Country/entity	Colombia
Region	Americas
Agreement name	Political Constitution of Colombia
Date	1 Jul 1991
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict

Colombian Conflict (1964 -)

The Colombian conflict is really a set of conflicts and the peace agreements reflect both different processes relating to different conflict groups and dyads, and processes taking place at different times in a complex peace process history. The Colombian civil war has its roots in the late 1940s and the violent infighting between liberal and the conservative factions. Emerging from the liberal tradition with a thorough grounding in nationalist communist ideology, the Revolutionary Armed Forces of Colombia—People's Army (FARC) began its armed insurrection against the Colombian government in 1964. Other left-wing guerrillas emerged as well, most notably the socialist/populist M-19, which would later be integrated into the formal political system in the peace process of 1990s; the National Liberation Army (ELN), which has strong roots in liberation theology, and the Maoist Ejército Popular de Liberación (EPL) (also part of the 1990 process, less successfully). Several stages of peace processes were undertaken by the various sides, which were further complicated by the emergence of right-wing paramilitary 'self-defence' forces. The peace agreement between the Colombian government under President Uribe and the main alliance of the paramilitary groups, the United Self-Defence Forces of Colombia (AUC), concluded in 2005 and is still heavily disputed as several remnants are still active, but now subsumed under the heading 'Bacrim' (Bandas criminales). In addition, FARC and ELN maintain a military presence, but both demonstrate a strong interest in completing successful peace negotiations with the government, with the most recent agreements being between FARC and the Government.
Close
Colombian Conflict (1964 -
)

Stage	Framework/substantive - comprehensive
Conflict nature	Government
Peace process	Colombia I - Gaviria
Parties	National Constituent Assembly (Political Parties, Guerrilla Groups, Civil Society, Indigenous peoples)

Third parties	-
Description	New Constitution emerging from National Constituent Assembly, which involved political parties, civil society, indigenous peoples, and political reps of guerilla groups.

Agreement document	CO_1991_PoliticalConstitution.pdf (opens in new tab) | Download PDF

Groups

Children/youth

Groups→Children/youth→Substantive
Page 7-8, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS, ARTICLE 42
...
The children born of matrimony or outside it, adopted or conceived naturally or with scientific assistance, have equal rights and duties. An Act shall regulate responsibility to the offspring.
...

Page 8, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS, ARTICLE 44
The following are basic rights of children: life, physical integrity, health and social security, a balanced diet, their name and citizenship, to have a family and not be separated from it, care and love, instruction and culture, recreation, and the free expression of their opinions. They shall be protected against all forms of abandonment, physical or moral violence, sequestration, sale, sexual abuse, work or economic exploitation, and dangerous work. They shall also enjoy other rights upheld in the Constitution, the laws, and international treaties ratified by Colombia.
The family, society, and the State have the obligation to assist and protect children in order to guarantee their harmonious and integral development and the full exercise of their rights. Any individual may request from the competent authority the enforcement of these rights and the sanctioning of those who violate them.
The rights of children take precedence over the rights of others.

Page 8-9,CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS, ARTICLE 45
The adolescent is entitled to protection and integral development.
The State and society guarantee the active participation of adolescents in public and private organs that are responsible for the protection, education, and progress of the youth.

Page 12, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS, ARTICLE 50
Any child under a year old who may not be covered by any type of protection or Social Security shall be entitled to receive free care in all health entities that receive state subsidies. An Act shall regulate the matter.

Page 15, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS, ARTICLE 67
...
Education shall train the Colombian when it comes to respect for human rights, peace, and democracy, and in the practice of work and recreation for cultural, scientific, and technological improvement and for the protection of the environment. The state, society,and the family are responsible for education, which shall be mandatory between the ages of five and fifteen years and which shall minimally include one year of preschool instruction and nine years of basic instruction.
...

Page 127, TITLE XIII. ON CONSTITUTIONAL REFORM, TRANSITIONAL PROVISIONS, CHAPTER VIII TRANSITIONAL ARTICLE 66
...
In any case, the above mentioned special criminal constitutional instruments application shall be subject to conditions such as the abandonment of weapons, recognition of responsibility, contribution to discovering the truth and reparation for victims, the release of hostages, and the decoupling of minors who are illegally recruited and held by illegal armed groups.

Disabled persons

Groups→Disabled persons→Rhetorical
Page 15-16, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS, ARTICLE 68
...
The eradication of illiteracy and the education of individuals with physical or mental limitations or with exceptional capabilities are special obligations of the State.
Groups→Disabled persons→Substantive
Page 3, TITLE II. ON RIGHTS, GUARANTEES, AND DUTIES CHAPTER I. ON FUNDAMENTAL RIGHTS, ARTICLE 13
...
The State shall especially protect those individuals who on account of their economic, physical, or mental condition are in obviously vulnerable circumstances and shall sanction the abuses or ill-treatment perpetrated against them.

Page 9, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS, ARTICLE 47
The State shall promote a policy of planning, rehabilitation, and social integration for those who are physically, emotionally, or psychologically handicapped and who shall receive the specialized attention that they need.

Page 13, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS, ARTICLE 54
It is the obligation of the State and employers to offer training and professional and technical skills to whoever needs them. The state must promote the employment of individuals of working age and guarantee to the handicapped the right to employment appropriate to their physical condition.

Elderly/age

No specific mention.

Migrant workers

No specific mention.

Racial/ethnic/ national group

Groups→Racial/ethnic/national group→Rhetorical
Page 2, TITLE 1. ON FUNDAMENTAL PRINCIPLES, ARTICLE 7
The State recognizes and protects the ethnic and cultural diversity of the Colombian Nation.
Groups→Racial/ethnic/national group→Anti-discrimination
Page 3, TITLE II. ON RIGHTS, GUARANTEES, AND DUTIES CHAPTER I. ON FUNDAMENTAL RIGHTS, ARTICLE 13
All individuals are born free and equal before the law, shall receive equal protection and treatment from the 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.
Groups→Racial/ethnic/national group→Substantive
Page 14, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS, ARTICLE 63
Property in public use, natural parks, communal lands of ethnic groups, security zones, the archaeological resources of the nation, and other property determined by statute are inalienable, imprescriptible, and not subject to seizure.

Page 16, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS, ARTICLE 68
...
The members of ethnic groups shall have the right to education that respects and develops their cultural identity.
...

Page 46, TITLE VI. ON THE LEGISLATIVE BRANCH, CHAPTER V. ON THE HOUSE OF REPRESENTATIVES ARTICLE 176
...
Special territorial constituencies shall ensure the participation to ethnic groups and to Colombians residing abroad in the House of Representatives. Through such constituencies, five (5) representatives shall be elected, as follows: two (2) by the constituency of Afro-descendant communities, one (1) by the constituency of indigenous communities, and two (2) by the international constituency. In the latter constituency only the votes, which have been cast outside the national territory by citizens residing abroad, shall be counted.

Religious groups

Groups→Religious groups→Anti-discrimination

Page 3, TITLE II. ON RIGHTS, GUARANTEES, AND DUTIES CHAPTER I. ON FUNDAMENTAL RIGHTS, ARTICLE 13

All individuals are born free and equal before the law, shall receive equal protection and treatment from the 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.

Groups→Religious groups→Substantive

Page 4, TITLE II. ON RIGHTS, GUARANTEES, AND DUTIES CHAPTER I. ON FUNDAMENTAL RIGHTS,

ARTICLE 19

Freedom of religion is guaranteed. Every individual has the right to freely profess his/her religion and to disseminate it individually or collectively. All religious faiths and churches are equally free before the law.

Page 7-8, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS, ARTICLE 42

...

Religious marriages shall have civil effects within the limits established by statute. The civil effects of all marriages may be terminated by divorce in accordance with civil law. Also having civil effects are decrees of annulment of religious marriages issued by the authorities of the respective faiths within the limits established by statute.

Indigenous people Groups→Indigenous people→Substantive

Page 21, TITLE III. ON THE POPULATION AND THE TERRITORY CHAPTER I. ON NATIONALITY, ARTICLE 96

The following are Colombian nationals:

...

2.By adoption:

...

c. Members of the indigenous peoples straddling border areas, in application of the principle of reciprocity according to public international treaties.

Page 44-45, TITLE VI. ON THE LEGISLATIVE BRANCH, CHAPTER IV. ON THE SENATE, ARTICLE 171

The Senate of the Republic shall be composed of one hundred members elected in one nationwide constituency. There shall be an additional two senators elected in a special national constituency for indigenous communities. Colombian citizens who happen to be or reside abroad may vote in elections for the Senate of the Republic. The system of electoral quotient shall apply to the special constituency for the election of senators by indigenous communities. The representatives of the indigenous communities who aspire to become members of the Senate of the Republic must have exercised a position of traditional authority in their respective community or have been leaders of an indigenous organization, which qualification shall be verified by a certificate from the respective organization, endorsed by the Minister of the Government.

Page 46, TITLE VI. ON THE LEGISLATIVE BRANCH, CHAPTER V. ON THE HOUSE OF REPRESENTATIVES ARTICLE 176

...

Special territorial constituencies shall ensure the participation to ethnic groups and to Colombians residing abroad in the House of Representatives. Through such constituencies, five (5) representatives shall be elected, as follows: two (2) by the constituency of Afro-descendant communities, one (1) by the constituency of indigenous communities, and two (2) by the international constituency. In the latter constituency only the votes, which have been cast outside the national territory by citizens residing abroad, shall be counted.

Page 67, TITLE VIII. ON THE JUDICIAL BRANCH, CHAPTER V. ON SPECIAL JURISDICTIONS ARTICLE 246

The authorities of the indigenous [Indian] peoples may exercise their jurisdictional functions within their territorial jurisdiction in accordance with their own laws and procedures as long as these are not contrary to the Constitution and the laws of the Republic. An Act shall establish the forms of coordination of this special jurisdiction with the national judicial system.

Page 81, TITLE XI. ON THE TERRITORIAL ORGANIZATION, CHAPTER I. GENERAL PROVISIONS

ARTICLE 285

Outside of the general division of the territory, there shall be divisions determined by statute for the exercise of the functions and services for which the State is responsible.

Page 81, TITLE XI. ON THE TERRITORIAL ORGANIZATION, CHAPTER I. GENERAL PROVISION

ARTICLE 286

Departments, districts, municipalities, and indigenous reservations are territorial entities. An Act may grant the status of territorial entities to the regions and provinces that are formed under the terms of the Constitution and the relevant statute.

Other groups	No specific mention.
Refugees/displaced persons	Groups→Refugees/displaced persons→Substantive Page 5, TITLE II. ON RIGHTS, GUARANTEES, AND DUTIES CHAPTER I. ON FUNDAMENTAL RIGHTS, ARTICLE 36 The right of asylum is recognized within the limits provided by statute.
Social class	Groups→Social class→Other Page 102, TITLE XII. ON THE ECONOMIC AND PUBLIC FINANCE REGIME, CHAPTER IV. ON THE DISTRIBUTION OF RESOURCES AND JURISDICTIONS ARTICLE 356 ...The resources of the General System of Shares of the departments, districts and municipalities shall be earmarked for the financing of the services for which they are responsible, according priority to the health service, the services of pre-school, primary, secondary and intermediate education, and public services concerning drinking water and basic sanitation in the home, ensuring the provision of the services and the extension of coverage with an emphasis on the poor... Page 102-103, TITLE XII. ON THE ECONOMIC AND PUBLIC FINANCE REGIME, CHAPTER IV. ON THE DISTRIBUTION OF RESOURCES AND JURISDICTIONS ARTICLE 356 ...a. In the sectors of education, health, drinking water and basic sanitation: the population that has been taken care of and the population that shall be taken care of, the distribution of the urban and rural population, administrative and fiscal efficiency, and equity. In the distribution per territorial unit of each of the constituent entities of the General System of Shares, priority shall be given to factors which favor the poor, in the terms established by statute;

Gender

Women, girls and gender

Page 3, TITLE II. ON RIGHTS, GUARANTEES, AND DUTIES CHAPTER I. ON FUNDAMENTAL RIGHTS, ARTICLE 13

All individuals are born free and equal before the law, shall receive equal protection and treatment from the 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.

The State shall promote the conditions so that equality may be real and effective and shall adopt measures in favor of groups that are discriminated against or marginalized.

The State shall especially protect those individuals who on account of their economic, physical, or mental condition are in obviously vulnerable circumstances and shall sanction the abuses or ill-treatment perpetrated against them.

. . .

Page 7, TITLE II. ON RIGHTS, GUARANTEES, AND DUTIES CHAPTER I. ON FUNDAMENTAL RIGHTS, ARTICLE 40

Any citizen has the right to participate in the establishment, exercise, and control of political power. To make this decree effective the citizen may:

...

7. Agree to undertake public functions and responsibilities, except for those Colombian citizens, native-born or naturalized, who hold dual citizenship. An Act shall spell out this exception and shall determine the cases where they apply.

The authorities shall guarantee the adequate and effective participation of women in the decision-making ranks of the public administration.

Page 7-8, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS,

ARTICLE 42
The family is the basic nucleus of society. It is formed on the basis of natural or legal ties, through the free decision of a man and woman to contract matrimony or through the responsible resolve to comply with it.

ARTICLE 43
Women and men have equal rights and opportunities. Women cannot be subjected to any type of discrimination. During their periods of pregnancy and following delivery, women shall benefit from the special assistance and protection of the State and shall receive from the latter food subsidies if they should thereafter find themselves unemployed or abandoned.

The State shall support the female head of household in a special way.

Page 8, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS, ARTICLE 44

The following are basic rights of children: life, physical integrity, health and social security, a balanced diet, their name and citizenship, to have a family and not be separated from it, care and love, instruction and culture, recreation, and the free expression of their opinions. They shall be protected against all forms of abandonment, physical or moral violence, sequestration, sale, sexual abuse, work or economic

Men and boys No specific mention.

LGBTI No specific mention.

Family Page 3, TITLE II. ON RIGHTS, GUARANTEES, AND DUTIES CHAPTER I. ON FUNDAMENTAL RIGHTS, ARTICLE 13

All individuals are born free and equal before the law, shall receive equal protection and treatment from the 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.

...

Page 7-8, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS, ARTICLE 42

The family is the basic nucleus of society. It is formed on the basis of natural or legal ties, through the free decision of a man and woman to contract matrimony or through the responsible resolve to comply with it.

The state and society guarantee the integral protection of the family. An Act shall determine the inalienable and unseizable family patrimony. The family's honor, dignity, and intimacy are inviolable.

Family relations are based on the equality of rights and duties of the couple and on the reciprocal respect of all its members. Any form of violence in the family is considered destructive of its harmony and unity, and shall be sanctioned according to law.

The children born of matrimony or outside it, adopted or conceived naturally or with scientific assistance, have equal rights and duties. An Act shall regulate responsibility to the offspring.

The couple has the right to decide freely and responsibly the number of their children and shall support them and educate them while they are minors or non-self-supporting.

The forms of marriage, the age and qualifications to contract it, the duties and rights of the spouses, their separation and the dissolution of the marriage ties are determined by statute.

Religious marriages shall have civil effects within the limits established by statute. The civil effects of all marriages may be terminated by divorce in accordance with civil law.

Also having civil effects are decrees of annulment of religious marriages issued by the authorities of the respective faiths within the limits established by statute.

An Act shall determine matters relating to the civil status of individuals and consequent rights and duties.

State definition

Nature of state (general)

Page 1, TITLE I. ON FUNDAMENTAL PRINCIPLES,

ARTICLE 2

The essential goals of the State are to serve the community, promote the general prosperity, and guarantee the effectiveness of the principles, rights, and duties stipulated by the Constitution; to facilitate participation by everyone in the decisions that affect them and in the economic, political, administrative, and cultural life of the nation; to defend national independence, maintain territorial integrity, and ensure peaceful coexistence and enforcement of a just order.

Page 2, TITLE I. ON FUNDAMENTAL PRINCIPLES, ARTICLE 3

Sovereignty resides exclusively in the people from whom public power emanates. The people exercise it in direct form or through their representatives, within the limits established by the Constitution.

Page 2, TITLE 1. ON FUNDAMENTAL PRINCIPLES, ARTICLE 7

The State recognizes and protects the ethnic and cultural diversity of the Colombian Nation.

Page 2, TITLE I. ON FUNDAMENTAL PRINCIPLES, ARTICLE 10

Spanish is the official language of Colombia. The languages and dialects of ethnic groups are also official in their territories. The education provided in communities with their own linguistic traditions shall be bilingual.

Sovereignty resides exclusively in the people, from whom public power is derived; power is exercised in direct form by the people or through their representatives within the limits established by the Constitution. It is a bicameral Congress, made up of the Senate and the House of Representatives; the Senate is elected by a national constituency and the House of Representatives by local constituencies; there are also special constituencies for the indigenous communities and for the ethnic minorities, from which members of the Congress are elected to both chambers of the legislature. The authorities of the indigenous peoples may exercise jurisdictional functions within their territorial areas, in accordance with their own laws and procedures, provided that these do not conflict with the Constitution and laws of the Republic.

State configuration

Page 1, TITLE I. ON FUNDAMENTAL PRINCIPLES, ARTICLE 1

Colombia is a social state under the rule of law, organized in the form of a unitary republic, decentralized, with autonomy of its territorial units, democratic, participatory, and pluralistic, based on the respect of human dignity, the work and solidarity of the individuals who belong to it, and the predominance of the general interest.

Self determination Page 2, TITLE I. ON FUNDAMENTAL PRINCIPLES, ARTICLE 9

The external relations of the state are based on national sovereignty, on respect for the self-determination of peoples, and on the recognition of the principles of international law approved by Colombia.

Referendum No specific mention.

State symbols Page 2, TITLE I. ON FUNDAMENTAL PRINCIPLES, ARTICLE 10

Spanish is the official language of Colombia. The languages and dialects of ethnic groups are also official in their territories. The education provided in communities with their own linguistic traditions shall be bilingual.

Independence/ secession No specific mention.

Accession/ unification No specific mention.

Border delimitation Page 22-23, CHAPTER IV. ON TERRITORY, ARTICLE 101

The borders of Colombia are those established in international treaties approved by Congress, duly ratified by the President of the Republic, and those defined by arbitration awards in which Colombia takes part.

The borders identified in the form provided for by this Constitution may be modified only by treaties approved by Congress and duly ratified by the President of the Republic.

Besides the continental territory, the archipelago of San Andrés, Providencia, Santa Catalina, and Malpelo are part of Colombia in addition to the islands, islets, keys, headlands, and sand banks that belong to it.

...

Cross-border provision Page 62, CHAPTER VIII. ON INTERNATIONAL RELATIONS

ARTICLE 227
The state shall promote economic, social, and political integration with other nations and especially with the countries of Latin America and the Caribbean by means of treaties which, on the basis of fairness, equality, and reciprocity, create supranational organizations even to the point of constituting a Latin American community of nations. An Act may call for direct elections for the formation of the Andean Parliament and the Latin American Parliament.

Governance

Political institutions (new or reformed)	Governance→Political institutions (new or reformed)→New political institutions (indefinite) Colombia, as proclaimed in article 1 of the Constitution of 1991, is a lawful societal State organized in the form of a unitary republic, decentralized, with autonomy of its territorial units, democratic, participatory and pluralistic. The form of government is presidential. The Head of State is simultaneously head of the Government, the highest representative of the nation and the supreme commander of the armed forces and the police. The Constitution establishes the division of public power into the three traditional branches of the democratic liberal system - the legislative, executive and judicial branches - but with the constitutional duty to collaborate harmoniously to accomplish the purposes of the State. See Agreement for full list of structures, functions of all state branches and the rules for members of the respective institutions (see pages 23-61.) Page 28, TITLE V. ON THE ORGANIZATION OF THE STATE CHAPTER I. ON THE STRUCTURE OF THE STATE ARTICLE 113 The branches of government are the legislative, the executive, and the judiciary. In addition to the organs that constitute them, there are others, autonomous and independent, for the execution of other functions of the State. The various organs of the State have separate functions, but cooperate harmoniously for the realization of their goals. ARTICLE 114 It is the responsibility of the Congress of the Republic to amend the Constitution, pass laws, and exercise political control over the government and the public administration. The Congress of the Republic shall be composed of the Senate and the House of Representatives. ARTICLE 115 The President of the Republic is the Chief of State, head of government, and supreme administrative authority. The national government is composed of the President of the Republic, the Cabinet ministers, and the directors of administrative departments. The President and the minister or director of the appropriate department represent the government in any particular issue. No act of the President, except the appointment and dismissal of ministers and directors of administrative departments and those decreed in his/her capacity as Head of State and supreme administrative authority, shall have any value or force whatsoever if it is not countersigned and communicated by the minister of the respective office or by the director of the appropriate administrative department who, by virtue thereof, become responsible for same. The governorates and mayoralties as well as the superintendencies [superintendencias], public establishments, and industrial or commercial enterprises of the State are part of the executive branch. Page 29-30, TITLE V. ON THE ORGANIZATION OF THE STATE CHAPTER I. ON THE STRUCTURE OF THE STATE

ARTICLE 117

Elections

Page 22, CHAPTER III. ON ALIENS, ARTICLE 100

...

Political rights are reserved to citizens, but an Act may grant to aliens resident in Colombia the right to vote in elections and in popular consultations at the municipal or district level.

Page 25-26, CHAPTER II. ON POLITICAL PARTIES AND POLITICAL MOVEMENTS, ARTICLE 108

The National Election Commission shall grant legal personality to political parties and movements and relevant groups of citizens. They may acquire it by obtaining no less than three percent (3%) of the votes validly cast in the national territory in the elections of the House of Representatives or Senate. They shall lose it if they do not obtain this percentage in the elections to the same Public Bodies. This does not apply to the special regime enacted by statute for the minority constituencies, in which it shall suffice to have obtained representation in Congress.

...

Page 71-73, TITLE IX. ON ELECTIONS AND THE ELECTORAL SYSTEM CHAPTER I. ON THE SUFFRAGE AND ELECTIONS

ARTICLE 258
Voting is both a right and a duty of citizens. The State shall make sure that it is exercised without any type of coercion and in a secret manner in individual booths installed in every polling station, the use of electronic and computerized means of voting notwithstanding. In the elections of candidates ballot cards which are numbered and printed on a paper offering sufficient security guarantees may be used, and shall be distributed officially. The Election Commission shall also provide the voters with ballot papers on which the political movements and parties with legal personality and the candidates shall appear clearly identified and in equal conditions. An Act may establish voting mechanisms which provide additional and better guarantees for the free exercise of this right of the citizens.

PARAGRAPH 1
The voting process for the election of members of a public body, governor, mayor or the first round of the presidential election must be repeated one single time when the blank votes constitute the majority of the total number of valid votes. In elections in which a single candidate is to be elected, the candidates of the first ballot may not run again, whereas in elections to public bodies the lists which have not attained the threshold may not be submitted.

PARAGRAPH 2
The electronic vote may be introduced in order to achieve flexibility and transparency in all voting processes.

...

ARTICLE 260
The citizens elect in a direct manner the President and Vice President of the Republic, senators, representatives, governors, deputies, mayors, municipal and district councilors, members of the local administrative boards and, when necessary, the members of the Constituent Assembly and the other authorities or officials stipulated by

Electoral commission

Page 25-26, CHAPTER II. ON POLITICAL PARTIES AND POLITICAL MOVEMENTS, ARTICLE 108
The National Election Commission shall grant legal personality to political parties and movements and relevant groups of citizens. They may acquire it by obtaining no less than three percent (3%) of the votes validly cast in the national territory in the elections of the House of Representatives or Senate. They shall lose it if they do not obtain this percentage in the elections to the same Public Bodies. This does not apply to the special regime enacted by statute for the minority constituencies, in which it shall suffice to have obtained representation in
Congress.

Page 29-30, TITLE V. ON THE ORGANIZATION OF THE STATE CHAPTER I. ON THE STRUCTURE OF THE STATE,
ARTICLE 120
The electoral organization consists of the National Election Commission, the Office of the National Registrar of Civil Status, and of the other organs established by statute. It is responsible for the organization of elections, their direction and oversight, as well as matters relating to personal identification.

ARTICLE 265
The National Election Commission shall regulate, inspect, supervise and control any electoral activity of the political parties and movements, the relevant citizen groups, their legal representatives, leadership and candidates, ensuring compliance with the principles and obligations which apply to them.

ARTICLE 266 (para 1-14) list the following special powers of the National Election Commission, such as to exercise the supreme inspection, oversight and control of the electoral organization.

Political parties reform

Governance→Political parties reform→Other political parties reform
Page 25-26, CHAPTER II. ON POLITICAL PARTIES AND POLITICAL MOVEMENTS, ARTICLE 108
The National Election Commission shall grant legal personality to political parties and movements and relevant groups of citizens. They may acquire it by obtaining no less than three percent (3%) of the votes validly cast in the national territory in the elections of the House of Representatives or Senate. They shall lose it if they do not obtain this percentage in the elections to the same Public Bodies. This does not apply to the special regime enacted by statute for the minority constituencies, in which it shall suffice to have obtained representation in Congress.

Civil society

Major civil society involvement in D-M

Page 7, TITLE II. ON RIGHTS, GUARANTEES, AND DUTIES CHAPTER I. ON FUNDAMENTAL RIGHTS, ARTICLE 41

In all educational institutions, public or private, the study of the Constitution and civics shall be mandatory. In this way, democratic practices for the teaching of principles and values of citizen participation shall be promoted. The State shall publicize the Constitution.

Page 20-21, CHAPTER V. ON DUTIES AND OBLIGATIONS

ARTICLE 95

Every individual is obliged to obey the Constitution and the laws. The following are duties of the individual and of the citizen:

...

4. To defend and propagate human rights as the foundation of peaceful coexistence;

5. To participate in the country's political, civic, and community life;

Page 23, TITLE IV. ON DEMOCRATIC PARTICIPATION AND POLITICAL PARTIES CHAPTER I. ON THE FORMS OF DEMOCRATIC PARTICIPATION,

ARTICLE 103
The following are the people's means of participating in the exercise of their sovereignty: the vote, the plebiscite, the referendum, the popular consultation, the open town council meeting, the legislative initiative, and the recall of officials. An Act shall regulate these matters. The State shall contribute to the organization, promotion, and guidance of professional, civic, trade union, community, youth, charitable, or nongovernmental public-purpose associations, without prejudicing their authority so that they may constitute democratic means of representation in the various organs of participation, agreement, control, and oversight of the public actions that they undertake.

Page 23-24, TITLE IV. ON DEMOCRATIC PARTICIPATION AND POLITICAL PARTIES CHAPTER I. ON THE FORMS OF DEMOCRATIC PARTICIPATION,

ARTICLE 104
The President of the Republic, with the approval of the ministers and the prior approval of the Senate of the Republic, may consult the people on matters of great national importance. The people's decision shall be binding. Such consultation may not coincide with another election.

ARTICLE 105
Upon the fulfilment of the requirements and formalities prescribed by the general statute of the territorial organization and in the cases determined by the latter, the governors and mayors as the case may be shall be entitled to hold popular consultations to decide issues falling under the jurisdiction of their respective department or municipality.

ARTICLE 106
Upon the fulfilment of the requirements that an Act prescribes, the people of the

Traditional/ religious leaders

Page 93, TITLE XI. ON THE TERRITORIAL ORGANIZATION, CHAPTER IV. ON THE SPECIAL REGIME

ARTICLE 322

...

In each of the localities there shall be an administrative board, popularly elected for periods of four (4) years, which shall be composed of no fewer than seven aldermen/ alderwomen, in accordance with the determination of the District Council made on the basis of the respective population.

Public administration

Page 2, TITLE 1. ON FUNDAMENTAL PRINCIPLES, ARTICLE 6

Individuals are solely responsible before the authorities for violations of the Constitution and the laws. Public servants are responsible for the same violations and the omissions or ultra vires acts committed in the exercise of their functions.

Page 23-24, TITLE IV. ON DEMOCRATIC PARTICIPATION AND POLITICAL PARTIES CHAPTER I. ON THE FORMS OF DEMOCRATIC PARTICIPATION,

ARTICLE 106
Upon the fulfilment of the requirements that an Act prescribes, the people of the territorial entities may present bills concerning issues falling under the jurisdiction of the respective public entity, which is obliged to implement them; decide on questions/issues (disposiciones) of interest to the community on the initiative of the authority or corresponding entity or by not less of ten percent (10%) of the citizens enrolled in the respective electoral roll; and elect representatives to meetings of the public service entities within the respective territorial entity.

Page 30-32, CHAPTER II. ON THE PUBLIC SERVICE

ARTICLE 122
Every public occupation shall have its functions detailed by statute or regulation; in order to fill the posts with remuneration it is necessary that they figure in the respective employment plan and that the salaries are provided in the corresponding budget.

No public servant shall accede to his/her post without swearing an oath to defend and to abide by the Constitution and to fulfil the duties incumbent on him or her.

Before taking office, on resigning from it or when the competent authority requests it, the public servant shall declare, under oath, the amount of his/her income and earnings.

This declaration may only be used for the purposes of applying the rules on civil servants.

The other sanctions established by statute notwithstanding, persons who have been sentenced at any time for having committed crimes involving the State treasure or who have been sentenced for crimes related to membership in or promotion or funding of illegal armed groups, crimes against humanity or drug-trafficking in Colombia or abroad may not be registered as candidates for popularly elected office, nor be elected, nor be designated as civil servants; nor may they, neither personally nor through intermediary, conclude contracts with the State.

The same applies to anybody who, as a civil servant, by his/her intentional or gravely negligent conduct which has been qualified as such by enforceable judicial sentence, has caused the State to be sentenced to monetary compensation, unless he/she compensates for the amount of the damage by using his/her personal property.

ARTICLE 123
The members of public entities, employees, and workers of the State and their territorially decentralized branches and services are civil servants.

Civil servants are at the service of the State and of the community; they shall perform their function in the
form prescribed by the Constitution, statutes, and regulations.

Constitution

Governance→Constitution→Constitutional reform/making
[Summary: This is a Constitution, and so the entirety of agreement deals with Constitutional reform/making, and constitutes the agreemenet on the new political Constitution for Colombia.]

Page 2, TITLE I. ON FUNDAMENTAL PRINCIPLES, ARTICLE 4
The Constitution provides the norm of regulations. In all cases of incompatibility between the Constitution and the statute or other legal regulations, the constitutional provisions shall apply.

It is the duty of citizens and of aliens in Colombia to obey the Constitution and the laws, and to respect and obey the authorities.

Page 102-105, TITLE XII. ON THE ECONOMIC AND PUBLIC FINANCE REGIME, CHAPTER IV. ON THE DISTRIBUTION OF RESOURCES AND JURISDICTIONS
ARTICLE 356
… The city of Buenaventura is organized as Special, Industrial, Port, Biodiversity and Biotourism Districts. Its political, fiscal and administrative system shall be determined by the Constitution and special statutes enacted to this end and, insofar as the latter do not contain the required regulations, by the rules which apply to the municipalities. …

Page 112-113, TITLE XIII. ON CONSTITUTIONAL REFORM

ARTICLE 374
The Political Constitution may be reformed by Congress, a Constituent Assembly, or by the people through a referendum.

ARTICLE 375
The Government, 10 members of the Congress, 20 percent of councilors or deputies, or citizens totaling at least five percent of the electoral rolls in force may introduce legislative bills.

The bill shall be discussed in two ordinary and consecutive session periods. After having been approved in the first period by a majority of those present, the bill shall be published by the Government. In the second period, the approval shall require the vote of the majority of the members of each House.

In this second period only initiatives presented in the first period may be discussed.

ARTICLE 376
By means of an Act approved by the members of both Houses, Congress may direct that the voters participating in the popular balloting decide if a Constituent Assembly should be called with the jurisdiction, term, and makeup that the same law shall determine.

It is understood that the people shall convoke the Assembly, if they approve it by at least one-third of the electoral rolls.

The Assembly must be elected by the direct vote of the citizens through a balloting that may not overlap another. Beginning with the election, the ordinary powers of Congress shall remain suspended while the Constitution is being amended during the term stipulated so that the Assembly may fulfill its functions. The Assembly shall adopt its own rules of procedure.

ARTICLE 377

Power sharing

Political power sharing

Power sharing→Political power sharing→Proportionality in legislature
State level
Page 44-45, TITLE VI. ON THE LEGISLATIVE BRANCH, CHAPTER IV. ON THE SENATE,

ARTICLE 171

The Senate of the Republic shall be composed of one hundred members elected in one nationwide constituency.

There shall be an additional two senators elected in a special national constituency for indigenous
communities.

Colombian citizens who happen to be or reside abroad may vote in elections for the Senate of the Republic.

The system of electoral quotient shall apply to the special constituency for the election of senators by indigenous communities.

The representatives of the indigenous communities who aspire to become members of the Senate of the Republic must have exercised a position of traditional authority in their respective community or have been leaders of an indigenous organization, which qualification shall be verified by a certificate from the respective organization, endorsed by the Minister of the Government.

Page 46, TITLE VI. ON THE LEGISLATIVE BRANCH, CHAPTER V. ON THE HOUSE OF REPRESENTATIVES,

ARTICLE 176

The House of Representatives shall be elected in territorial and special constituencies.

There shall be two representatives for each territorial constituency and one more for every 365,000 inhabitants or fraction larger than 182,000 over and above the initial 365,000.

For the election of representatives to the House, each department and the Capital District of Bogotá shall constitute a territorial constituency.

Special territorial constituencies shall ensure the participation to ethnic groups and to Colombians residing abroad in the House of Representatives. Through such constituencies, five (5) representatives shall be elected, as follows: two (2) by the constituency of Afro-descendant communities, one (1) by the constituency of indigenous communities, and two (2) by the international constituency. In the latter constituency only the votes, which have been cast outside the national territory by citizens residing abroad, shall be counted.

PARAGRAPH 1
Beginning in 2014, the assignment of additional seats shall be based on the corresponding proportional increase of the national population, in accordance with the results of the census. It shall be the task of the electoral commission to adjust the number for the assignment of seats.

PARAGRAPH 2
If as a result of the application of the formula contained in the present Article a territorial

Territorial power sharing

Power sharing→Territorial power sharing→Local/municipal government
Page 87-88, TITLE XI. ON THE TERRITORIAL ORGANIZATION, CHAPTER II. ON THE DEPARTMENTAL REGIME,
ARTICLE 309
It shall be necessary to transform into a department the districts of Arauca, Casanare, Putumayo, the Archipelago of San Andrés, Providencia, and Santa Catalina and the police districts (comisarías) of Amazonas, Guaviare, Guainia, Vaupés, and Vichada. The assets and rights which used to belong to the intendencies (intendencias) and police stations on any account shall continue being the property of the respective departments.

ARTICLE 310
The department of San Andrés Archipelago, Providencia, and Santa Catalina shall be regulated, in addition to the provision in the Constitution and the statutes for the other departments, by special provisions which in administrative, immigration, fiscal, foreign trade, exchange, financial, and economic development matters shall be established by the legislative.

By means of a law approved by the majority of the members of each House, it shall be possible to limit the exercise of the rights of movement and residence, establish controls on the density of population, regulate the use of the land, and submit to special conditions the transfer of immovable property in order to protect the cultural identity of the native [Indian] communities and preserve the environment and natural resources of the archipelago.

Through the creation of the municipalities that may occur, the departmental assembly shall guarantee the institutional expression of the original communities of San Andrés. The municipality of Providencia shall have a share of no less than twenty percent of the total value of said departmental revenues.

Page 88-89, TITLE XI. ON THE TERRITORIAL ORGANIZATION, CHAPTER III. ON THE MUNICIPAL REGIME

ARTICLE 311
As the fundamental entity of the political-administrative division of the State, it is the responsibility of the municipality to lend those public services determined by statute, to build the projects required for local progress, to arrange for the development of its territory, to promote community participation, the social and cultural betterment of its inhabitants, and to execute the other functions assigned to it by the Constitution and the statutes.

ARTICLE 312
In each municipality there shall be a political-administrative body popularly elected for periods of four years which shall be known as the municipal council, composed by no fewer than 7 and no more than 21 members, in accordance with the determination made by an Act based on the respective population. This body may exercise political control over the municipal administration.

An Act shall determine the qualifications, disabilities, and incompatibilities of the councilors and the schedule of the ordinary sessions of the councils. The councilors shall not have the status of public employees.

An Act may determine the cases in which the councilors shall be entitled to allowances for their attendance at sessions.

The acceptance of any public employment means that the respective councilor is

Economic power sharing

Power sharing→Economic power sharing→Sharing of resources

Summary: Page 102-105, TITLE XII. ON THE ECONOMIC AND PUBLIC FINANCE REGIME, CHAPTER IV. ON THE DISTRIBUTION OF RESOURCES AND JURISDICTIONS, provides extensive financial allocations for the devolved regions.

ARTICLE 356

. . .

The Districts shall have the same competences as the municipalities and departments for the purposes of distribution of the General System of Shares that the Act establishes. For these purposes, the indigenous territorial entities, shall be benefeciaries, once they are constituted.

Likewise, the Act shall designate the indigenous reservations as beneficiaries, provided that they have not constituted themselves as indigenous territorial entities.

The resources of the General System of Shares of the departments, districts and municipalities shall be earmarked for the financing of the services for which they are responsible, according priority to the health service, the services of pre-school, primary, secondary and intermediate education, and public services
concerning drinking water and basic sanitation in the home, ensuring the provision of the services and the extension of coverage with an emphasis on the poor.

Taking into account the principles of solidarity, complementarity and subsidiarity, the Act shall establish the cases in which the Nation may contribute to the financing of the expenditure of those services which, in
accordance with the determination made by statute fall within the competence of the departments, districts and municipalities.

The Act shall regulate the criteria of distribution of the General System of Shares of the Departments, Districts and Municipalities, in accordance with the competences which it assigns to each of these entities;
it shall contain the provisions necessary for the implementation of the General System of Shares, incorporating principles of distribution which take into account the following criteria:

In the sectors of education, health, drinking water and basic sanitation: the population that has been taken care of and the population that shall be taken care of, the distribution of the urban and rural population, administrative and fiscal effciency, and equity. In the distribution per territorial unit of each of the constituent entities of the General System of Shares, priority shall
be given to factors which favor the poor, in the terms established by statute;

In other sectors: population, the distribution of the urban and rural population, administrative and fiscal efcciency, and relative poverty.

b. Competences may not be decentralized without the previous allocation of suffcient fiscal resources for their discharge. The distribution of the resources of the General System of Shares of the Departments, Districts and Municipalities shall take place by sectors defined by statute. The amount of the resources that are assigned to the sectors of health and education may not be lower than the amount transferred to each of these sectors on the enactment of the present Legislative Act.

The city of Buenaventura is organized as Special, Industrial, Port, Biodiversity and Biotourism Districts. Its political, fiscal and administrative system shall be determined by the Constitution and special statutes
enacted to this end and, insofar as the latter do not contain the required regulations, by the rules which apply to the municipalities.

The National Government shall define a strategy for monitoring, follow-up and comprehensive control with regard to the expenditure of the territorial entities with resources from the General System of Shares in order to ensure the fulfillment of the criteria for coverage and quality [of services]. This strategy must extend the space for citizen participation in respect of social control and accounting procedures.

In order to apply and fulfill the provisions of the preceding section the National Government shall, within a period not exceeding six months following the signing of this

Military power sharing	No specific mention.

Human rights and equality

Human rights/RoL general

Page 1, TITLE I. ON FUNDAMENTAL PRINCIPLES, ARTICLE 1

Colombia is a social state under the rule of law, organized in the form of a unitary republic, decentralized, with autonomy of its territorial units, democratic, participatory, and pluralistic, based on the respect of human dignity, the work and solidarity of the individuals who belong to it, and the prevalence of the general interest.

Page 2, TITLE I. ON FUNDAMENTAL PRINCIPLES, ARTICLE 5
The State recognizes, without any discrimination whatsoever, the primacy of the inalienable rights of the individual and protects the family as the basic institution of society.

Page 2, TITLE I. ON FUNDAMENTAL PRINCIPLES, ARTICLE 9

The external relations of the state are based on national sovereignty, on respect for the self-determination of peoples, and on the recognition of the principles of international law approved by Colombia.

Page 20-21, CHAPTER V. ON DUTIES AND OBLIGATIONS

ARTICLE 95
The quality of being Colombian enhances all members of the national community. Everyone has the duty to exalt and dignify it. The exercise of the rights and liberties recognized in this Constitution implies responsibilities.

Every individual is obliged to obey the Constitution and the laws. The following are duties of the individual and of the citizen:

1. To respect others' rights and not to abuse one's own;

2. To strive in accordance with the principle of social solidarity, responding with humanitarian actions in the face of situations that endanger the life or the health of individuals;

...

4. To defend and propagate human rights as the foundation of peaceful coexistence;

Page 61, CHAPTER VII. ON THE PUBLIC FORCE,

ARTICLE 222
An Act shall determine the system of professional, cultural, and social development of the members of the public force. During their training, the members shall be taught the fundamentals of democracy and human rights.

Page 62, TITLE VIII. ON THE JUDICIAL BRANCH CHAPTER I. GENERAL PROVISIONS, ARTICLE 230

In their decisions, the judges are bound exclusively by the rule of law.

Fairness, jurisprudence, and the general principles of law and doctrine are the auxiliary criteria of judicial proceedings.

Bill of rights/similar TITLE I. ON FUNDAMENTAL PRINCIPLES ARTICLE 1 Colombia is a social state under the rule of law, organized in the form of a unitary republic, decentralized, with autonomy of its territorial units, democratic, participatory, and pluralistic, based on the respect of human dignity, the work and solidarity of the individuals who belong to it, and the prevalence of the general interest.

Title II on Rights, Guarantees and Duties,
Chapter I on Fundamental Rights...

Chapter 2. Concerning social, economic and cultural rights ...

Chapter 3. Concerning collective rights and the environment ...

Chapter 4. Concerning the protection and application of rights ....

Chapter 5. Concerning duties and obligations
Article 85
(a) Action of protection. The Constitution establishes protection as the action "whereby an individual may, at any time and in any place, appeal to the judges of the Republic, in person or through a representative acting on his/her behalf, by means of a preferential and summary procedure, to claim immediate protection of his/her fundamental constitutional rights should any of these rights be jeopardized or threatened by any action or omission of any public authority". Recourse to this action results in protection for the person consisting of an order whereby the party in respect of whom protection is sought shall act or refrain from action. This order, which is executory with immediate effect, may be challenged before the competent judge, who may refer to the Constitutional Court if review is sought. Recourse may only be made to this action when the affected party has no other means of judicial defence. The time limit for resolution of a request for protection may not exceed 10 days from the date of application; Prevalence of international treaties on human rights. International treaties and conventions ratified by the Congress that recognize human rights and prohibit their limitation during states of emergency shall have priority in domestic law. Human rights shall be interpreted in accordance with the international treaties ratified by Colombia. Office of People's Advocate includes: National Directorate for the Promotion and Dissemination of Human Rights;

Treaty incorporation

Page 8, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS, ARTICLE 44

The following are basic rights of children: life, physical integrity, health and social security, a balanced diet, their name and citizenship, to have a family and not be separated from it, care and love, instruction and culture, recreation, and the free expression of their opinions. They shall be protected against all forms of abandonment, physical or moral violence, sequestration, sale, sexual abuse, work or economic exploitation, and dangerous work. They shall also enjoy other rights upheld in the Constitution, the laws, and international treaties ratified by Colombia.

...

Page 20, CHAPTER IV. ON THE PROTECTION AND APPLICATION OF RIGHTS,

ARTICLE 93
International treaties and agreements ratified by Congress that recognize human rights and prohibit their limitation in states of emergency have domestic priority.

The rights and duties mentioned in this Charter shall be interpreted in accordance with international treaties on human rights ratified by Colombia.

The Colombian State may recognize the jurisdiction of the International Criminal Court in terms of the Rome Statute adopted on July 17, 1998 by the United Nations Plenipotentiary's Conference and, consequently, ratify said treaty in accordance with the procedure established by this Constitution.

The admission of a different treatment on substantial matters by the Rome Statute with respect to the guarantees contained in this Constitution shall produce effects only within the scope of application of the latter.

ARTICLE 94
The enunciation of the rights and guarantees contained in the Constitution and in international agreements in effect should not be understood as a negation of others which, being inherent to the human being, are not expressly mentioned in them.

Civil and political rights

Human rights and equality→Civil and political rights→Life
Page 3, TITLE II. ON RIGHTS, GUARANTEES, AND DUTIES CHAPTER I. ON FUNDAMENTAL RIGHTS, ARTICLE 11

The right to life is inviolate. There shall be no death penalty.

Page 5-6, TITLE II. ON RIGHTS, GUARANTEES, AND DUTIES CHAPTER I. ON FUNDAMENTAL RIGHTS,

ARTICLE 34
Punishments of exile, life imprisonment, and confiscation are prohibited.

However, a judicial sentence may nullify ownership of property when same is injurious to the public treasury or seriously harmful to social morality.
Human rights and equality→Civil and political rights→Torture
Page 3, TITLE II. ON RIGHTS, GUARANTEES, AND DUTIES CHAPTER I. ON FUNDAMENTAL RIGHTS, ARTICLE 12

No one shall be subjected to forced sequestration, torture, cruel, inhuman, or degrading treatment or punishment.
Human rights and equality→Civil and political rights→Equality
Page 1, PREAMBLE

The people of Colombia,

In the exercise of their sovereign power, represented by their delegates to the National Constituent Assembly, invoking the protection of God, and in order to strengthen the unity of the nation and ensure to its members life, peaceful coexistence, work, justice, equality, understanding, freedom, and peace within a legal, democratic, and participatory framework that may guarantee a just political, economic, and social order and committed to promote the integration of the Latin American community, decree, authorize, and promulgate the following:

Page 3, TITLE II. ON RIGHTS, GUARANTEES, AND DUTIES CHAPTER I. ON FUNDAMENTAL RIGHTS, ARTICLE 13

All individuals are born free and equal before the law, shall receive equal protection and treatment from the 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.

The State shall promote the conditions so that equality may be real and effective and shall adopt measures in favor of groups that are discriminated against or marginalized. The State shall especially protect those individuals who on account of their economic, physical, or mental condition are in obviously vulnerable circumstances and shall sanction the abuses or ill-treatment perpetrated against them.

Page 7-8, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS, ARTICLE 43
Women and men have equal rights and opportunities. Women cannot be subjected to any type of discrimination. During their periods of pregnancy and following delivery, women shall benefit from the special assistance and protection of the State and shall receive from the latter food subsidies if they should thereafter find themselves unemployed or abandoned.

The State shall support the female head of household in a special way.

Socio-economic rights

Human rights and equality→Socio-economic rights→Property
Page 5-6, TITLE II. ON RIGHTS, GUARANTEES, AND DUTIES CHAPTER I. ON FUNDAMENTAL RIGHTS,

ARTICLE 34
Punishments of exile, life imprisonment, and confiscation are prohibited.

However, a judicial sentence may nullify ownership of property when same is injurious to the public treasury or seriously harmful to social morality.

Page 14, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS, ARTICLE 58

Private property and the other rights acquired in accordance with civil laws are guaranteed and may neither be disregarded nor infringed by subsequent laws. When in the application of a law enacted for reasons of public utility or social interest a conflict between the rights of individuals and the interests recognized by the law arises, the private interest shall yield to the public or social interest.
Human rights and equality→Socio-economic rights→Work
Page 5, TITLE II. ON RIGHTS, GUARANTEES, AND DUTIES CHAPTER I. ON FUNDAMENTAL RIGHTS,
ARTICLE 25

Work is a right and a social obligation and enjoys, in all its forms, the special protection of the State. Every individual is entitled to a job under dignified and equitable conditions.

ARTICLE 26
Every individual is free to choose a profession or occupation. An Act may mandate certificates of competence. The competent authorities shall inspect and oversee the exercise of the professions. Occupations, the arts, and work that does not require academic training are to be freely exercised, except for those which involve social risk.

Legally recognized professions may be organized into professional associations. The internal structure and operation of the latter shall be democratic. An Act may assign public functions to them and establish appropriate controls.

Page 97, TITLE XII. ON THE ECONOMIC AND PUBLIC FINANCE REGIME, CHAPTER I. GENERAL PROVISIONS

...

In all cases the rights acquired by the workers shall be respected.
Human rights and equality→Socio-economic rights→Health
Page 10-11, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS, ARTICLE 49

Public health and environmental protection are public services for which the State is responsible. All individuals are guaranteed access to services that promote, protect, and restore health.

It is the responsibility of the State to organize, direct, and regulate the provision of health services to the inhabitants and of environment protection in accordance with the principles of efficiency, universality, and solidarity; in addition, to establish policies for the provision of health services by private entities and to exercise oversight and control over them; and to establish the competences of the nation, territorial entities, and individuals, and to determine the subsidies to their tasks in the terms and conditions

Rights related issues

Citizenship	No specific mention.

Democracy

Page 1, PREAMBLE

The people of Colombia,
In the exercise of their sovereign power, represented by their delegates to the National Constituent Assembly, invoking the protection of God, and in order to strengthen the unity of the nation and ensure to its members life, peaceful coexistence, work, justice, equality, understanding, freedom, and peace within a legal, democratic, and participatory framework that may guarantee a just political, economic, and social order and committed to promote the integration of the Latin American community, decree, authorize, and promulgate the following:

Page 1, TITLE I. ON FUNDAMENTAL PRINCIPLES, ARTICLE 2

...

The authorities of the Republic are established in order to protect all individuals residing in Colombia, in their life, honor, property, beliefs, and other rights and freedoms, and in order to ensure the fulfilment of the social duties of the State and individuals.

Page 20-21, CHAPTER V. ON DUTIES AND OBLIGATIONS

ARTICLE 95
The quality of being Colombian enhances all members of the national community. Everyone has the duty to exalt and dignify it. The exercise of the rights and liberties recognized in this Constitution implies responsibilities.

Every individual is obliged to obey the Constitution and the laws. The following are duties of the individual and of the citizen:

...

3. To respect and support the democratic authorities legitimately constituted to maintain national independence and integrity;

Page 23, TITLE IV. ON DEMOCRATIC PARTICIPATION AND POLITICAL PARTIES CHAPTER I. ON THE FORMS OF DEMOCRATIC PARTICIPATION,

ARTICLE 103
The following are the people's means of participating in the exercise of their sovereignty: the vote, the plebiscite, the referendum, the popular consultation, the open town council meeting, the legislative initiative, and the recall of officials. An Act shall regulate these matters. The State shall contribute to the organization, promotion, and guidance of professional, civic, trade union, community, youth, charitable, or nongovernmental public-purpose associations, without prejudicing their authority so that they may constitute democratic means of representation in the various organs of participation, agreement, control, and oversight of the public actions that they undertake.

Page 24-25, CHAPTER II. ON POLITICAL PARTIES AND POLITICAL MOVEMENTS
ARTICLE 107

...

The political parties and movements shall organize themselves democratically and shall have as their guiding principles transparency, objectivity, morality, the equality of sexes

Detention procedures	Page 5-6, TITLE II. ON RIGHTS, GUARANTEES, AND DUTIES CHAPTER I. ON FUNDAMENTAL RIGHTS, ARTICLE 32 The accused who is caught in the act of committing and offense (agrante delicto) may be apprehended and taken before a judge by any individual. Should he/she be subject to hot pursuit by the agents of law and order and take refuge in his/her own home, the law-enforcement agents may enter the domicile to apprehend the accused. Should the accused be caught in someone else's home, a request from the resident shall be sought beforehand.

Media and communication

Rights related issues→Media and communication→Media roles
Page 4, TITLE II. ON RIGHTS, GUARANTEES, AND DUTIES CHAPTER I. ON FUNDAMENTAL RIGHTS,
ARTICLE 20

Every individual is guaranteed the freedom to express and diffuse his/her thoughts and opinions, to transmit and receive information that is true and impartial, and to establish mass communications media.

The latter are free and have social responsibility. The right to make corrections under conditions of equity is guaranteed. There shall be no censorship.

Page 16-17, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS, ARTICLE 73

Journalistic activity is protected to guarantee its freedom and professional independence.

Page 17, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS, ARTICLE 77
The Congress of the Republic shall adopt an Act which determines the policy on matters of television.

Page 27, CHAPTER II. ON POLITICAL PARTIES AND POLITICAL MOVEMENTS, ARTICLE 111

The political parties and movements having legal capacity have the right to use media of communication making use of the electromagnetic spectrum at all times in accordance with the relevant statute. The latter shall also determine the conditions and the form in which the duly registered parties, political movements and candidates have access to said media.

Page 27-28, CHAPTER III. ON THE STATUS OF THE OPPOSITION, ARTICLE 112

The political parties and movements with legal personality which declare themselves to be in opposition to the government may freely formulate their critical stance towards the latter and plan and develop alternative policies. For these purposes, they enjoy the following rights: access to official information and documentation, with the constitutional and legal restrictions; the use of the means of social communication of the State or of those that use the electromagnetic spectrum, in accordance with the representation obtained in the immediately preceding Congressional elections; and the right to reply in the same media.

Minority parties and movements with legal personality shall have the right to participate in the executive committees of the collegiate bodies, in accordance with their representation in them.

A statutory law shall regulate the matter in its entirety.

Mobility/access

No specific mention.

Protection measures

Rights related issues→Protection measures→Protection of groups
Page 8, TITLE II. ON RIGHTS, GUARANTEES, AND DUTIES
CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS
ARTICLE 43
Women and men have equalrights and opportunities. Women cannot be subjected to any type of discrimination. During their periods of pregnancy and following delivery, women shall benet from the special assistance and protection of the State and shallreceive from the latterfood subsidies if they should thereafter nd themselves unemployed or abandoned.
ARTICLE 44 The following are basic rights of children: life, physical integrity, health and social security, a balanced diet, their name and citizenship, to have a family and not be separated from it, care and love, instruction and culture,recreation, and the free expression of their opinions. They shall be protected against all forms of abandonment, physical or moral violence, sequestration, sale, sexual abuse, work or economic exploitation, and dangerous work. They shall also enjoy otherrights upheld in the Constitution, the laws, and international treaties ratied by Colombia.
The family, society, and the State have the obligation to assist and protect children in orderto guarantee their harmonious and integral development and the full exercise of theirrights. Any individual may request from the competent authority the enforcement of these rights and the sanctioning of those who violate them.
Page 9,
Article 45,
The adolescent is entitled to protection and integral development.
ARTICLE 46
The State, society, and the family shall all participate in protecting and assisting individuals in the third age bracket and shall promote theirintegration into active and community life
Page 12,
ARTICLE 50
Any child under a year old who may not be covered by any type of protection or Social Security shall be entitled to receive free care in all health entities thatreceive state subsidies. An Act shallregulate the matter.
Page 13,
ARTICLE 53
The Congress shall issue a labor statute. The appropriate law shall take into account at least the following minimal fundamental principles: Equality of opportunity for workers; minimum essential and exible remuneration proportional to the amount and quality of work; stability in employment; irrevocability of minimum benets established in labor regulations; options to negotiate about and reconcile uncertain and arguable rights; a situation more favorable to the worker in case of doubt in the application and interpretation of the formal bases of the law; the primacy of facts over established formalities in issues of laborrelations; guarantees to social security, training, instruction, and necessary rest; special protection of women, mothers, and minor-age workers.
Page 58,
Article 250,
To oversee the protection of victims, juries, witnesses, and all otherintervening parties in the criminal procedure. An Act shall determine the mannerin which the victims may intervene in the criminal procedure and mechanisms ofrestorative justice. 7

Page 87,
ARTICLE 310
By means of a law approved by the majority of the members of each House, it shall be possible to limit the exercise of the rights of movement and residence, establish controls on the density of population, regulate the use of the land, and submit to special conditions the transfer of immovable property in order to protect the cultural identity of

Other

Page 4, TITLE II. ON RIGHTS, GUARANTEES, AND DUTIES CHAPTER I. ON FUNDAMENTAL RIGHTS,
ARTICLE 23

Every individual has the right to present respectful petitions to the authorities on account of general or private interest and to secure prompt resolution of same. The legislative body shall be able to regulate its exercise by private organizations in order to guarantee fundamental rights.

Page 15, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS, ARTICLE 64

It is the duty of the State to promote the gradual access of agricultural workers to landed property in individual or associational form and to services involving education, health, housing, social security, recreation, credit, communications, the marketing of products, technical and management assistance with the purpose of improving the incomes and quality of life of the peasants.

Page 19, CHAPTER IV. ON THE PROTECTION AND APPLICATION OF RIGHTS

ARTICLE 86
Every individual may claim legal protection before the judge, at any time or place, through a preferential and summary proceeding, for himself/herself or by whoever acts in his/her name, the immediate protection of his/her fundamental constitutional rights when the individual fears the latter may be jeopardized or threatened by the action or omission of any public authority.

...

ARTICLE 89
In addition to what is mentioned in the previous articles, an Act shall determine the other resources, actions, and procedures necessary to protect, through the integrity of the legal order, the individual rights of groups or collectives against the acts or omissions of public authorities.

Page 62, TITLE VIII. ON THE JUDICIAL BRANCH CHAPTER I. GENERAL PROVISIONS, ARTICLE 229

The right of any individual to have access to the administration of justice is guaranteed. An Act shall stipulate in which cases this may be done without the representation of counsel.

Rights institutions

NHRI

Rights institutions→NHRI→New or fundamentally revised NHRI
The supervisory organs of the State are the Public Ministry and the Office of the Controller-General of the Republic. The Public Ministry is composed of the Attorney-General, the People's Advocate, designated attorneys, agents of the Public Ministry, municipal representatives and other officials determined by the law. It is the responsibility of this Ministry to safeguard and promote human rights, to protect the public interest and to oversee the official conduct of those who perform public functions. The Office of the Controller-General of the Republic has the duty to oversee fiscal management and to monitor administrative performance.

Page 29-30, TITLE V. ON THE ORGANIZATION OF THE STATE CHAPTER I. ON THE STRUCTURE OF THE STATE

ARTICLE 117
The Public Ministry and the Office of the Controller General of the Republic are control organs.

ARTICLE 118
The Public Ministry shall be made up of the General Prosecutor of the Nation, the Ombudsman, the assigned public prosecutors, and the agents of the Public Ministry before the legal authorities, as well as by municipal representatives and other official determined by an Act. It is the responsibility of the Public Ministry to defend and promote human rights, to protect the public interest, and to oversee the official conduct of those who perform public functions.

ARTICLE 119
The Office of the Controller General of the Republic has the duty to oversee fiscal management and to control administrative performance.

Page 78-79, TITLE X. ON THE CONTROL ORGANISMS, CHAPTER II. ON THE PUBLIC MINISTRY

ARTICLE 277
The General Prosecutor of the Nation, by himself/herself or through his/her delegates and agents, shall have the following functions:

...

2. To protect human rights and insure their effectiveness, with the assistance of the Ombudsman.

3. To defend the interests of society.

4. To defend the collective interests, especially the environment.

Page 80-81, TITLE X. ON THE CONTROL ORGANISMS, CHAPTER II. ON THE PUBLIC MINISTRY,

ARTICLE 281
The Ombudsman shall be part of the Public Ministry and shall exercise his/her functions under the supreme direction of the General Prosecutor of the Nation. He/She shall be elected for a term of four years on a proposal drawn up by the President of the Republic.

ARTICLE 282

Regional or international human rights institutions	No specific mention.

Justice sector reform

Criminal justice and emergency law

Justice sector reform→Criminal justice and emergency law→Reform to specific laws

Page 5-6, TITLE II. ON RIGHTS, GUARANTEES, AND DUTIES CHAPTER I. ON FUNDAMENTAL RIGHTS, ARTICLE 29

... In criminal law, permissive or favorable law, even when ex post facto, shall be applied in preference to restrictive or unfavorable alternatives.

Every individual is presumed innocent until he/she is proved to be legally guilty.

Whoever is accused is entitled to defense and the assistance of counsel picked by the accused or assigned automatically during the investigation and trial; to an appropriate public trial without unreasonable delay; to present evidence and to refute evidence alleged against the accused; to challenge the condemnatory sentence; and not to be placed in double jeopardy for the same act.

Evidence obtained in violation of due process is null and void by right.

Page 19, CHAPTER IV. ON THE PROTECTION AND APPLICATION OF RIGHTS

ARTICLE 88, An Act shall regulate popular actions for the protection of collective rights and interests related to the homeland, space, public safety and health, administrative morality, the environment, free economic competition, and other areas of similar nature defined in it.

It shall also regulate the actions stemming from the harm caused to a large number of individuals, without barring appropriate individual action.

In the same way, it shall define cases of responsibility of a civil nature for the damage caused to collective rights and interests.

Page 19, CHAPTER IV. ON THE PROTECTION AND APPLICATION OF RIGHTS

ARTICLE 89

In addition to what is mentioned in the previous articles, an Act shall determine the other resources, actions, and procedures necessary to protect, through the integrity of the legal order, the individual rights of groups or collectives against the acts or omissions of public authorities.

Justice sector reform→Criminal justice and emergency law→Criminal Justice System reform

Page 5-6, TITLE II. ON RIGHTS, GUARANTEES, AND DUTIES CHAPTER I. ON FUNDAMENTAL RIGHTS, ARTICLE 29

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Evidence obtained in violation of due process is null and void by right.

Page 5-6, TITLE II. ON RIGHTS, GUARANTEES, AND DUTIES CHAPTER I. ON FUNDAMENTAL RIGHTS, ARTICLE 32

The accused who is caught in the act of committing and offense (agrante delicto) may be apprehended and taken before a judge by any individual. Should he/she be subject to hot pursuit by the agents of law and order and take refuge in his/her own home, the law-enforcement agents may enter the domicile to apprehend the accused. Should the accused be caught in someone else's home, a request from the resident shall be sought beforehand.

Page 19-20, CHAPTER IV. ON THE PROTECTION AND APPLICATION OF RIGHTS

ARTICLE 90

The state shall answer materially for the extralegal damages for which it is responsible

State of emergency provisions

Page 20, CHAPTER IV. ON THE PROTECTION AND APPLICATION OF RIGHTS, ARTICLE 93
International treaties and agreements ratified by Congress that recognize human rights and prohibit their limitation in states of emergency have domestic priority.

Page 57-58, CHAPTER VI. ON THE STATES OF EXCEPTION, ARTICLE 215
When events different from those provided for in Articles 212 and 213 occur that disrupt or threaten to disrupt in serious or imminent manner the economic, social, or ecological order of the country or which constitute a grave public calamity, the President, with the signature of all the ministers, may declare a state of emergency for periods up to 30 days in each case which, in all, may not exceed 90 days in a calendar year.
By means of such a declaration which shall be justified, the President may, with the signature of all the ministers, issue decrees with the force of law, slated exclusively to check the crisis and halt the extension of its effects.
These decrees may refer to matters that have direct and specific connection with the state of emergency and may, in a provisional manner, establish new taxes or amend existing ones. In these latter cases, the measures shall stop being in effect at the end of the subsequent fiscal year, except when Congress, during the subsequent year, should grant them permanent character.
In the decree declaring the state of emergency, the government shall stipulate the deadline within which it would use its extraordinary powers in situations referred to in this Article and shall convene Congress if the latter should not be met within the 10 days following the expiration of the said deadline.
The Congress shall examine for a period of up to 30 days, extendable by agreement of the two Houses, the report with explanations presented to it by the government on the causes justifying the state of emergency and the measures adopted and shall make an express pronouncement on the convenience and appropriateness of same.
During the year subsequent to the declaration of emergency, Congress may repeal, amend, or add to the decrees to which this article refers in areas that ordinarily fall under the Government's jurisdiction. In connection with those that fall under the jurisdiction of its members, Congress may exercise said powers at all times.
If it is not convened, Congress shall meet in its own right under the conditions and for the purposes provided for in this article.
The President of the Republic and the ministers shall be responsible when they declare a state of emergency without there being present any of the circumstances provided for in the first clause and shall also be responsible for any abuse committed in the exercise of the powers which the Constitution assigns to the Government during an emergency.
The government may not infringe on the social rights of workers through the decrees mentioned in this article.

Judiciary and courts

Page 4, TITLE II. ON RIGHTS, GUARANTEES, AND DUTIES CHAPTER I. ON FUNDAMENTAL RIGHTS,
ARTICLE 23, The judicial branch is composed of the Constitutional Court; the Supreme Court of Justice, with its civil, criminal and labour divisions; the Council of State, the supreme administrative tribunal; the Higher Council of the Judicature, the supreme administrative and disciplinary authority of the judicial branch; the Office of the Public Prosecutor; the higher district courts and the circuit judges and municipal judges.

Page 28-29, TITLE V. ON THE ORGANIZATION OF THE STATE CHAPTER I. ON THE STRUCTURE OF THE STATE, ARTICLE 116
The Constitutional Court, the Supreme Court of Justice, the Council of State, the Supreme Council of the Judiciary, the Office of Attorney General of the Nation, the tribunals and the judges administer justice. So does the Military Criminal Justice System.
Congress shall exercise specific judicial functions.
Exceptionally, an Act may assign jurisdictional functions in specific subject areas to specified administrative authorities. However, they shall not be allowed to hold summary proceedings or to judge crimes.
Individuals may be entrusted temporarily with the function of administering justice as jurors in criminal proceedings, as mediators or as arbitrators authorized by the parties to issue verdicts in law or in equity in the terms defined by an Act.
A Court of Criminal Guarantees with national and criminal jurisdiction shall be created. It shall have the following powers:
1. To preferably, serve as judge by guaranteeing the legal control of any investigation or criminal proceedings against the armed forces members.
2. To preferably, control criminal indictment against the armed forces members, to ensure the fulfillment of the material and formal conditions to start the oral trial.
3. To permanently settle jurisdiction conflicts between ordinary courts and the Military Criminal Jurisdiction.
4. Other functions assigned by statute.
The Court of Criminal Guarantees shall be composed of eight (8) judges, four (4) of whom shall be members of the security forces in retreat. Its members shall be elected by the Government Chamber of the Supreme Court of Justice, the Government Chamber of the Council of State, and the Constitutional Court in plenary. Retired members of the armed forces shall be elected from four (4) lists of three nominations sent by the President
A statute shall establish the requirements to be a magistrate, the ineligibility and incompatibility regime, the candidate's nomination mechanism, the selection procedure and any other issue concerning organization and functions of the Court of Criminal Guarantees.

Page 41, TITLE V. ON THE ORGANIZATION OF THE STATE CHAPTER I., TRANSITIONAL PARAGRAPH
ARTICLE 156
The Constitutional Court, the Supreme Council of the Judiciary, the Supreme Court of Justice, the Council of State, the National Election Commission, the General Prosecutor of the Nation, or the Controller General of the Republic have the right to introduce bills in subject areas related to their functions.

[Summary] Page 62-71 in its entirety pertains to the judiciary and courts.
Article 231-233 sets out the criteria to be a judge of the Constitutional Court, the Supreme Court of Justice and the Council of State, and sets out the mandate for judges of the respective Courts.

Page 63-64, TITLE VIII. ON THE JUDICIAL BRANCH, CHAPTER II. ON ORDINARY JURISDICTION
ARTICLE 234. The Supreme Court of Justice is the highest court of ordinary jurisdiction

Prisons and detention	Page 60-61, CHAPTER VII. ON THE PUBLIC FORCE, ARTICLE 221 ... Public force members shall comply with pre-trial detention in the detention centers established for them, and in the absence of these centers, they shall comply with it on the premises of the unit to which they belong. Public force members shall serve time in prisons and detention centers established for members of the security forces.
Traditional Laws	Page 7-8, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS, ARTICLE 42 ... Religious marriages shall have civil effects within the limits established by statute. The civil effects of all marriages may be terminated by divorce in accordance with civil law. Also having civil effects are decrees of annulment of religious marriages issued by the authorities of the respective faiths within the limits established by statute. Page 67, TITLE VIII. ON THE JUDICIAL BRANCH, CHAPTER V. ON SPECIAL JURISDICTIONS ARTICLE 246 The authorities of the indigenous [Indian] peoples may exercise their jurisdictional functions within their territorial jurisdiction in accordance with their own laws and procedures as long as these are not contrary to the Constitution and the laws of the Republic. An Act shall establish the forms of coordination of this special jurisdiction with the national judicial system. Page 67, TITLE VIII. ON THE JUDICIAL BRANCH, CHAPTER V. ON SPECIAL JURISDICTIONS ARTICLE 247 An Act may create justices of the peace entrusted with the equitable resolution of individual and community conflicts. It may also order that they be popularly elected. Page 67, TITLE VIII. ON THE JUDICIAL BRANCH, CHAPTER V. ON SPECIAL JURISDICTIONS ARTICLE 248 Only sentences handed down definitively in judicial trials qualify as a criminal record or a violation in all legal matters.

Socio-economic reconstruction

Development or socio-economic reconstruction

Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development
Page 9-10, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS, ARTICLE 48

Social Security is a mandatory public service which shall be delivered under the administration, coordination, and control of the State, subject to the principles of efficiency, universality, and solidarity within the limits established by statute.

All inhabitants are guaranteed the irrevocable right to Social Security.

With the participation of individuals, the state shall gradually extend the coverage of Social Security which shall include the provision of services in the form determined by statute.

Social Security may be provided by public or private entities, in accordance with the relevant statute.
It shall not be possible to assign or use the resources of the Social Security organs for different purposes.

An Act shall define the means whereby the resources earmarked for retirement benefits may retain their constant purchasing power.

The State shall guarantee the rights resulting from the Pensions Systems, its financial sustainability, it shall respect vested rights in accordance with the law and assume the payment of the pension debt for which it is responsible according to the law. The statutes which are enacted on pension matters subsequent to the entry into force of this Legislative Act have to ensure the financial sustainability of the arrangements made by them.

The discounts, reductions and seizures of pensions decreed by the applicable statute notwithstanding, for no reason may the payment of the monthly pensions recognized by statute be suspended or their value be frozen or reduced.

The provisions on infirmity and widower's pensions notwithstanding, it is necessary to comply with the requirements concerning age, time of service, length of contribution payments or required capital and other conditions defined by an Act in order to obtain the right to a pension. The requirements for and the benefits resulting from obtaining the right to an infirmity or widower's pension shall be established by the Acts of the General Pensions System.

In pension matters all vested rights are respected.

Pension requirements and benefits for all persons, including those related to old age pensions for high risk activities, shall be established by the Acts on the General Pensions System. No provision may be issued and no contract invoked that would run contrary to the rules thereby enacted.

For the payment of the pensions only those factors are taken into account to which the contributions made by every person are related. No pension may be lower than the existing monthly legal minimum wage. However, an Act may determine the cases in which periodical economic benefits which are lower than the minimum wage are paid to people with limited resources who do not fulfil the conditions required for the right to a pension.

After the entry into force of the present Legislative Act, there shall be no special or

National economic plan

Page 102-105, TITLE XII. ON THE ECONOMIC AND PUBLIC FINANCE REGIME, CHAPTER IV. ON THE DISTRIBUTION OF RESOURCES AND JURISDICTIONS
ARTICLE 357
… TRANSITIONAL PARAGRAPH 1
The amount of the General System of Shares, GSS, of the Departments, Districts and Municipalities shall increase by taking as its base the amount dished out during its previous period of application. During the years 2008 and 2009 the GSS shall increase at a rate equal to the inflation rate, with an additional increase in real terms of 4%. During the year 2010, the increase shall equal the inflation rate, with an additional increase in real terms of 3.5%. Between the year 2011 and the year 2016 the increase shall equal the inflation rate, with an additional increase in real terms of 3%.

Page 102-105, TITLE XII. ON THE ECONOMIC AND PUBLIC FINANCE REGIME, CHAPTER IV. ON THE DISTRIBUTION OF RESOURCES AND JURISDICTIONS
ARTICLE 357
… TRANSITIONAL PARAGRAPH 2
If the rate of real growth of the economy (Gross Domestic Product, GDP) certified by DANE for the respective year is superior to 4%, the increase of the GSS shall equal the inflation rate, with an additional increase in real terms as indicated in the Transitional Paragraph 1 of the present Article, plus the difference in percentage points which results from a comparison of the real growth of the economy certified by DANE and the 4%. These additional resources shall be spent on comprehensive care for small children. The increase of the GSS resulting from higher economic growth which is the object of the present section shall not constitute the basis for the funding of the GSS in subsequent years.

Page 102-105, TITLE XII. ON THE ECONOMIC AND PUBLIC FINANCE REGIME, CHAPTER IV. ON THE DISTRIBUTION OF RESOURCES AND JURISDICTIONS
ARTICLE 357
… TRANSITIONAL PARAGRAPH 3
The General System of Shares, GSS, shall receive an increase in funding in addition to the increases referred to in the preceding transitional paragraphs with regard to the education sector. This additional increase shall take place in the following stages: in the years 2008 and 2009, it shall equal one point three percent (1.3%), in the year 2010 one point six percent (1.6%), and during the years 2011 to 2016 one point eight percent (1.8%). In each of these years, the additional increase shall not constitute the basis for the funding of the System in the subsequent period of application. The resources shall be spent on coverage and quality.

Natural resources

Page 22-23, CHAPTER IV. ON TERRITORY,
ARTICLE 101
...Also part of Colombia is the subsoil, the territorial sea, the contiguous zone, the continental shelf, the exclusive economic zone, the airspace, the segment of the geostationary orbit, the electromagnetic spectrum and the space where it applies, in accordance with international law or the laws of Colombia in the absence of international regulations.

Page 22-23, CHAPTER IV. ON TERRITORY,
ARTICLE 102
The territory, together with the public resources that are part of it, belong to the nation.

Page 81-82, TITLE XI. ON THE TERRITORIAL ORGANIZATION, CHAPTER I. GENERAL PROVISIONS
By means of a law approved by the majority of the members of each House, it shall be possible to limit the exercise of the rights of movement and residence, establish controls on the density of population, regulate the use of the land, and submit to special conditions the transfer of immovable property in order to protect the cultural identity of the native [Indian] communities and preserve the environment and natural resources of the archipelago.

Page 95, TITLE XI. ON THE TERRITORIAL ORGANIZATION, CHAPTER IV. ON THE SPECIAL REGIME
PARAGRAPH
The exploitation of the natural resources in the indigenous territories shall be done without impairing the cultural, social, and economic integrity of the indigenous communities. In the decisions adopted with respect to said exploitation, the government shall encourage the participation of the representatives of the respective communities.

Page 95, TITLE XI. ON THE TERRITORIAL ORGANIZATION, CHAPTER IV. ON THE SPECIAL REGIME
ARTICLE 331
The Autonomous Regional Corporation of the Rió Grande de la Magdalena entrusted with the improvement of navigation, port activity, the improvement and conservation of land, the generation and distribution of energy, and the use and conservation of the environment, fishing resources, and other renewable natural resources shall be established.
An Act shall determine its organization and sources of financing and shall define in favor of the riparian municipalities special treatment in the assignment of benefits and in their share of current national revenues.

Page 95, TITLE XII. ON THE ECONOMIC AND PUBLIC FINANCE REGIME, CHAPTER I. GENERAL PROVISIONS
ARTICLE 332
The State is the owner of the subsoil and of the natural, non-renewable resources without prejudice to the rights acquired and fulfilled in accordance with prior laws.

Page 105, TITLE XII. ON THE ECONOMIC AND PUBLIC FINANCE REGIME, CHAPTER IV. ON THE DISTRIBUTION OF RESOURCES AND JURISDICTIONS

ARTICLE 360
The exploitation of a non-renewable natural resource shall give rise to an economic offset in the form of concession fees (regalía) for the benefit of the State, without prejudice to any other right or compensation which might be agreed upon. An Act shall

International funds No specific mention.

Business

Page 14, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS,
ARTICLE 61
The State shall protect intellectual property for the period and using the means established by statute.

Page 102-105, TITLE XII. ON THE ECONOMIC AND PUBLIC FINANCE REGIME, CHAPTER IV. ON THE DISTRIBUTION OF RESOURCES AND JURISDICTIONS
ARTICLE 356
… The city of Buenaventura is organized as Special, Industrial, Port, Biodiversity and Biotourism Districts. Its political, fiscal and administrative system shall be determined by the Constitution and special statutes enacted to this end and, insofar as the latter do not contain the required regulations, by the rules which apply to the municipalities. …

Page 102-105, TITLE XII. ON THE ECONOMIC AND PUBLIC FINANCE REGIME, CHAPTER IV. ON THE DISTRIBUTION OF RESOURCES AND JURISDICTIONS
ARTICLE 357
... Seventeen percent (17%) of the resources of the General System of Shares for spending purposes shall be distributed among the municipalities with a population inferior to 25.000 inhabitants. These resources shall be spent exclusively on investment, in accordance with the competences assigned by statute. The distribution of these resources shall be based on the same criteria of population size and poverty as defined by the Act on the Shares for General Purposes.

Taxation

Socio-economic reconstruction→Taxation→Reform of taxation
Page 97, TITLE XII. ON THE ECONOMIC AND PUBLIC FINANCE REGIME, CHAPTER I. GENERAL PROVISIONS
... Tax evasion with respect to revenues originating from financial monopolies shall be sanctioned as a crime within the limits established by statute.

Page 109-110, TITLE XII. ON THE ECONOMIC AND PUBLIC FINANCE REGIME, CHAPTER IV. ON THE DISTRIBUTION OF RESOURCES AND JURISDICTIONS

ARTICLE 362
The assets and revenues originating from taxes or other sources relating to the exploitation of monopolies of the territorial entities are their exclusive property and enjoy the same guaranties as the property and income of individuals. Departmental and municipal taxes enjoy constitutional protection and, consequently, an Act may not transfer them to the nation, except temporarily in the case of a foreign war.

ARTICLE 363
The tax system is based on the principles of equity, efficiency, and progressivity.

The tax laws shall not be applied retroactively.

Page 102-105, TITLE XII. ON THE ECONOMIC AND PUBLIC FINANCE REGIME, CHAPTER IV. ON THE DISTRIBUTION OF RESOURCES AND JURISDICTIONS
ARTICLE 357
…For the purpose of calculating the variation of the current revenues of the Nation referred to in the preceding subparagraph, the taxes resulting from State of Exception measures shall be excluded, unless Congress makes them permanent in the following year.

Page 102-105, TITLE XII. ON THE ECONOMIC AND PUBLIC FINANCE REGIME, CHAPTER IV. ON THE DISTRIBUTION OF RESOURCES AND JURISDICTIONS
ARTICLE 357
… TRANSITIONAL PARAGRAPH 1
The amount of the General System of Shares, GSS, of the Departments, Districts and Municipalities shall increase by taking as its base the amount dished out during its previous period of application. During the years 2008 and 2009 the GSS shall increase at a rate equal to the inflation rate, with an additional increase in real terms of 4%. During the year 2010, the increase shall equal the inflation rate, with an additional increase in real terms of 3.5%. Between the year 2011 and the year 2016 the increase shall equal the inflation rate, with an additional increase in real terms of 3%.

Page 110, TITLE XII. ON THE ECONOMIC AND PUBLIC FINANCE REGIME, CHAPTER V. ON THE SOCIAL PURPOSE OF THE STATE AND OF THE PUBLIC SERVICES
ARTICLE 367
An Act shall determine the relative jurisdictions and responsibilities for the provision of domestic public services, their coverage, quality, and financing, and the schedule of rates taken into account in addition to the cost criteria, those of solidarity, and of redistribution of revenues.
Home public services shall be provided directly by each municipality when the technical and economic characteristics of the service and the general benefits permit them and make them advisable, and the departments shall execute functions of support and coordination.

An Act shall determine the competent entities that shall determine rates.

Banks

Socio-economic reconstruction→Banks→Central bank
Page 111-112, TITLE XII. ON THE ECONOMIC AND PUBLIC FINANCE REGIME, CHAPTER VI. ON THE CENTRAL BANK

ARTICLE 371
The Bank of the Republic shall exercise the functions of a central bank. It shall be organized as a legal public entity with administrative, patrimonial, and technical autonomy, subject to its own legal regime.

The following shall be the basic functions of the Bank of the Republic: to regulate the money supply, international exchanges, and credit; to issue legal tender; to administer the international reserves; to be the lender of last resort and banker of the credit institutions; and to serve as the government's fiscal agent. All these functions shall be exercised in coordination with the general economic policy.

The Bank shall give a report to Congress on the execution of the policies for which it is responsible and on other matters requested from it.

ARTICLE 372
The executive board of the Bank of the Republic shall be the monetary, exchange, and credit authority, in accordance with the functions assigned to it by statute. It shall be responsible for managing and executing the functions of the Bank and shall be made up of seven members, among them the Minister of Finance, who shall chair it. The Director of the Bank shall be elected by the executive board and shall be one of its members. The five other members, who can hold no other employment, shall be appointed by the President of the Republic for renewable terms of four years, replacing two of the members every four years. The members of the executive board shall represent the interest of the nation exclusively.

The Congress shall adopt an Act which shall regulate the Bank of the Republic for the exercise of its functions and the regulations under which the government shall issue the statutes of the Bank. These shall determine, among other things, the form of its organization, its legal regime, the functioning of its executive board and its board of directors, the term of the director, the rules for the constitution of its reserves, among them, those of exchange and monetary stabilization, and the future application of its earnings.

The President of the Republic shall perform the inspection, oversight, and control of the Bank within the terms stipulated by statute.

ARTICLE 373
The State, through the intermediary of the Bank of the Republic, shall oversee the maintenance of the purchasing power of the currency. The Bank may not establish credit quotas or give guaranties for the benefit of individuals except when the intermediation of foreign credit is involved for its distribution through the credit institutions or of temporary support of said liquidity. Financing operations for the benefit of the state shall mandate the unanimous approval of the executive board unless open market operations are involved. In no case may the legislature mandate credit quotas for the benefit of the State or individuals.
Socio-economic reconstruction→Banks→International finance
Page 111-112, TITLE XII. ON THE ECONOMIC AND PUBLIC FINANCE REGIME, CHAPTER VI. ON THE CENTRAL BANK

ARTICLE 373

Land, property and environment

Land reform/rights Land, property and environment→Land reform/rights→Land reform and management
Page 14, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS,
ARTICLE 58
… Property has a social dimension which implies obligations. As such, an ecological dimension is inherent to it.
The State shall protect and promote associative and joint forms of property.

Page 14, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS,
ARTICLE 58
... Expropriation may be carried out for reasons of public utility or social interest defined by the legislature, subject to a judicial decision and prior compensation. The compensation shall be determined by taking into account the interests of the community and of the individual concerned. In the cases determined by the legislator, the expropriation may take place by administrative action, subject to subsequent litigation before the administrative law courts, including with regard to the price.

Page 14, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS,
ARTICLE 60
The state shall promote access to property in accordance with the law.
When the State sells its interest in an enterprise, it shall take measures promoting the democratization of the ownership of its shares and shall offer its workers or the collective and workers' organizations special terms to make it possible for them to accede to the said proprietary shares. An Act shall regulate the matter.

Page 14, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS,
ARTICLE 63
Property in public use, natural parks, communal lands of ethnic groups, security zones, the archaeological resources of the nation, and other property determined by statute are inalienable, imprescriptible, and not subject to seizure.

Page 14, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS,
ARTICLE 64
It is the duty of the State to promote the gradual access of agricultural workers to landed property in individual or associational form and to services involving education, health, housing, social security, recreation, credit, communications, the marketing of products, technical and management assistance with the purpose of improving the incomes and quality of life of the peasants.

Page 94-95, TITLE XI. ON THE TERRITORIAL ORGANIZATION, CHAPTER IV. ON THE SPECIAL REGIME
ARTICLE 329
The configuration of the indigenous [Indian] territorial entities shall be drawn subject to the provisions of the Institutional Act of Territorial Planning, and their delimitation shall be effected by the national government with the participation of the representatives of the indigenous communities following the plan of the Commission of Territorial Planning.
The safeguards that apply relate to collective property which may not be sold.
An Act shall define the relations and coordination of these entities with those of which they form a part.
Land, property and environment→Land reform/rights→Other land rights
Page 14, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS,
ARTICLE 58
Private property and the other rights acquired in accordance with civil laws are

Pastoralist/ nomadism rights

No specific mention.

Cultural heritage

Land, property and environment→Cultural heritage→Tangible
Page 2, TITLE I. ON FUNDAMENTAL PRINCIPLES, ARTICLE 8
It is the obligation of the State and of individuals to protect the cultural and natural assets of the nation.

Page 16-17, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS, ARTICLE 72
The nation's cultural heritage is under the protection of the State. The archaeological heritage and other cultural resources that shaped the national identity belong to the nation and are inalienable, not subject to seizure, and are imprescriptible. An Act shall establish the mechanisms to restore control over them when they are in the hands of individuals and shall regulate the special rights that ethnic groups may enjoy when they occupy territories of archaeological wealth.
Land, property and environment→Cultural heritage→Intangible
Page 2, TITLE I. ON FUNDAMENTAL PRINCIPLES, ARTICLE 10
Spanish is the official language of Colombia. The languages and dialects of ethnic groups are also official in their territories. The education provided in communities with their own linguistic traditions shall be bilingual.
Land, property and environment→Cultural heritage→Promotion
Page 16-17, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS, ARTICLE 70
The State has the obligation to promote and foster access to the culture of all Colombians equally by means of permanent education and scientific, technical, artistic, and professional instruction at all stages of the process of creating the national identity.

Culture in its diverse manifestations is the basis of nationality. The State recognizes the equality and dignity of all those who live together in the country. The state shall promote research, science, development, and the diffusion of the nation's cultural values.

Environment

Page 14, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS,
ARTICLE 58
… Property has a social dimension which implies obligations. As such, an ecological dimension is inherent to it.

Page 15, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS, ARTICLE 66

The provisions enacted in the field of private or public credit may regulate the special conditions of agricultural credit, taking into account the cycles of harvests and prices as well as the risks inherent in farming activities and environmental disasters.

Page 17-18, CHAPTER III. ON COLLECTIVE RIGHTS AND THE ENVIRONMENT,

ARTICLE 79
Every individual has the right to enjoy a healthy environment. An Act shall guarantee the community's participation in the decisions that may affect it. It is the duty of the State to protect the diversity and integrity of the environment, to conserve the areas of special ecological importance, and to foster education for the achievement of these ends.

ARTICLE 80
The state shall plan the handling and use of natural resources in order to guarantee their sustainable development, conservation, restoration, or replacement.

Additionally, it shall caution and control the factors of environmental deterioration, impose legal sanctions, and demand the repair of any damage caused.

In the same way, it shall cooperate with other nations in the protection of the ecosystems located in the border areas.

ARTICLE 81
The manufacture, importation, possession, and use of chemical, biological, or nuclear weapons are prohibited as is the introduction into the national territory of nuclear and toxic wastes.

The state shall regulate the entry into the country and the exit from it of genetic resources and their use, in accordance with the national interest.

ARTICLE 82
It is the duty of the State to watch over the protection of the integrity of public space and for its assignment to common use, which has priority over the individual interest.

Public entities shall participate in the profits generated by their urban planning activities and shall regulate the use of the soil and the urban air space in order to protect the common interest.

Page 20-21, CHAPTER V. ON DUTIES AND OBLIGATIONS

ARTICLE 95

Every individual is obliged to obey the Constitution and the laws. The following are duties of the individual and of the citizen:

…

8. To protect the country's cultural and natural resources and to keep watch that a

Water or riparian rights or access

Page 22-23, CHAPTER IV. ON TERRITORY,
ARTICLE 101
... Also part of Colombia is the subsoil, the territorial sea, the contiguous zone, the continental shelf, the exclusive economic zone, the airspace, the segment of the geostationary orbit, the electromagnetic spectrum and the space where it applies, in accordance with international law or the laws of Colombia in the absence of international regulations.

Page 102-105, TITLE XII. ON THE ECONOMIC AND PUBLIC FINANCE REGIME, CHAPTER IV. ON THE DISTRIBUTION OF RESOURCES AND JURISDICTIONS
ARTICLE 356
... The resources of the General System of Shares of the departments, districts and municipalities shall be earmarked for the financing of the services for which they are responsible, according priority to the health service, the services of pre-school, primary, secondary and intermediate education, and public services concerning drinking water and basic sanitation in the home, ensuring the provision of the services and the extension of coverage with an emphasis on the poor. ...

Page 102-105, TITLE XII. ON THE ECONOMIC AND PUBLIC FINANCE REGIME, CHAPTER IV. ON THE DISTRIBUTION OF RESOURCES AND JURISDICTIONS
ARTICLE 356
… a. In the sectors of education, health, drinking water and basic sanitation: the population that has been taken care of and the population that shall be taken care of, the distribution of the urban and rural population, administrative and fiscal efficiency, and equity. In the distribution per territorial unit of each of the constituent entities of the General System of Shares, priority shall be given to factors which favor the poor, in the terms established by statute;

Page 102-105, TITLE XII. ON THE ECONOMIC AND PUBLIC FINANCE REGIME, CHAPTER IV. ON THE DISTRIBUTION OF RESOURCES AND JURISDICTIONS
ARTICLE 356
… The city of Buenaventura is organized as Special, Industrial, Port, Biodiversity and Biotourism Districts. Its political, fiscal and administrative system shall be determined by the Constitution and special statutes enacted to this end and, insofar as the latter do not contain the required regulations, by the rules which apply to the municipalities. …

Page 102-105, TITLE XII. ON THE ECONOMIC AND PUBLIC FINANCE REGIME, CHAPTER IV. ON THE DISTRIBUTION OF RESOURCES AND JURISDICTIONS
ARTICLE 361
… The departments, municipalities and districts in whose territory the exploitation of non-renewable natural resources takes place, as well as the municipalities and districts with sea and river ports through which these resources, or products derived from them, are transported, shall have the right to receive a share of the concession fees and compensations, as well as the right to directly use these resources. For the purpose of fulfilling the objectives and ends of the General System of Concession Fees, a Science, Technology and Innovation Fund, a Development Fund, a Regional Compensation Fund and a Savings and Stabilization Fund shall be created.

Security sector

Security Guarantees	Page 59-60, CHAPTER VII. ON THE PUBLIC FORCE ARTICLE 216 ... All Colombian citizens are obliged to take up arms when the public need mandates it in order to defend national independence and the public institutions. An Act shall determine the conditions which at all times qualify an individual for exemption from military service and the benefits for service in them.
Ceasefire	No specific mention.

Police

Page 6-7, TITLE II. ON RIGHTS, GUARANTEES, AND DUTIES CHAPTER I. ON FUNDAMENTAL RIGHTS, ARTICLE 39
Workers and employers have the right to form trade unions or associations without interference by the State. Their legal recognition shall occur by the simple registration of their constituent act.

...

Members of the police force do not have the right to form associations.

Page 59-60, CHAPTER VII. ON THE PUBLIC FORCE,

ARTICLE 216
The public force shall consist of the Armed Forces and the National Police, exclusively.

...

ARTICLE 218
An Act shall determine the organization of the Police corps.

The National Police is a permanent armed body of a civilian nature responsible to the national community and whose primary purpose is the maintenance of the conditions necessary for the exercise of public rights and freedoms and to insure that the inhabitants of Colombia may live together in peace.

An Act shall determine the career, benefits, and disciplinary regime that pertain to it.

Page 60-61, CHAPTER VII. ON THE PUBLIC FORCE,
ARTICLE 221

The Martial or Military Tribunals will have jurisdiction over offenses committed by the members of the public force on active service and in relation to their service, in accordance to the prescriptions of the Military Penal Code. These courts and tribunals will be composed of members of the public force on active duty or retired.

The military or police criminal justice system shall not have jurisdiction over crimes against humanity, and crimes of genocide, forced disappearances, extrajudicial executions, sexual violence, torture, or forced displacement. Police, Martial or Military Tribunals shall have jurisdiction only over violations of international humanitarian law committed by members of the public force, except in the offenses mentioned above.

...

ARTICLE 222
An Act shall determine the system of professional, cultural, and social development of the members of the public force. During their training, the members shall be taught the fundamentals of democracy and human rights.

Armed forces

Page 59-60, CHAPTER VII. ON THE PUBLIC FORCE,

ARTICLE 217
The nation shall maintain for its defense the permanent Armed Forces made up of the army, navy, and air force.

The armed forces shall have as their primary purpose the defense of the sovereignty, independence, and integrity of the national territory and of the constitutional order.

An Act shall determine the system of replacements in the Armed Forces as well as the promotions, rights, and obligations of its members and the special career, benefits, and disciplinary regime that pertain to them.

...

ARTICLE 219

The public force is not deliberative: it shall not be able to assemble except by order of the legitimate authority nor direct petitions except on matters connected with the service and morale of the respective corps and in accordance with an Act.

The members of the public force may not exercise their right to vote while they are on active service nor take part in activities or debates of parties or political movements.

DDR	Security sector→DDR→Demilitarisation provisions Page 115-116, TITLE XIII. ON CONSTITUTIONAL REFORM, TRANSITIONAL PROVISIONS, CHAPTER I TRANSITIONAL ARTICLE 12 With the purpose of facilitating the reintegration into civilian life of the guerrilla groups that are definitely involved in the peace process under the government's aegis, the latter may establish, for one time only, special peace districts for elections to public bodies that shall take place on October 27, 1991, or appoint directly for one time only a number of congressmen in each House to represent the said groups in a process of peace and demobilization. The number shall be established by the national government on the basis of the evaluation that it makes of the circumstances and progress of the process. The names of the senators and representatives to whom this Article refers shall be agreed upon by the government and the guerrilla groups, and their appointment shall be the responsibility of the President of the Republic. For the effects contemplated in this Article, the government may disregard specific disabilities and requirements necessary for one to qualify as a congressman. TRANSITIONAL ARTICLE 13 Within the three years following the entering into effect of this Constitution, the government may issue the provisions that may be necessary to facilitate the reintegration of demobilized guerrilla groups who may be involved in a peace process under government aegis; to improve the economic and social conditions of the regions where the guerrilla groups were present; and to provide to the territorial entity the organization and municipal capability, public services, and the functioning and integration of the collective municipal bodies in said regions. The national government shall present periodic reports to the Congress of the Republic concerning the implementation and development of this article.
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	No specific mention.
Withdrawal of foreign forces	No specific mention.
Corruption	No specific mention.
Crime/organised crime	No specific mention.

Drugs No specific mention.

Terrorism No specific mention.

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon Transitional justice→Amnesty/pardon→Power to amnesty
Page 38-39, TITLE VI. ON THE LEGISLATIVE BRANCH, CHAPTER III. ON STATUTES

ARTICLE 150
It is the responsibility of Congress to enact laws. It is the responsibility of Congress to enact laws. Through them, it exercises the following functions:

...

17. To grant, by a two-thirds majority of the members of both Houses or for grave reasons of public convenience, amnesties or general commutations for political crimes. In cases where the grantees are exempted from civil liability with respect to private individuals, the State must be obligated to make the proper compensations.

Page 115-116, TITLE XIII. ON CONSTITUTIONAL REFORM, TRANSITIONAL PROVISIONS, CHAPTER III

TRANSITIONAL ARTICLE 30
The national government is authorized to grant pardons, commutations, or amnesties for political and similar crimes committed prior to the promulgation of the present Constitutional Act to members of guerrilla groups who return to civilian life within the context of the policy of reconciliation. To this effect, the national government shall issue the appropriate regulations. This benefit may not be extended to heinous crimes or to homicides committed outside of combat or to those who prey on defenseless victims.

Courts

Transitional justice→Courts→National courts
Page 127, TITLE XIII. ON CONSTITUTIONAL REFORM, TRANSITIONAL PROVISIONS, CHAPTER VIII

TRANSITIONAL ARTICLE 66
Transitional justice instruments shall be exceptional. Their principal objective will be the end of the internal armed conflict facilitation and the achievement of a stable and lasting peace, with the guarantees of non- repetition and security for all Colombians. Such instruments shall ensure at the highest possible level, victims' rights to truth, justice and reparation. A statute may authorize, within the framework of a peace agreement, a different treatment for illegal armed groups who have participated in the armed conflict and for related state agents.

A statute to guarantee the state duties of investigation and punishment will establish transitional justice instruments of a judicial or extrajudicial nature. In any case mechanisms of extrajudicial nature will be applied to clarify the truth and reparations to victims.

Prioritization and selection criteria shall be inherent to transitional justice instruments. The Attorney General of the Nation will determine the prioritization criteria for the initiation of criminal proceedings. Notwithstanding the general obligation of the State to investigate and punish serious human rights' violations and international humanitarian law crimes, in the context of transitional justice, the Congress, at the initiative of the Government, may determine by state the selection criteria to investigate crimes against humanity, genocide, or war crimes committed in a systematic manner. Congress may also establish cases, requirements and conditions to suspend executions of a sentence; establish the cases in which the application of extrajudicial sanctions, alternative sanctions, or special modalities for the implementation and enforcement of the sentence may be used; and authorize the conditional waiver of criminal prosecution of unselected cases. The statutory law will take into account the severity and representativeness of cases to determine the selection criteria.
...

TRANSITIONAL ARTICLE 67
For the purpose of participating in politics, a statute shall establish which crimes will be considered related to political crimes. Crimes against humanity and genocide committed in a systematic manner may not be considered related to political crimes. Therefore, those who have been convicted and sanctioned for such crimes cannot participate in politics or be elected.
Transitional justice→Courts→International courts
Page 20, CHAPTER IV. ON THE PROTECTION AND APPLICATION OF RIGHTS, ARTICLE 93

...

The Colombian State may recognize the jurisdiction of the International Criminal Court in terms of the Rome Statute adopted on July 17, 1998 by the United Nations Plenipotentiary's Conference and, consequently, ratify said treaty in accordance with the procedure established by this Constitution.

Mechanism

Page 127, TITLE XIII. ON CONSTITUTIONAL REFORM, TRANSITIONAL PROVISIONS, CHAPTER VIII

TRANSITIONAL ARTICLE 66
Transitional justice instruments shall be exceptional. Their principal objective will be the end of the internal armed conflict facilitation and the achievement of a stable and lasting peace, with the guarantees of non- repetition and security for all Colombians. Such instruments shall ensure at the highest possible level, victims' rights to truth, justice and reparation. A statute may authorize, within the framework of a peace agreement, a different treatment for illegal armed groups who have participated in the armed conflict and for related state agents.

A statute to guarantee the state duties of investigation and punishment will establish transitional justice instruments of a judicial or extrajudicial nature. In any case mechanisms of extrajudicial nature will be applied to clarify the truth and reparations to victims.

A Truth Commission shall be created by statute. Such statute shall establish its purpose, composition, powers and functions. The Commission powers shall include recommendations for the implementation of transitional justice instruments, including the application of selection criteria.

Prioritization and selection criteria shall be inherent to transitional justice instruments. The Attorney General of the Nation will determine the prioritization criteria for the initiation of criminal proceedings. Notwithstanding the general obligation of the State to investigate and punish serious human rights' violations and international humanitarian law crimes, in the context of transitional justice, the Congress, at the initiative of the Government, may determine by state the selection criteria to investigate crimes against humanity, genocide, or war crimes committed in a systematic manner. Congress may also establish cases, requirements and conditions to suspend executions of a sentence; establish the cases in which the application of extrajudicial sanctions, alternative sanctions, or special modalities for the implementation and enforcement of the sentence may be used; and authorize the conditional waiver of criminal prosecution of unselected cases. The statutory law will take into account the severity and representativeness of cases to determine the selection criteria.

In any case, the above mentioned special criminal constitutional instruments application shall be subject to conditions such as the abandonment of weapons, recognition of responsibility, contribution to discovering the truth and reparation for victims, the release of hostages, and the decoupling of minors who are illegally recruited and held by illegal armed groups.

PARAGRAPH 1
The application of transitional justice instruments to illegal armed groups who took part in hostilities will be limited to those who demobilize collectively under a peace agreement or individually in accordance with established procedures and with the authorization of the National Government.

PARAGRAPH 2
Under no circumstances transitional justice instruments may benefit illegal armed groups that have not been part of the internal armed conflict, or any member of an armed group that once demobilized continues committing crimes.

TRANSITIONAL ARTICLE 67
For the purpose of participating in politics, a statute shall establish which crimes will be

Prisoner release No specific mention.

Vetting No specific mention.

Victims Page 68, TITLE VIII. ON THE JUDICIAL BRANCH, CHAPTER VI. ON THE OFFICE OF ATTORNEY GENERAL OF THE NATION, ARTICLE 250

It is the responsibility of the Office of the Attorney General of the Nation, in the discharge of its duties or following a denunciation, special petition or dispute, to bring criminal charges and to conduct the investigation of the facts which may constitute offenses, if there are sufficient reasons to assume the commission of an offense. Excepted are the crimes committed by members of the public force in active service and related to the same service. For such a purpose, the Office of the Attorney General of the Nation shall do the following:

...

6. To request before the judge competent to the try the case the necessary judicial measures to assist the victims, and order the restoration of the law and the integral redress of those affected with the crime.

Page 127, TITLE XIII. ON CONSTITUTIONAL REFORM, TRANSITIONAL PROVISIONS, CHAPTER VIII

TRANSITIONAL ARTICLE 66
Transitional justice instruments shall be exceptional. Their principal objective will be the end of the internal armed conflict facilitation and the achievement of a stable and lasting peace, with the guarantees of non- repetition and security for all Colombians. Such instruments shall ensure at the highest possible level, victims' rights to truth, justice and reparation. A statute may authorize, within the framework of a peace agreement, a different treatment for illegal armed groups who have participated in the armed conflict and for related state agents.
A statute to guarantee the state duties of investigation and punishment will establish transitional justice instruments of a judicial or extrajudicial nature. In any case mechanisms of extrajudicial nature will be applied to clarify the truth and reparations to victims.
[...]
In any case, the above mentioned special criminal constitutional instruments application shall be subject to conditions such as the abandonment of weapons, recognition of responsibility, contribution to discovering the truth and reparation for victims, the release of hostages, and the decoupling of minors who are illegally recruited and held by illegal armed groups.

Missing persons No specific mention.

Reparations	Transitional justice→Reparations→Material reparations Page 127, TITLE XIII. ON CONSTITUTIONAL REFORM, TRANSITIONAL PROVISIONS, CHAPTER VIII TRANSITIONAL ARTICLE 66 ... A statute to guarantee the state duties of investigation and punishment will establish transitional justice instruments of a judicial or extrajudicial nature. In any case mechanisms of extrajudicial nature will be applied to clarify the truth and reparations to victims.
Reconciliation	Page 120, TITLE XIII. ON CONSTITUTIONAL REFORM, TRANSITIONAL PROVISIONS, CHAPTER VIII Transitional Article 30. The national government is authorized to grant pardons, commutations, or amnesties for political and similar crimes committed prior to the promulgation of the present Constituent Act to members of guerrilla groups that return to civilian life within the context of the policy of reconciliation. To this effect, the national government will issue the appropriate regulations. This benefit may not apply to heinous crimes or to homicides committed outside of combat or to those exploiting the vulnerable state of the victims.

Implementation

UN signatory	No specific mention.
Other international signatory	No specific mention.
Referendum for agreement	No specific mention.
International mission/force/ similar	No specific mention.
Enforcement mechanism	No specific mention.
