2005/ Chairperson Statement
Situation of Human Rights in Colombia
Item 3

21 April

1. The Commission on Human Rights strongly supports the activities of the Office in Colombia of the United Nations High Commissioner for Human Rights, whose mandate was extended in September 2002 at the initiative of the President of the Republic of Colombia for a four year period until October 2006. This Office plays an important role in the work against ongoing violations of human rights and international humanitarian law in Colombia, through monitoring, advice, technical cooperation, and informational and promotional activities. The Commission welcomes the proposed visit to Colombia in May 2005 of the High Commissioner, Ms Louise Arbour, at the invitation of the Government of Colombia.

2. The Commission trusts that the Government of Colombia, through close cooperation, will continue to actively support and promote the Office in Colombia of the High Commissioner for Human Rights in carrying out its full mandate, and calls upon the Government of Colombia to make full use of the services of advice and technical cooperation of the Office. The Commission encourages a continued financial support for the Office of the High Commissioner for Human Rights in Colombia.

3. The Commission on Human Rights welcomes the report of the High Commissioner for Human Rights on the situation of human rights in Colombia (E/CN.4/2005/10) and takes note of the document containing the observations of the Government of Colombia on that report (E/CN.4/2005/XX). The Commission welcomes the on-going dialogue between Office of the High Commissioner for Human Rights in Colombia and the Government of Colombia, especially the Office of the Vice President, and the national and regional authorities. The Commission highlights the efforts of the Government and State institutions to work in the implementation of the recommendations of the High Commissioner and recognises the progress made so far. The Commission calls on the Government of Colombia to continue its efforts to obtain further results promptly and to ensure that the recommendations are integrated fully and in a coherent manner in all areas of public policies. It calls on the international community to continue to support the prompt implementation by all relevant parties of the recommendations of the High Commissioner for Human Rights.

4. The Commission welcomes the cooperation of the Government of Colombia with United Nations bodies and mechanisms for the promotion and protection of human rights. The Commission welcomes the ratification of Convention 182 of ILO concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The Commission also welcomes the ongoing debate with regard to the ratification by Colombia of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. It calls on the Government of Colombia to consider ratifying pending international treaties and to proceed with the formal ratification of those that have been approved. The Commission urges the Government and Congress to comply fully with the obligations assumed by Colombia as a State-party to international human

rights and international humanitarian law instruments The Commission calls upon the Government of Colombia to make use of the advice and technical services of the Office of the United Nations High Commissioner for Human Rights in the implementation of the recommendations of the special procedures and mechanisms.

5. The Commission expresses grave concerns at the situation of human rights and international humanitarian law, in particular with regards to vulnerable groups. The Commission is particularly alarmed at reported violations of the rights to life, personal integrity, freedom and security, due process, privacy and intimacy, as well as concerned at reported breaches of fundamental freedoms of movement, residence, opinion and expression. The Commission recognises the efforts of the Government of Colombia to strengthen respect for civil, political, economic, social and cultural rights and takes note of the efforts of State institutions to investigate violations of human rights. The Commission also notes that, in 2004, illegal armed groups were responsible for a vast majority of the breaches of international humanitarian law and criminal acts.

6. The Commission urges that dialogue and negotiations be pursued between the Government of Colombia and all illegal armed groups, aimed at overcoming the situation of violence stemming from the conflict with illegal armed groups and at reaching a lasting peace. The Commission emphasizes the importance of truth, justice and reparation in a comprehensive peace strategy that should lead to reconciliation and lasting peace.

7. The Commission reiterates its support to the Government of Colombia in its search for a negotiated solution to the internal armed conflict including through direct engagement with those illegal armed groups who may be prepared to cease all hostilities and undertake a constructive and significant peace process, and welcomes the efforts and achievements to date of the Government in this regard. The Commission also underlines the role played by the United Nations Secretary General, and welcomes the engagement of the Organization of the American States, the Government of Mexico, the Group of Friend Countries and other countries, as well as the efforts of the Catholic Church in the processes towards peace in Colombia. The Commission also calls for greater involvement of civil society as an important contribution to the establishment of a dialogue towards peace.

8. The Commission reaffirms its support for the London Declaration of 10 July 2003 and its recommendations, as well as the Cartagena Declaration adopted on 3 February 2005. The Commission recognizes the efforts and achievements of the Colombian Government in carrying forward the spirit of the London Declaration, and encourages it to continue the process. The Commission welcomes the efforts of the Colombian Government to engage in a constructive dialogue with civil society, and the recognition of the important role of civil society.

9. The Commission stresses its full support to the Colombian Government in its efforts to establish the rule of law throughout the country, to fight against impunity, and to fight against terrorism and illicit drug production and trafficking in the framework of the rule of law and respect for human rights. The Commission welcomes the fact that relevant authorities are now able to exercise their powers in nearly all municipalities; it also welcomes the fact that an increased presence of the State has enabled the latter to adopt measures for the prevention and protection of civilian population in the municipal centres.

10. The Commission notes the ongoing process of disarmament and demobilization. The Commission urges the Government and Congress of Colombia to establish as soon as possible a comprehensive legal framework for the disarmament, demobilisation and reintegration process of the illegal armed groups that fully recognise and guarantee the rights to truth, justice and reparations. Such a comprehensive legal framework would bring about a lasting peace in the framework of good governance, democracy, the rule of law and respect for human rights, and lead towards national reconciliation. It should also recognise the principle that persons charged with human rights violations and abuses cannot be granted impunity from prosecution.

11. The Commission is concerned about continuing cases of problems relating to access to justice, judicial independence and impartiality, judicial guarantees and presumption of innocence. The Commission appeals to the Government of Colombia increasingly to address the issue of impunity and to take action to improve the capacity and effectiveness of the judicial system. In this context the Commission acknowledges the adoption of a new oral procedure that expedites criminal processes. The Commission underlines the important role of the Constitutional Court, in the defence of human rights – civil and political as well as economic, social and cultural rights - democracy and rule of law. The Commission also notes the work of the Office of the Ombudsman and other State institutions in the defence of human rights.

12. The Commission urges the Government and Congress of Colombia to take into account international human rights law and international humanitarian law in the process of reform of the justice system, so as to guarantee judicial control over actions by the State, ensure judicial guarantees for its citizens and ensure that the military is not granted judicial powers in a manner inconsistent with international obligations. The Commission acknowledges the reforms introduced in the Prosecutor General's Office using the advisory services of the High Commissioner's Office in Colombia and financial support of the international community. The Commission also calls upon the Office of the Vice President to continue its activities within its Program to Combat Impunity. The Commission suggests that the Colombian Government continue using the service of advice and technical cooperation of the Office of the High Commissioner for Human Rights in Colombia regarding an appropriate framework for judicial reform that could contribute to strengthening the rule of law.

13 The Commission encourages the Government of Colombia to pursue its commendable intention to adopt the National Action Plan on Human Rights and International Humanitarian law, encourages it also to adopt such Action Plan by December 2005 and notes with appreciation its ongoing efforts to prepare it following full and transparent consultations with representatives of civil society. In this regard, the Commission welcomes the Agreement for Technical Cooperation signed by the Office of the Vice-President and the Office in Colombia of the High Commissioner of Human Rights.

14. The Commission encourages the Government of Colombia to further develop, according to international parameters, its statistical system in order to cover adequately violations of human rights and breaches of international humanitarian law, by making use of the advice of the Office of the High Commissioner.

15. The Commission also welcomes the decrease of indicators of violence such as homicides, massacres and kidnappings as compared to those of 2003. It shares the Government concern that the level and frequency of such crimes remain extremely high.

16. The Commission reiterates the need for all security measures taken under the Democratic Security Policy to comply with the obligations of Colombia under international law and international humanitarian law. The Commission takes into account that controls for detention procedures and the right of habeas corpus exist in Colombia. However, it also expresses its gravest concerns at reports of extrajudicial executions attributed to members of the security forces or other public servants and at reports of arrests and mass searches carried out without appropriate legal foundations and the practice of individual or massive arrests as well as individual or mass detentions. It also expresses grave concern at reports of widespread use of torture and continuing enforced disappearances. The Commission acknowledges that the Government submits such reports to competent authorities for investigation.

17. The Commission expresses concern at the role of information from informants without verification. The Commission appeals to the Government of Colombia not to use information which has not been adequately verified. The Commission takes note that the Government of Colombia has set up a system that submits information provided by informants to procedures for further verification.

18. The Commission expresses grave concern at reports that members of the security forces were responsible for breaches of international humanitarian law. The Commission expresses serious concern at reports of cases of support, collusion or complicity on the part of state agents with paramilitary groups, and encourages the Government of Colombia to strengthen its policies to sever all links between paramilitary groups and civil servants at regional and national levels in administrations and institutions and takes note of the increasing number of investigations taken by the State. It calls upon the Government of Colombia to increase its efforts to investigate such reports and to prosecute the personnel concerned under civil law and calls on the government to make full use of the legal powers at its disposal to ensure that measures of suspension are taken when the investigation reveals significant evidence of collusion with the paramilitary forces.

19. The Commission requests that the Government of Colombia should implement firmly its commitment to foster investigations of complaints in relation to forced disappearances, mainly perpetrated by paramilitary groups but also sometimes attributed to the security forces. The Commission expresses its concern at reports about the growing number of arbitrary detentions that can lead to stigmatisation and threats towards the members of civil society that have been detained.

20. The Commission welcomes the invitation by the Government of Colombia extended to the Working Group on Enforced or Involuntary Disappearances to visit Colombia next June. The Commission also notes the work undertaken by the Office of the Ombudsman, together with other institutions, to set up a mechanism to investigate cases of disappearances.

21. The Commission condemns all breaches of international humanitarian law in Colombia and calls on all parties to the conflict to respect international humanitarian law, including

the humanitarian principles of distinction, limitation, proportionality and immunity of the civilian population.

22. The Commission condemns massacres and cruel violence, in particular the murder of eight members of the Community of Peace of San Jose de Apartadó, including four children, on 21 February 2005, and calls on the Government of Colombia to ensure that a full investigation be carried out on this massacre, and that its perpetrators be brought to justice.

23. The Commission strongly condemns continuous breaches by the paramilitary groups of the cessation of hostilities, and the fact that all illegal armed groups continue to use violent means and to commit serious and numerous breaches such as attacks on civilian population, indiscriminate attacks, homicides, massacres, hostage-taking, or forced displacements, recruitment of minors and violence against women and girls.

24. The Commission strongly condemns all acts of terrorism and other criminal attacks, such as attacks against life, physical integrity and personal liberty and safety, committed by the illegal armed groups. It strongly urges all illegal armed groups to comply with international humanitarian law and to respect the legitimate exercise by the population of their human rights.

25. The Commission welcomes the very positive actions taken by the Government to comply with the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Landmines, especially the recent destruction of the stocked mines by the Army. It encourages the Government to continue the process of de-mining, as well as to continue its efforts to prevent and limit risks to the population – especially to displaced and returned persons – and to strengthen mechanisms for assisting victims of anti-personnel landmines. The Commission calls on the international community to continue supporting the programmes set up by the Colombian Government to comply with the Ottawa Convention. The Commission condemns frequent indiscriminate attacks committed by the illegal armed groups with anti-personnel landmines, which have maimed or killed hundreds of Colombians, including women and children. The Commission strongly urges all illegal armed groups to comply with the Convention and rapidly stop using anti-personnel Landmines and destroy all stockpiles.

26. The Commission also condemns the recruitment of a large number of children by illegal armed groups and urges those groups to stop recruitment and to demobilise immediately those children currently in their ranks, in accordance with Security Council resolution 1539 of 22 April 2004. The Commission encourages the Government of Colombia to intensify its efforts to ensure the re-integration of all child soldiers into society.

27. In this regard, the Commission notes that some progress has been made in ending the recruitment and use of children by illegal armed groups. It acknowledges that the National Disarmament, Demobilisation and Reintegration Programme of the Colombian Institute for Family Welfare (ICBF) has assisted over 800 children from November 2003 to December 2004, and that another 550 children were assisted by the programme of disarmament, demobilisation and reintegration programme for indigenous and Afro-Colombian children by the International Organisation for Migration during the last two years, as documented in the report of the Special Representative of the Secretary General of the United Nations on children in armed conflict (S/2005/72).

28. The Commission firmly condemns the practice of kidnapping, whether for political or economic reasons. The Commission expresses deep concern at the still high number of kidnapped persons, and deplores the consequences that kidnappings have on victims, their families and society as a whole. The Commission urges the immediate an unconditional release of all the kidnapped persons. In this context, the Commission emphasises the importance of reaching a humanitarian agreement that can lead to the rapid release of those kidnapped and to ending the practice of kidnapping. The Commission also condemns the fact that illegal armed groups continue to fund their activities through kidnapping, and through involvement in the production and trafficking of illegal drugs.

29. The Commission welcomes the efforts of the Government to ensure a presence of security forces over the territory and to develop preventive responses to the risks that vulnerable groups through the Inter-Institutional Early Warning Committee and acknowledges the progress made so far in this regard. The Commission encourages the Government to further strengthen and improve the CIAT, especially by reviewing of the risk-evaluation mechanisms it has adopted. It further encourages the CIAT to analyse carefully the risk reports involving the paramilitaries as well as guerrilla groups.

30. The Commission deplores that human rights defenders, including trade unionists, women's organisations, social leaders, as well as journalists, opinion makers and local officials including, members of political parties, community leaders, judicial officers and business people continue to be particularly affected by the armed conflict, and to be the victims of homicides and threats by the illegal armed groups. The Commission encourages the Government to ensure that the programmes for the protection of human rights defenders and other vulnerable groups are comprehensive and effective. Reaffirming its particular concerns regarding the climate of hostility existing around the work of human rights defenders, the Commission also encourages the Government to ensure that all public servants at all levels show due respect to the individual and collective work carried out by human rights defenders. The Commission calls upon the government to ensure that no public statements are made that may endanger their lives, integrity and security.

31. The Commission welcomes the increase in resources allocated to the Programme of Protection of Vulnerable Population within the Department of the Interior and Justice, and the permanent integration of protection programmes into the National Development Plan. The Commission notes the constructive dialogue with civil society undertaken by the Vice President at Cartagena in February 2005 and expresses the hope that such an approach will continue to strengthen.

32. The Commission remains deeply concerned by the still extremely high numbers of Internally Displaced Persons (IDPs), and urges the illegal armed groups to refrain from actions which give rise to displacements. It recognises the downward trend in the number of newly displaced persons, noting however that the total number of newly displaced increased. The Commission calls on the Government of Colombia to continue to implement the recommendations of the Representative of the Secretary General on Internally Displaced persons and encourages the Government to continue to cooperate with international bodies, especially the Office of the High Commissioner for Refugees and the International Committee of the Red Cross. The Commission supports the efforts towards durable solutions to the still grave humanitarian situation, such as the "Plan Nacional de atención integral a la población desplazada", for which financial resources

have increased. It also encourages the Government of Colombia to conclude the "Plan de Acción Humanitaria", and to implement both plans urgently. The Commission urges all illegal armed groups to allow humanitarian access to all areas throughout the country.

33. The Commission deplores the continued violence against indigenous and Afro-Colombian communities. The Commission also expresses grave concern at the situation of the indigenous and Afro-Colombian communities that are being subjected to confinement.

34. The Commission further condemns ongoing violations of the economic, social and cultural rights of persons belonging to minorities and indigenous communities, and urges all actors to respect their special cultural status. It appeals to all illegal armed groups to respect the identity and integrity of these minorities and indigenous communities. Supporting the efforts of the Government of Colombia to promote and protect the rights of persons belonging to minorities and indigenous communities, the Commission calls upon the Government of Colombia to increase its efforts to alleviate extreme poverty in regions with great concentration of minorities and indigenous communities The Commission encourages the Government to take special and urgent measures to defend indigenous communities at risk of extinction and to prevent their forced displacement.

35. The Commission condemns the continuing violations of the rights of women and girls, and the climate of impunity in which such violations occur and stressing the need to investigate, prosecute and punish those responsible for such violations. The Commission condemns particularly the reports of attacks against the personal integrity and dignity of women and girls, sexual and gender-based violence and slavery like practices which have been attributed mainly to illegal armed groups, but also to members of the Security Forces. The Commission encourages the Government to adopt a gender perspective while addressing the problem of impunity, and the guarantees of the rights to truth, justice and reparations of victims of the armed conflict, as well as in the development and implementation of public policies to address poverty and social and economic inequalities. The Commission supports the efforts of the Government in setting up programmes of the Presidential Advisory Office on Women's Equality in the areas of peace building, security, development, rural women as well as in developing a specific statistical system to monitor the situation of women in the framework of the fulfillment of the Beijing commitments, and calls upon the Government to implement these programmes. It also underlines the importance of the National Agreement on Gender Equality and of the National Policy on Sexual and Reproductive Health and urges further advances in these areas.

36. The Commission also deplores violations to the right to life of children. It is concerned that abandonment, child labour, sexual exploitation and abuse, physical ill-treatment and familial violence continue to occur, and calls for a specific policy for children to be developed to address these issues.

37. The Commission stresses the need to further address poverty, exclusion, social injustice and the gap in wealth distribution. The Commission supports the efforts of the Government of Colombia to address extreme poverty, illiteracy and unemployment and to guarantee access to health education and housing and encourages the Government to adopt a gender perspective in the formation of policies in these areas. The Commission is encouraged by the reduction of the unemployment rate.

38. The Commission further calls upon the Government of Colombia to make full use of the advisory services and technical expertise of the office in Colombia of the High Commissioner of Human Rights with a view to ensuring that norms and measures adopted by Colombian institutions are consistent with international law on human rights. The Commission also calls upon the Government of Colombia to ensure that the recommendations of the High Commissioner for Human Rights are implemented swiftly, and reiterates the need for the adoption in the first half of 2005 of a timetable for implementation of the recommendations. The Commission welcomes the commitment of the Government of Colombia to work in a constructive spirit with the Office of the High Commissioner for Human Rights in Colombia to examine the implementation and evaluation of the recommendations.

39. The Commission calls upon the international community to continue to support the prompt implementation by all relevant parties of the recommendations of the High Commissioner for Human Rights.

40. The Commission requests the High Commissioner for Human Rights to submit to it at it sixty-second session a detailed report containing an analysis by his office of the human rights situation in Colombia, in accordance with the agreement between the Government of Colombia and his Office on the operation of the permanent office in Bogotá.