma, *Cuando el Estado vigila: Ciberpatrullaje y OSINT en Colombia* (2023), <https://web.karisma.org.co/cuando-el-estado-vigila-ciberpatrullaje-y-osint-en-colombia/>

17 Ibid.

18 Fundación Karisma, “La punta del iceberg: Los problemas de transparencia del OSINT en Colombia” (February 23, 2023), <https://web.karisma.org.co/la-punta-del-iceberg-los-problemas-de-transparencia-del-osint-en-colombia/>

19 During Colombia’s 2018 review, the state did not receive specific recommendations on this issue.

20 Fundación Karisma, “La escalada funcional y tecnológica de la cédula de ciudadanía” (November 27, 2022), <https://digitalid.karisma.org.co/2022/11/27/la-historia-de-la-identificacio-n-en-Colombia/>

21 Registraduría Nacional del Estado Civil, “Remisión documentos requeridos para la contratación del fortalecimiento, mantenimiento y sostenibilidad del sistema de identificación y registro civil a nivel nacional vigencia 2020”

and authentication of any Colombian without requiring their express consent, and, at present, it is impossible to refuse to provide such data, as the document is mandatory for anyone who reaches legal age.

14. The facial biometric database is growing unchecked and without clear limits on its permitted uses, threatening the privacy of Colombians' personal data and increasing the possibility of such data being used for mass surveillance purposes. Indeed, pilots are already underway to incorporate cameras with real-time facial recognition capabilities in cities such as Bucaramanga<sup>22</sup> and Medellín,<sup>23</sup> which rely on the RNEC database.
15. Neither the design, creation, nor implementation of the new identity document—including the databases associated with it, as well as the document's technical and security features—has been subject to a democratic process of deliberation and approval. It is essential to establish clear limits on the type of biometric data that the RNEC is authorized to collect— and to what end—in order to protect the population's personal data and right to privacy, as well as to prevent the massification of surveillance systems that violate human rights.<sup>24</sup>

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(January 29, 2020); Registraduría Nacional del Estado Civil, “Adición no. 01 y otrosí no. 03 al contrato electrónico de prestación de servicios no. 002 de 2020, sus condiciones adicionales y sus otrosíes no. 01 y 02 de 2020, suscrito entre la Registraduría Nacional del Estado Civil e Idemia Identity & Security sucursal Colombia” (2020).

- 22 *La Vanguardia*, “Así será el plan piloto de tecnología para la seguridad en Bucaramanga” (March 16, 2023),
- 23 *El Espectador*, “Los retos del reconocimiento facial que se usa para garantizar la seguridad” (July 5, 2022), <https://www.elespectador.com/colombia/mas-regiones/los-retos-del-reconocimiento-facial-en-la-seguridad/>
- 24 These concerns are also shared by the United Nations High Commissioner for Human Rights, who has expressed that “it is worrisome that some States are embarking on vast biometric data-based projects without having adequate legal and procedural safeguards in place.” A/HRC/39/29, para. 14.

### Section 3: National System for the Identification of Potential Social Program Beneficiaries / Universal Income Registry<sup>25</sup>

16. The National System for the Identification of Potential Social Program Beneficiaries (SISBEN) Since its fourth version introduced in April of the year 2021,<sup>26</sup> a classification algorithm that ranks the population according to income level in order to grant or deny access to social assistance programs. The implementation of this algorithm is problematic insofar as its code is kept secret<sup>27</sup> on the grounds of protecting the financial security of the state. This impenetrability of the algorithm makes it impossible to monitor how it operates.
17. In addition, the National Planning Department, which manages the SISBEN database, has established data-sharing agreements with 36 public and private entities<sup>28</sup> to verify the information provided by the population during the enrollment surveys. This verification process can lead, in cases where there are discrepancies between the information in the databases of different agencies, to the expulsion or suspension of individuals from social assistance programs—which, in turn, can lead to a violation of their fundamental rights, including their rights to health and to education. When this occurs, it is not possible for the individual to know which data contain discrepancies, nor are there adequate mechanisms available to correct such discrepancies without jeopardizing their rights.<sup>29</sup>

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25 During Colombia's 2018 review, no specific recommendations were issued to the state on this issue.

26 Fundación Karisma and Joan López Solano, *Datos y dignidad: una guía para el uso justo de datos en la protección social desde el caso del Sisbén* (2022), <https://web.karisma.org.co/datos-y-dignidad-una-guia-para-el-uso-justo-de-datos-en-la-proteccion-social-desde-el-caso-del-sisben/>

27 Ibid.

28 Fundación Karisma and López Solano, J., *Recomendaciones de derechos humanos para la regulación del uso de datos en los sistemas de clasificación social en Colombia* (unpublished, available on request).

29 The digitization of the application process for social assistance was included in the annual report of the Special Rapporteur on extreme poverty and

18. At the same time, the information in the SISBEN database has been made available to financial entities to develop credit products aimed at potential SISBEN beneficiaries<sup>30</sup> without these individuals' explicit consent, which constitutes a violation of their right to the protection of personal data.

#### Section 4: The Right to Health and the Use of New Technologies

19. Although new technologies can help transform and improve access to health, the process of digitizing the health care sector raises concerns because it exposes users and countries to new risks, which stem in part from the decisions that are made when implementing digital health systems.<sup>31</sup> Such concerns relate to the negative impacts that digitization can have for young people and for marginalized or criminalized communities, such as people living with HIV, migrants, women, and girls. Frequently, these communities are excluded from the process of developing public policies that affect them.<sup>32</sup>

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human rights on the non-take-up of rights in the context of social protection. The report raised concerns about how this process “thus exacerbates the digital divide and may lead to more, not less, uncertainty for vulnerable groups” and that it “can also discourage people from applying.” See A/HRC/50/38, paras. 74–77; Privacy International, *Submission for the UN report on social protection* (2021), <https://privacyinternational.org/advocacy/4864/privacy-internationals-submission-un-report-social-protection>

30 Fundación Karisma and López Solano, J., *Experimentando con la pobreza* (2020), <https://web.karisma.org.co/wp-content/uploads/download-manager-files/Experimentando%20con%20la%20pobreza.pdf>

31 The current Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health has identified digital innovation, technologies, and the right to health as priorities during her mandate. Her next thematic report to the Human Rights Council, which will take place in June 2023, will focus on this topic. Further information is available at <https://www.ohchr.org/en/calls-for-input/2022/digital-innovation-technologies-and-right-health>. See also “ta”(November 10.), “fa”(),

32 See “Digital Health and Rights.” Further information available at <https://www.graduateinstitute.ch/DigitalHealth-Rights>

20. In 2022, the Colombian government launched a plan to promote the digital transformation of the country's health sector.<sup>33</sup> The plan includes expanding the implementation of the electronic health records system, integrating the health sector into the Digital Citizen Folder system, and further developing telehealth and telemedicine programs.
21. Similarly, to address the COVID-19 pandemic, digital technologies were deployed at the regional and national levels to reduce contagion. These technologies collected (and continue to collect) sensitive data about the population without employing adequate safeguards. For example, the CoronApp mobile application was deployed without any transparency about its operation, and it was later documented that various public and private entities had access to the application's database,<sup>34</sup> whose operation enabled the expansion of police powers beyond the purported aim of COVID-19 containment.<sup>35</sup>
22. One study, which has not yet been published, is documenting the growing use of health care-related digital platforms<sup>36</sup> among the general population, particularly young people, who often see digital transformation in health care as empowering. Yet these platforms also pose risks to individuals' privacy, well-being, and security, and

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33 Ministerio de Salud y Protección Social, "Colombia es pionero en transformación digital del sector salud" (July 11, 2022), <https://www.minsalud.gov.co/Paginas/Colombia-es-pionero-en-transformacio-digital-del-sector-salud.aspx>

34 ECNL, INCLO, and Privacy International, *Under Surveillance: (Mis)use of Technologies in Emergency Responses; Global Lessons from the COVID-19 Pandemic* (2022), p. 23, <https://privacyinternational.org/sites/default/files/2022-12/ECNL%2C%20INCLO%2C%20PI-COVID-19-Report-Final.pdf>

35 López, J., Valdés, J., and Castañeda, J. D., *Useless & Dangerous: A Critical Exploration of COVID Apps and Their Human Rights Impacts in Colombia* (Fundación Karisma, 2021), <https://web.karisma.org.co/useless-and-dangerous-a-critical-exploration-of-covid-applications-and-their-human-rights-impacts-in-colombia/>

36 "Digital Health and Rights in Bangladesh and Colombia" (2021), <https://colev.uniandes.edu.co/images/colev-en-accion/policybriefs-inception/inceptionpaper-DRAG-pub.pdf>

of misinformation around health issues, particularly considering the country's weak digital governance issues to face these threats.<sup>37</sup>

## Section 5: Closure of Civil Society Spaces and Lack of Guarantees concerning the Right to Protest<sup>38</sup>

23. Colombia's civic space<sup>39</sup> has been narrowing due to the restriction of freedoms imposed by the state and attacks against human rights defenders. According to CIVICUS, civic space in Colombia falls within the "repressed"<sup>40</sup> category. In this context, protecting the rights and freedoms that serve to strengthen an open and diverse civic space is essential for a robust democracy.

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37 Global Network of People Living with HIV, Kenya Ethical & Legal Issues Network on HIV & AIDS, STOPAIDS, Geneva Graduate Institute, and Universidad de los Andes, *Hacia la justicia digital* (2022), <https://stopaids.org.uk/wp-content/uploads/2022/11/Towards-Digital-Justice-briefing-SPANISH.pdf>

38 During Colombia's 2018 review, no specific recommendations were issued to the state on this issue.

39 "Civic space is the environment that enables civil society to play a role in the political, economic and social life of our societies." Office of the United Nations High Commissioner for Human Rights, "OHCHR and Protecting and Expanding Civic Space," <https://www.ohchr.org/en/civic-space>

40 "Civic space is significantly constrained. Active individuals and civil society members who criticise power holders risk surveillance, harassment, intimidation, imprisonment, injury and death. Although some civil society organisations exist, their advocacy work is regularly impeded and they face threats of de-registration and closure by the authorities. People who organise or take part in peaceful protests are likely to be targeted by the authorities through the use of excessive force, including the use of live ammunition, and risk mass arrests and detention. The media typically reflects the position of the state, and any independent voices are routinely targeted through raids, physical attacks or protracted legal harassment. Websites and social media platforms are blocked and internet activism is heavily monitored."

24. The right of peaceful assembly, including the right to protest, is recognized both internationally<sup>41</sup> and nationally.<sup>42</sup> Yet such recognition has not been enough to protect the exercise of this right on a practical level. On the contrary, those who organize and participate in social demonstrations continue to be subject to stigmatization, criminalization, surveillance, and repression.<sup>43</sup>
25. During the 2019 and 2021 national strike protests, there was evidence of human rights violations by the Colombian state. In sentence STC7641 of 2020, the Supreme Court of Justice identified the following violations:
- (i) *systematic, violent and arbitrary intervention by security forces during demonstrations and protests;*
  - (ii) *“stigmatization” of those who take peacefully to the streets to question, refute and criticize the government;*
  - (iii) *disproportionate use of force, lethal weapons and chemicals;*
  - (iv) *unlawful and abusive detention [and] inhuman, cruel and degrading treatment; and*
  - (v) *attacks on freedom of expression and the press.*<sup>44</sup>

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41 Universal Declaration of Human Rights, art. 20; American Declaration of the Rights and Duties of Man, art. 21; International Covenant on Civil and Political Rights, art. 21; American Convention on Human Rights, art. 15.

42 Constitution of Colombia, art. 37.

43 This has been a “product of a deep-rooted conception that considers citizen mobilization to be a form of disruption of the public order or, even worse, a threat to the stability of democratic institutions.” See Inter-American Commission on Human Rights, *Protest and Human Rights: Standards on the Rights Involved in Social Protest and the Obligations to Guide the Response of the State*, OEA/Ser.L/V/II CIDH/RELE/INF.22/19 (2019), foreword, <https://www.oas.org/en/iachr/expression/publications/Protesta/ProtestHumanRights.pdf>

44 Corte Suprema de Justicia, Sala de Casación Civil, Sentencia STC7641-2020 (September 22, 2020), <https://cortesuprema.gov.co/corte/index>.

26. In 2021, the Inter-American Commission on Human Rights (IACHR) observed that these behaviors subsisted, highlighting

*the disproportionate use of force; gender-based violence during protests; ethnic-racial violence during protests; violence against journalists and volunteer medics during protective transfers; and reports of disappearances. Also concerning was the use of military support, military disciplinary authority, and military criminal jurisdiction.*<sup>45</sup>

27. Although the IACHR issued 41 recommendations to the Colombian state in this regard, most of them have not been implemented. It should be noted that all of these actions violating the right to protest “in a differential and disproportionate” on Indigenous and Afro-descendant<sup>46</sup> peoples, women, LGBTI+ people, and youth living in poverty.<sup>47</sup>

### *Disproportionate Use of Force and Lethal and Less Lethal Weapons*

28. Police officers continue to rely on the excessive and disproportionate use of force and weapons (both lethal and less lethal) during protests. In 2020, this was evidenced by 271 victims of police violence during the events of September 9–10 in Bogotá, including 31 people injured

<https://www.ica.gov.co/portal/09/22/corte-suprema-ordena-medidas-para-garantizar-derecho-a-protesta-pacifica/>

45 Inter-American Commission on Human Rights, *Observations and Recommendations: Working Visit to Colombia* (2021), para. 29, [https://www.oas.org/en/iachr/reports/pdfs/ObservacionesVisita\\_CIDH\\_Colombia\\_ENG.pdf](https://www.oas.org/en/iachr/reports/pdfs/ObservacionesVisita_CIDH_Colombia_ENG.pdf)

46 ILEX Acción Jurídica, CODHES, Raza & Igualdad, and Temblores ONG, *Silencio e impunidad: Racismo sistémico y violencia policial contra personas afrodescendientes en Colombia* (2022), [https://ilexaccionjuridica.org/wp-content/uploads/2022/11/Documento-silencio-e-impunidad\\_ILEX-DIGITAL-1.pdf](https://ilexaccionjuridica.org/wp-content/uploads/2022/11/Documento-silencio-e-impunidad_ILEX-DIGITAL-1.pdf)

47 Temblores ONG, *Bolillo, dios y patria* (2021), <https://www.temblores.org/bolillo-dios-y-patria>; Inter-American Commission on Human Rights, *Observations and Recommendations: Working Visit to Colombia* (2021), [https://www.oas.org/en/iachr/reports/pdfs/ObservacionesVisita\\_CIDH\\_Colombia\\_ENG.pdf](https://www.oas.org/en/iachr/reports/pdfs/ObservacionesVisita_CIDH_Colombia_ENG.pdf)

by firearms and at least 12 people killed.<sup>48</sup> In 2021, 7,620 assaults were recorded in the context of protests, including 89 homicides, 1,929 injuries, 106 complaints of gender-based violence, and 343 assaults against human rights defenders.<sup>49</sup> In 2022, there were 66 cases of police violence during protests. In terms of the use of less lethal weapons, between 1999 and 2022, 169 eye injuries were reported, including 116 in 2021 and 5 between January and June 2022.<sup>50</sup>

### *Criminalization of People Involved in Protests*

29. One of the strategies that has been used to limit, stigmatize, and discourage the exercise of the right to protest has been the criminalization of activists, members of civil society organizations, and protestors. In 2021, 3,546 detentions of protestors were reported, most of them arbitrary.<sup>51</sup> As of June 2022, 267 activists had been arrested.<sup>52</sup>

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48 Temblores ONG, *¡Ni un minuto de silencio, 9S sin olvido!* (2022), [https://www.temblores.org/\\_files/ugd/7bbd97\\_0b7639441bea42b48444440bb322f1bc.pdf](https://www.temblores.org/_files/ugd/7bbd97_0b7639441bea42b48444440bb322f1bc.pdf)

49 Campaña Defender la Libertad: Asunto de Todas, *El sometimiento de la democracia: Un balance del derecho a la protesta social en Colombia en el año 2021* (2021), <https://defenderlalibertad.com/project/informe-el-sometimiento-de-la-democracia-un-balance-del-derecho-a-la-protesta-social-en-colombia-en-el-ano-2021/>

50 Fundación Comité de Solidaridad con los Presos Políticos, Campaña Defender la Libertad: Asunto de Todas, Movimiento en Resistencia contra las Agresiones Oculares del ESMAD-MOCAO, and Corporación Centro de Atención Psicosocial, *Represión en la mira: Lesiones oculares en el marco de las protestas en Colombia*, <https://coeuropa.org.co/wp-content/uploads/Represion-en-la-mira.-Inf-Lesiones-Oculares.pdf>

51 Campaña Defender la Libertad: Asunto de Todas, *El sometimiento de la democracia: Un balance del derecho a la protesta social en Colombia en el año 2021* (2021), <https://defenderlalibertad.com/project/informe-el-sometimiento-de-la-democracia-un-balance-del-derecho-a-la-protesta-social-en-colombia-en-el-ano-2021/>

52 Campaña Defender la Libertad: Asunto de Todas, “Aumentan las detenciones en plena coyuntura electoral” (June 16, 2022), <https://defenderlalibertad.com/aumentan-las-detenciones-en-plena-coyuntura-electoral/>

30. Criminalization is incompatible with guaranteeing the right to protest. While the Colombian state has been focused on prosecuting and criminalizing people who participate in demonstrations, it has done little to pursue criminal or disciplinary proceedings against police officers accused of committing human rights violations in these contexts. However, the national government recently unveiled an initiative to release individuals from the *primera línea* (activists facing repression by the security forces and who played a leading role in the 2021 national strike). This initiative carries several risks at the political and legal level<sup>53</sup> that have not been widely discussed.

### *Cyber-Patrolling During Protests*

31. The problematic use of OSINT was seen in the 2021 protests, when, under the name of “cyber-patrolling,”<sup>54</sup> Colombian security forces labeled citizen-generated content on the internet—mostly concerning complaints of the abuse of force—as fake, in order to protect their public image.<sup>55</sup> These cyber-patrolling activities were being conducted at the same time that high-level public officials were stigmatizing those who participated in the protests as vandals and terrorists.<sup>56</sup>
32. The IACHR expressed its concern over both of these activities and urged the state to halt them.<sup>57</sup> Specifically, the IACHR urged the state to stop categorizing news as “true” or “false”—suggesting that it instead

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53 Uprimny Yepes, R., “¿Primeras líneas como gestores de paz?,” *Dejusticia* (December 11, 2022), <https://www.dejusticia.org/column/primeras-lineas-como-gestores-de-paz/>

54 Fundación Karisma, “El Estado monitorea internet: Implicaciones en los derechos humanos del ciberpatrullaje” (January 19, 2023), <https://web.karisma.org.co/el-estado-monitorea-internet-implicaciones-en-los-derechos-humanos-del-ciberpatrullaje/>

55 Parra, J. P., and Botero, C., “Pistolas contra celulares,” Fundación Karisma (August 31, 2021), <https://web.karisma.org.co/pistolas-contra-celulares/>

56 Ibid.

57 Inter-American Commission on Human Rights, *Observations and Recommendations: Working Visit to Colombia* (2021), [https://www.oas.org/en/iachr/reports/pdfs/ObservacionesVisita\\_CIDH\\_Colombia\\_ENG.pdf](https://www.oas.org/en/iachr/reports/pdfs/ObservacionesVisita_CIDH_Colombia_ENG.pdf).

provide more information so that people could form their own judgments—and to refrain from using stigmatizing labels, which can have a criminalizing effect on those who exercise their right to protest.<sup>58</sup> In addition, when hate speech or speech that incites violence is identified, the IACHR noted, the state should limit itself to filing a complaint and allowing the justice system to impart a final decision. It is unclear what progress the state has made to date in implementing the Commission’s recommendations. Although the Unified Cyber Command Post—the main body responsible for labeling citizen content—began to be formally regulated in 2022, the broader regulation of cyber-patrolling and the capacity to carry it out still resides with the state.<sup>59</sup>

### *Internet Outages*

33. On May 4–5, 2021, during the national strike, there were widespread outages in cellphone and internet service in Cali.<sup>60</sup> These problems were concentrated in the neighborhoods of Siloé and Agua Blanca, two epicenters of the protests.<sup>61</sup> Movistar and EmCali,<sup>62</sup> two of the companies providing these services, stated that the outages were caused by cable theft, a position that was echoed by the government and for which the protestors were blamed without evidence.<sup>63</sup> Following the

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58 Ibid.

59 Botero, C., “Poniéndoles el ojo a los PMU-Ciber: ¿Qué son y para qué sirven?” *La Silla Vacía* (April 8, 2022), <https://www.lasillavacia.com/historias/historias-silla-llena/poniendoles-el-ojo-a-los-pmu-ciber-que-son-y-para-que-sirven/>

60 Netblocks, “Internet Disrupted in Colombia amid Anti-Government Protests” (May 5, 2021), <https://netblocks.org/reports/internet-disrupted-in-colombia-amid-anti-government-protests-YAEvMvB3c>

61 Parra, J. P., and Botero, C., “Pistolas contra celulares,” Fundación Karisma (August 31, 2021), <https://web.karisma.org.co/pistolas-contra-celulares/>

62 See EMCALI, Comunicado, (May 5, 2021), [https://twitter.com/search?lang=es&q=\(from%3AEMCALIoficial\)%20until%3A2021-05-06%20since%3A2021-05-04&src=typed\\_query](https://twitter.com/search?lang=es&q=(from%3AEMCALIoficial)%20until%3A2021-05-06%20since%3A2021-05-04&src=typed_query)

63 Ministerio de Tecnologías de la Información y las Comunicaciones, Comunicado sobre la situación de conectividad en la ciudad de Cali (May 5, 2021), <https://mintic.gov.co/portal/inicio/Sala-de-prensa/>

incident, the Colombian state failed to conduct any investigations to determine the cause of the outages or to identify those responsible.<sup>64</sup> It also refused to answer formal requests for access to information on the matter.<sup>65</sup>

34. Finally, Colombia has an administrative regulation that allows security forces to use signal jammers (a technology capable of blocking the internet) without the need for a warrant.<sup>66</sup> Such legal authorization is a latent threat to the rights to freedom of expression, participation, and protest in Colombia—and despite repeated complaints by civil society in this regard, the rules remain in force.<sup>67</sup>

## Section 6: Digital Violence against Women<sup>68</sup>

35. Colombia has failed to follow the recommendations made in 2018, which called on the state to (i) make efforts to eliminate all forms of

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[Noticias/172453:Comunicado-sobre-la-situacion-de-conectividad-en-la-ciudad-de-Cali](#)

64 Parra, J. P., and Botero, C., “Pistolas contra celulares,” Fundación Karisma (August 31, 2021), <https://web.karisma.org.co/pistolas-contra-celulares/>

65 Botero, C., “El misterio detrás de los cortes de internet en Cali durante el paro nacional de 2021,” *La Silla Vacía* (August 27, 2022), <https://www.lasillavacia.com/historias/historias-silla-llena/el-misterio-detras-los-cortes-de-internet-en-cali-durante-el-paro-de-2021/>

66 Ministerio de Tecnologías de la Información y las Comunicaciones, Resolución 2774 de 2013, [https://normograma.mintic.gov.co/mintic/docs/resolucion\\_mintic\\_2774\\_2013.htm](https://normograma.mintic.gov.co/mintic/docs/resolucion_mintic_2774_2013.htm); Ministerio de Tecnologías de la Información y las Comunicaciones, Resolución 1823 de 2018, [https://normograma.mintic.gov.co/mintic/docs/resolucion\\_mintic\\_1823\\_2018.htm](https://normograma.mintic.gov.co/mintic/docs/resolucion_mintic_1823_2018.htm)

67 Ministerio de Tecnologías de la Información y las Comunicaciones, Resolución 2774 de 2013, [https://normograma.mintic.gov.co/mintic/docs/resolucion\\_mintic\\_2774\\_2013.htm](https://normograma.mintic.gov.co/mintic/docs/resolucion_mintic_2774_2013.htm); Ministerio de Tecnologías de la Información y las Comunicaciones, Resolución 1823 de 2018, [https://normograma.mintic.gov.co/mintic/docs/resolucion\\_mintic\\_1823\\_2018.htm](https://normograma.mintic.gov.co/mintic/docs/resolucion_mintic_1823_2018.htm)

68 Colombia is also a party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, known as the Convention of Belém do Pará (1994). These norms

discrimination and violence against women, including through the adoption of effective legislative measures institutional framework,<sup>69</sup> and (ii) adopt the necessary measures to ensure and increase women's political participation.<sup>70</sup>

36. The new public sphere brought about by the use of the internet and technology has encouraged a diversity of voices. But at the same time, it has generated new spaces for violence against women, especially those who challenge socially imposed roles, such as journalists and commentators,<sup>71</sup> politicians,<sup>72</sup> and activists.<sup>73</sup>
37. The social media violence faced by female candidates, journalists, and commentators can have a negative impact on their families and their mental health. To the extent that such attacks question their abilities, suitability, or experience based on their gender, they perpetuate dynamics that place them at a disadvantage and affect their ability to participate in politics under equal conditions or lead them to self-censorship, which also affects their freedom of expression and society's right to access diverse and plural information.
38. Law 1257 of 2008 on "awareness, prevention and punishment of forms of violence and discrimination against women" does not provide adequate recourse for women who experience violence outside the family

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establish state obligations to ensure equality between men and women as well as to adopt policies aimed at preventing, punishing, and eradicating violence against women.

69 A/HRC/35/9, recommendations 120.22, 120.123, 120.124, 120.125, 120.126, 120.127, 120.128, 120.129.

70 A/HRC/35/9, recommendations 120.61, 120.79.

71 Fundación Karisma and Red Colombiana de Periodistas con Visión de Género, *Periodistas sin acoso* (2021), <https://web.karisma.org.co/informe-fiscal-periodistas-sin-acoso-violencias-machistas-contra-periodistas-y-comunicadoras/>

72 Fundación Karisma, *Acoso, soledad y desprestigio: Un estudio sobre las formas, las rutas de atención y el impacto de las violencias digitales contra las candidatas al Congreso colombiano en 2022* (unpublished, available on request).

73 A/HRC/35/9.

setting or outside criminal sanctions to access any of the assistance measures as such protection measures can only be imposed by family commissioners or the criminal judges responsible for controlling constitutional and legal guarantees.

39. Furthermore, there are no clear legal protocols for responding to digital violence in Colombia. In sentence T-280 of 2022, the Constitutional Court noted that the existing legal vacuum makes it difficult for law enforcement to properly investigate such violence. There are no adequate judicial mechanisms to address violence promptly, strategies to coordinate the investigation of such violence, training campaigns on the seriousness of digital violence, or protocols on how to handle sensitive information during investigations. Against this backdrop, the Constitutional Court, in addition to asking Congress to adopt legislation on this issue, determined that women may file *tutelas* (a constitutional writ of protection) in response to digital violence.<sup>74</sup>

## Section 7: The Rights of Migrants<sup>75</sup>

### *Limitations in Regularization Processes in Colombia*

40. Despite the importance of the Temporary Protection Statute for Venezuelan Migrants (ETPMV by its Spanish initials),<sup>76</sup> this regularization mechanism has serious shortcomings.<sup>77</sup> Below, in paragraphs 49 and 51, the barriers that require the most attention are discussed.

74 Sentence T-339 of 2022 framed a case of non-consensual dissemination of intimate images and videos as a violation of the right to habeas data, and not as a form of violence against women.

75 Colombia is party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.

76 Created by Decree 216 of 2021 of the Ministry of Foreign Affairs.

77 These include, among other things, (i) the time limit to apply for this mechanism; (ii) infringement of due process; (iii) difficulties in accessing the mechanism due to the digital divide, since the application process must be completed online; (iv) weakening of the shelter system; and (v) risks to the

41. Time limits of the ETPMV: This mechanism is slated to be in effect for ten years; however, it is not applicable to all Venezuelan migrants—currently, only those who entered the country regularly between May 29, 2021, and May 28, 2023, are eligible. In accordance with the requirements set forth in the ETPMV,<sup>78</sup> specific time frames are established for eligible migrants to register and provide the required information to the National Registry for Venezuelan Migrants<sup>79</sup> and to request and access a temporary protection permit (PPT by its Spanish initials).<sup>80</sup> These conditions are problematic, as the individuals who fail to meet them—most of whom are in situations of vulnerability—have no other means of effectively accessing regular migration status. In turn, their lack of regular status acts as a barrier to accessing other rights, such as the rights to health, to education, and to work, which exacerbates the vulnerability that they already face as migrants and refugees in Colombia.
42. Limitations on the right to due process: The lack of clear regulations on the duties and powers of Migración Colombia, the country’s immigration authority, has led to arbitrary decisions on several occasions that infringe migrants’ right to due process, as was the case of the mass expulsion of a group of 59 Venezuelans following the November 2019 protests.<sup>81</sup>
43. Lack of regulation of the regularization identification process: To obtain the PPT, Venezuelan migrants must provide a large amount of personal

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right to privacy and protection of personal data. For more information, see Dejusticia and Fundación Karisma, “Lo que no puede quedar por fuera del Estatuto Temporal de Protección para personas migrantes venezolanas” (March 1, 2021), <https://www.dejusticia.org/lo-que-no-puede-quedar-por-fuera-del-estatuto-temporal-de-proteccion-para-personas-migrantes-venezolanas>

78 Ministerio de Relaciones Exteriores, Decreto 216 de 2021, art. 4.

79 Ministerio de Relaciones Exteriores, Resolución 971 de 2021, art. 40.1

80 Ibid., art. 40.2.

81 Dejusticia, “Corte Constitucional protegió a siete migrantes expulsados de forma arbitraria en el Paro Nacional” (December 17, 2021), <https://www.dejusticia.org/corte-constitucional-protegio-a-siete-migrantes-expulsados-de-forma-arbitraria-en-el-paro-nacional/>

data through a socioeconomic survey, in addition to three types of biometric data: fingerprints, facial biometrics, and iris scans.<sup>82</sup> This disproportionate datafication is stigmatizing and discriminatory against the migrant population, as it embodies a different standard than the one applied to the Colombian population.<sup>83</sup> This is compounded by the fact that migrants are not in a position to refuse consent, since their ability to regularize their status depends on the provision of personal biographical and biometric data. In addition, biometric databases have been created without first conducting human rights impact assessments and without any regulation stipulating how such data may be used, how long they may be stored, or how their security will be protected.<sup>84</sup>

### *Barriers to Labor Market Participation*<sup>85</sup>

44. Legal barriers, including difficulties in accessing and maintaining regular migration status, make it difficult for Venezuelan migrants to obtain employment.<sup>86</sup> With regard to asylum seekers in particular,

82 Karisma, “¿A dónde van los datos del RUMV?” (November 27, 2022), <https://digitalid.karisma.org.co/2022/11/27/A-d%C3%B3nde-van-los-datos-del-RUMV/>

83 These concerns are shared by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. See A/HRC/44/57; Privacy International, “PI’s Joint Submission to the UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance” (June 17, 2020), <https://privacyinternational.org/advocacy/3939/pis-joint-submission-un-special-rapporteur-contemporary-forms-racism-racial>

84 These concerns are shared by the United Nations High Commissioner for Human Rights. See A/HRC/39/29, para. 14.

85 The socioeconomic integration of the migrant population includes measures such as labor inclusion. This population’s access to employment contributes to the protection of their rights. Yet despite its importance, many barriers to accessing and remaining in the formal labor market persist.

86 Ramírez Bolívar, L., Arroyave Velásquez, L., and Corredor Villamil, J., *Ser migrante y trabajar en Colombia: ¿Cómo va la inclusión laboral de las personas migrantes y refugiadas provenientes de Venezuela* (Dejusticia, 2022), pp. 70–71, <https://www.dejusticia.org/wp-content/uploads/2022/09/Ser-migrante-y-trabajar-en-Colombia.pdf>

it is concerning that they cannot work until they are recognized as refugees.<sup>87</sup> The administrative and institutional delays in recognizing the PPT as a valid document for financial, employment, or official procedures has also become a barrier in light of the lack of legislation establishing a specific deadline for responding to these requests.

45. Social and cultural barriers also stand in the way of employment. Such barriers include (i) xenophobia; (ii) Venezuelan migrants' limited access to networking opportunities, as well as difficulties in securing personal references and certifying previous work experience; and (iii) a lack of awareness among employers about Colombia's immigration system and how to hire non-nationals.<sup>88</sup>
46. Barriers have also been found in interactions with other actors in the labor market, such as banks, health insurance companies, pension funds, and occupational hazard insurance companies, which frequently deny their services to Venezuelan migrants because they (erroneously) claim that the PPT is not a valid form of identification.
47. Lastly, another barrier is the pervasive labor exploitation faced by people in vulnerable situations.<sup>89</sup>
48. These barriers have led many migrants and refugees to seek work in digital platforms and receive payments through mobile apps. This is concerning due to regulatory gaps regarding platform-mediated work, particularly as it relates to defining the working relationship between intermediary digital platforms and those who work for them and in determining wages and benefits.<sup>90</sup>

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87 Ministerio de Relaciones Exteriores, Decreto 1067 de 2015.

88 Ramírez Bolívar, L., Arroyave Velásquez, L., and Corredor Villamil, J., *Ser migrante y trabajar en Colombia: ¿Cómo va la inclusión laboral de las personas migrantes y refugiadas provenientes de Venezuela* (Dejusticia, 2022), p. 84, <https://www.dejusticia.org/wp-content/uploads/2022/09/Ser-migrante-y-trabajar-en-Colombia.pdf>

89 Ibid., p. 93.

90 Ibid., pp. 28–29.

## Barriers to Education for Migrant Children and Adolescents

49. In the case of migrant children and adolescents, guaranteeing the right to education is fundamental not only because it is essential to their full personal development but also because it is a tool for ensuring equal opportunities, rebuilding lives, and creating a community in their place of arrival. The efforts of the Colombian government to guarantee this right have allowed thousands of Venezuelan children and adolescents to participate in the country's educational system.<sup>91</sup>
50. However, outside of major urban centers, there are still circumstances that limit the effect of the measures adopted by the government. In addition, there are structural barriers that affect children's and adolescents' ability or desire to remain in school and are aggravated by factors such as the absence of regular migration status, xenophobia, and curricular differences between Venezuela's and Colombia's education systems. Some of these barriers are briefly described below.<sup>92</sup>
51. Barriers to access include:
- (i) The requirement of regular migration status: although the law states that Venezuelan children and adolescents do not need regular migration status in order to enroll in school, many schools have been reported to require it.

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91 Ruiz Mancera, S., Ramírez Bolívar, L., and Rozo Ángel, V., *Acceso, promoción y permanencia de niños, niñas y adolescentes migrantes en el sistema educativo colombiano: Avances, retos y recomendaciones* (Dejusticia and UNICEF, 2020), <https://www.dejusticia.org/publication/acceso-promocion-y-permanencia-de-ninos-ninas-y-adolescentes-migrantes-en-el-sistema-educativo-colombiano-avances-retos-y-recomendaciones/>.

92 Ruiz Mancera, S., Ramírez Bolívar, L. and Rozo Ángel, V. (2020). Acceso, promoción y permanencia de niños, niñas y adolescentes migrantes en el sistema educativo colombiano: Avances, retos y recomendaciones. Documentos 55. Dejusticia and UNICEF. Available at <https://www.dejusticia.org/publication/acceso-promocion-y-permanencia-de-ninos-ninas-y-adolescentes-migrantes-en-el-sistema-educativo-colombiano-avances-retos-y-recomendaciones/>.

- (ii) Requests for documentation that can be accessed only by individuals who hold regular migration status.<sup>93</sup>
- (iii) Denial of access to secondary education: Some schools refuse to enroll adolescents who are undocumented because they do not have the necessary documentation to graduate. The ETPMV has assisted many young people with regularizing their migration status and consequently enabling them to attend school, but this barrier persists for those who have been unable to access this regularization program.<sup>94</sup>

52. Barriers to migrant children’s and adolescents’ persistence in the educational system include (i) schools’ unfamiliarity with the regulations regarding the recognition of studies completed in Venezuela and (ii) students’ lack of access to technical training programs and other graduation requirements due to the absence of a document that proves their regular migration status. As with access barriers, the ETPMV has helped many young migrants overcome these persistence-related barriers, but the challenges remain for those who have been unable to access this regularization program.<sup>95</sup>

## Conclusions and Recommendations for the State

Based on these observations, Dejusticia, Fundación Karisma, and Privacy International propose that the UPR Working Group urge the Colombian state to undertake the following actions:

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93 Such as the SISBEN enrollment certificate, the Families in Action program certificate, and a health insurance card.

94 Ruiz Mancera, S., Ramírez Bolívar, L., and Rozo Ángel, V., *Acceso, promoción y permanencia de niños, niñas y adolescentes migrantes en el sistema educativo colombiano: Avances, retos y recomendaciones* (Dejusticia and UNICEF, 2020), pp. 50–57, <https://www.dejusticia.org/publication/acceso-promocion-y-permanencia-de-ninos-ninas-y-adolescentes-migrantes-en-el-sistema-educativo-colombiano-avances-retos-y-recomendaciones/>

95 Ibid., pp. 57–64.

1. Revise the legal framework governing surveillance in Colombia, especially the Intelligence Law and the Police Code, to ensure that it complies with the International Covenant on Civil and Political Rights, particularly article 17, and that any interference with the right to privacy is necessary and strictly proportional to the objective pursued.
2. Regulate the state's power to monitor the internet and ensure that such regulation is in line with international human rights law standards. This includes establishing limits, checks and balances, oversight and accountability mechanisms, and sanctions for abuses that include remedies for victims.
3. Amend Resolutions 2774 of 2013 and 1823 of 2018 of the Ministry of Information Technologies and Communications in order to prevent security agencies from using signal jamming devices without a warrant. These amendments should prohibit the use of jammers that prevent the communication and circulation of information under the pretext of maintaining public order. They should also respect the principles of proportionality, legality, and legitimacy in the use of this technology and create clear channels to monitor its use by the state.
4. Regulate cyber-patrolling activities so that they are confined to investigating cybercrime and common-law offenses, as well as to protecting people in the digital environment from cyber threats. The regulations should provide for limits, controls, monitoring and accountability mechanisms, and penalties for abuses, including remedies for victims, and should prohibit the use of cyber-patrolling to categorize news as false or to stigmatize protestors.
5. Comply with national and international protocols and standards on the use of force in the context of social gatherings, protests, or demonstrations, adhering to the principles of legality, necessity, and proportionality, in order to ensure that force is used as a last resort.
6. Avoid the use of criminal law to prosecute people who participate in, convene, organize, or lead social protests. Initiating legal proceedings and charging people with crimes without the required evidence

weakens democracy, discourages public participation, infringes the right to protest, and affects community leadership.

7. Guarantee expediency, transparency, and impartiality in disciplinary and criminal proceedings against police officers involved in human rights violations committed in order to ensure that victims have access to justice.
8. Regulate the use of information from the National Civil Registry databases, particularly biometric data, to ensure that such information cannot be used for mass surveillance purposes.
9. Before incorporating technologies, especially biometrics, into national identity documents, conduct comprehensive human rights impact assessments and ensure that any such decisions are subject to democratic deliberation.
10. Ensure the transparency of mechanisms used to distribute social assistance (such as SISBEN and the Universal Income Registry), and guarantee that there are efficient and clear channels to update or correct the personal data contained in these databases.
11. Adopt measures to regulate the use of new technologies in the health care sector to ensure the protection of users' human rights, particularly those who are members of vulnerable or marginalized communities.
12. Cease the collection of personal data through applications developed to address the COVID-19 pandemic, and ensure that the use and circulation of the data already gathered does not exceed the purposes for which it was originally collected.
13. Adopt legislation to effectively address gender-based violence that is facilitated by the internet or technologies. Such legislation should respect the fundamental rights to freedom of expression and privacy.
14. Comply with its obligation to adopt legislative measures to effectively address gender-based violence that is facilitated by the internet or

technologies, with a strong institutional framework. The regulation must respect the fundamental rights to freedom of expression and privacy and must have a differential approach for women with heightened visibility, such as politicians, journalists, commentators, and activists.

15. Review the barriers preventing access to the ETPMV in order to make regularization accessible to Venezuelan migrants over the long term and to facilitate their future stability in Colombia. In this regard, it is important to highlight that this regularization measure should not absolve the Colombian state of its responsibility to guarantee international protection for or to confer refugee or stateless status on those who require it.
16. Stop the disproportionate capture of biometric data of migrant populations and regulate in a clear and specific manner the allowed uses of such databases as well as the security guarantees and the time periods for their validity.
17. Ensure that the migrant and refugee population has access to work as guaranteed under international and national human rights standards on decent work, which include paying a fair income, providing access to social security and job security, and protecting the right to paid rest periods and the right to organize and participate.<sup>96</sup>
18. Strengthen and expand awareness raising activities and trainings on current and future guidelines concerning the education-related rights of migrant children and adolescents (e.g., Circular 016, modifications to Decree 1075 of 2015, and ICFES circulars) with schools and secretariats of education.

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96 For information on recommendations on socioeconomic integration and labor inclusion of migrants and refugees in Colombia, see Ramírez Bolívar, L., Arroyave Velásquez, L., and Corredor Villamil, J., *Ser migrante y trabajar en Colombia: ¿Cómo va la inclusión laboral de las personas migrantes y refugiadas provenientes de Venezuela* (Dejusticia, 2022), <https://www.dejusticia.org/wp-content/uploads/2022/09/Ser-migrante-y-trabajar-en-Colombi.pdf>



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