

2.4. International legal instruments

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Colombia is a member of the UN, the Organization of American States (OAS), and has ratified both regional and international human rights instruments, including the following conventions:1079F110 Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (UNCAT); International Covenant on Civil and Political Rights and Second Optional Protocol aiming to the abolition of the death penalty (ICCPR); Convention on the Protection of All Persons from Enforced Disappearance (CED); Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); International Convention on the Elimination of All Forms of Racial Discrimination (CERD); International Covenant on Economic, Social and Cultural Rights (CESCR); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW); Convention on the Rights of the Child (CRC) and Optional protocols; and Convention on the Rights of Persons with Disabilities (CPRD).1080F111

Colombia has also ratified the American Convention on Human Rights, which also establishes the Inter-American Commission of Human Rights (IACHR) and the Inter-American Court of Human Rights (IACtHR).1081F112 Colombia is a State Party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and the Cartagena Declaration, which expands the definition of 'refugee' by incorporating additional grounds including generalised violence and foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have seriously disturbed public order.1082F113 In terms of domestic law upholding these obligations, Article 93 of the Constitution indicates that all treaties and international conventions that recognise human rights and prevent their violation prevail over domestic legislation.1083F114

The Constitution guarantees under Article 13 that 'all individuals are born free and equal before the law, shall receive equal protection and treatment from authorities, and shall enjoy the same rights, freedoms, and opportunities without any discrimination on account of gender, race, national or family origin, language, religion, political opinion or philosophy'.1084F115 Anti-discrimination legislation (Ley 1482) was passed in 2011 prohibiting racism and discrimination for reasons of nationality, sex, sexual orientation, under penalty of imprisonment for 12 to 36 months or fines.1085F116 Additionally, Article 58 (3) of the Penal Code (2000) provides for aggravated circumstances in the punishment of crimes on the grounds of 'race, ethnicity, ideology, religion, or beliefs, sex or sexual orientation, or any illness or disability of the victim'.1086F117

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  Colombia, Constitución Política de Colombia, 1991, url

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  Colombia, Ley 1482 de 2011, 2011, url

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  Colombia, Código Penal, 2000, url

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