

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sixtieth session
Agenda item 3

Organization of the work of the session

Chairperson's statement

Situation of human rights in Colombia

1. The Commission on Human Rights 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 President Uribe, for a four-year period until October 2006. This office plays a vital role in the work against ongoing violations of human rights and international humanitarian law in Colombia, through observation, advice, technical cooperation, as well as informational and promotional activities. The Commission welcomes the establishment of a new field office in Bucaramanga in January 2004, to complement the existing field offices in Cali and Medellín.
2. The Commission trusts that the Government of Colombia will continue to actively support the office in Colombia of the High Commissioner for Human Rights in carrying out its activities without any impediments to the fulfilment of its mandate and calls upon the Government of Colombia to make more use of the services of the office when preparing its reports to treaty bodies.
3. The Commission on Human Rights welcomes the very detailed report of the United Nations High Commissioner for Human Rights on the human rights situation in Colombia (E/CN.4/2004/13) and takes note of the document containing the observations of the Government of Colombia on that report (E/CN.4/2004/G/23, annex).
4. The Commission recognizes that the Government of Colombia is cooperating with United Nations bodies and mechanisms for the promotion and protection of human rights and it encourages the Government to consider recognizing the competence of the committees established under articles 21 and 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and in accordance with article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination. It also encourages the Government to consider ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman

or Degrading Treatment or Punishment, and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

5. The Commission welcomes the standing invitation issued by the Government of Colombia to all United Nations special procedures and mechanisms for the protection of human rights to visit the country. It calls upon the Government of Colombia to implement their recommendations and to make use of the technical services of the Office of the United Nations High Commissioner for Human Rights.

6. The Commission welcomes the further evidence of political pluralism in Colombia, as demonstrated by the healthy debate over constitutional reform put to referendum on 25 October and the results of the elections on 26 October to choose governors, mayors, deputies, town councillors and aldermen.

7. The Commission continues to attach great importance to President Uribe's commitment to seek a negotiated solution to the conflict. It believes a comprehensive negotiated solution would bring about a lasting peace in the framework of good governance, democracy, the rule of law and respect for human rights. The Commission, while taking careful note of the agreement between the Government of Colombia and the United Self-Defence Groups of Colombia for total demobilization of paramilitary forces by 2005, expresses its deep concern at the lack of progress towards a comprehensive peace strategy. It stresses the need for illegal armed groups to cease hostilities and undertake a constructive and significant dialogue. It also underlines the role that is played by the international community, in particular the United Nations, through the Special Adviser to the Secretary-General for Colombia.

8. The Commission emphasizes the importance of the principles of truth, justice and reparation in a comprehensive peace strategy.

9. The Commission expresses its support for the London Declaration, which was adopted by the Government of Colombia and other Governments and international organizations at the meeting on Colombia held in London on 10 July 2003. The Commission believes that the London Declaration constitutes a viable basis for international cooperation with Colombia in this framework and a viable reference for public policies in Colombia and welcomes recent progress in the dialogue on its implementation.

10. The Commission welcomes the ongoing support of the international community to the Government of Colombia, in particular through the follow-up to the London meeting. 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.

11. As the first duty of all Governments is to safeguard the lives and safety of their citizens, the Commission appreciates the priority placed by the democratically elected Government of Colombia, with the support of the great majority of the Colombian people, on the development of a fully

functioning democratic State throughout the national territory that is more capable of protecting the most basic human rights of its citizens, including the right to life.

12. The Commission is gratified, therefore, by the recorded significant reductions in the levels of the following serious crimes against persons: homicides in general; murders of trade unionists and other particularly vulnerable groups; massacres of civilians; forced displacements; attacks against towns; kidnappings and hostage-taking. It shares the concern of the Government of Colombia that notwithstanding these achievements announced by the Government, the level and frequency of such grave crimes continue to be extremely high.

13. The Commission reiterates the need for all security measures taken under the policy of Democratic Security to comply with obligations under international law, in particular international human rights, refugee and humanitarian law. It expresses the hope that the relevant civil institutions, particularly those charged with auditing and controlling the conduct of the security services, will soon be able to exercise their functions in all municipalities in the country.

14. The Commission welcomes the deepening dialogue between the Government of Colombia, in particular through the Office of the Vice-President, with the office in Colombia of the High Commissioner for Human Rights regarding the implementation of the High Commissioner's recommendations. The Commission notes some progress on the implementation of these recommendations while also noting that they have still to be fully integrated into the entire range of the Government's public policies, a point acknowledged by the Colombian authorities.

15. The Commission encourages the Government of Colombia to pursue its commendable intention to have the National Action Plan on Human Rights and International Humanitarian Law agreed by the end of June 2004, following full and transparent consultation with representatives of civil society.

16. The Commission emphasizes the particular necessity for further progress in the following three areas of State policy:

(a) While welcoming the commitment of the Attorney General to establish a specialized group to investigate collusion between members of the public service and illegal armed groups, the Commission calls for further progress in this area. While also welcoming the conviction and sentencing of senior army officers for complicity in a massacre, and the forced retirement of others suspected of serious offences, the Commission calls for the stepping up of the fight against impunity;

(b) Taking note of the provisions set out in Decree 128 of 22 January 2003, the Commission appeals to the Government of Colombia for a continuing civic and parliamentary debate on the draft legislation published in August 2003. While supporting the demobilization of members of illegal armed groups, the Commission emphasizes the need for any demobilization to be undertaken in line with relevant international law and jurisprudence and in a manner that respects the right of the victims to truth, justice and reparation. In this light, the Commission welcomes the commitment of the Government to

engage in further civic and parliamentary debate on the matter. The Commission also welcomes the Organization of American States (OAS) Mission to Support the Peace Process in Colombia, which will provide verification and technical support for this process, in line with OAS resolution CP/Res. 859 (1397/04) of 6 February 2004;

(c) As regards the bill known as the “Anti-Terrorist Statute”, approved in December 2003, the Commission, while understanding the priority placed by the Government on increased security and fighting violence and terrorism, stresses the Government’s responsibility to fulfil the obligations it has undertaken under the relevant international human rights instruments. The Commission emphasizes that all measures adopted must respect human rights and international humanitarian law.

17. The Commission also welcomes the various positive government actions to comply with international obligations regarding anti-personnel landmines and encourages the Government to increase 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.

18. The Commission condemns all breaches of international humanitarian law arising from the conflict in Colombia and calls for respect of the humanitarian principles of distinction, limitation, proportionality and immunity of the civilian population.

19. 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.

20. 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 demobilize immediately those children currently in their ranks, in accordance with Security Council resolution 1460 (2003) of 30 January 2003.

21. The Commission strongly condemns all acts of violence and breaches of international humanitarian law which are being committed by paramilitary groups in violation of their declared ceasefire. In particular, it condemns the continuing commission of massacres, as well as selective murders by these groups. The Commission deplores continuing reports of disappearances perpetrated by paramilitaries, as well as the discovery of mass graves, and of bodies showing signs of torture and mutilation. The Commission acknowledges the increasing number of members of such groups that have been captured.

22. The Commission strongly condemns all breaches of international humanitarian law committed by other illegal armed groups, especially the Revolutionary Armed Forces of Columbia (FARC), in particular through attacks on the civilian population. The Commission deplores in particular their frequent indiscriminate attacks with explosive devices and anti-personnel landmines, which have victimized hundreds of Colombians, both members of the security forces and civilians,

including women and children. The Commission further condemns the use of innocent civilians to transport explosive devices.

23. The Commission expresses grave concern about reports that members of the security forces were responsible for breaches of international humanitarian law. It also expresses its concern at reports of cases of continuing support, collusion or complicity on the part of State agents with paramilitary groups.

24. The Commission firmly condemns the practice of kidnapping, whether for political or economic reasons, expresses its deep concern at the still high number of persons illegally and cruelly imprisoned in this way, and urges the immediate and unconditional release of all of them. It notes with concern that illegal armed groups continue to fund their activities through kidnapping, and through involvement in the production and trafficking of illegal drugs.

25. The Commission expresses the gravest concern at reports of summary, extrajudicial and arbitrary executions attributed to the security forces. The Commission also notes the increase in complaints in relation to forced disappearances, mainly perpetrated by paramilitary groups, but also directly or jointly attributed to the security forces. The Commission takes note of the commitment of the Government of Colombia, (see E/CN.4/2004/G/23, annex) to foster investigations of such allegations.

26. The Commission expresses its serious concern at increased reports of arbitrary and mass detentions in areas of military operations, accompanied in some cases by torture, forced disappearance and violations of due process. It expresses concern at the role of information from informants without verification. The Commission appeals to the Government of Colombia not to use information provided by informants which is not 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.

27. The Commission draws attention to 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 to increasingly address the issue of impunity and to foster higher efficiency of the judicial system. It notes indications by the Government of Colombia that a package of reforms to the justice system will shortly be sent to Congress and hopes that the reforms will address these issues, while underlining the important role of the Constitutional Court in the defence of human rights, democracy and the rule of law.

28. The Commission expresses its concern regarding the continuing difficulties faced by the general Colombian population, including journalists and trade unionists, in fully exercising their right to freedom of opinion and expression. The Commission encourages the continued efforts of the Government of Colombia to protect vulnerable groups through special programmes.

29. With regard to freedom of movement and residence, while the Commission reiterates its acknowledgment of the welcome reduction in the number of new forced displacements during 2003,

it remains deeply concerned by the still extremely high numbers of internally displaced persons (IDPs). The Commission expresses concern at the humanitarian situation of communities at risk, who are suffering blockades by the illegal armed groups and sometimes by the armed forces. The Commission calls on the Government of Colombia to pay increased attention to the problem of displacement, including through the design of an integrated policy of reparation to victims and recuperation of their lands and assets. In particular, the Commission calls on the Government to continue to implement the recommendations of the Representative of the Secretary-General on internally displaced persons and encourages further cooperation with international bodies, especially the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross.

30. In welcoming Colombia's improved place (64th) in the UNDP Human Development Index and the reduction in unemployment in 2003, the Commission welcomes the special attention being devoted to economic, social and environmental reforms through the National Development Plan, including increased expenditure for social purposes, while pointing out that much more needs to be done to address poverty, exclusion, social injustice and the extreme gap in wealth distribution.

31. The Commission welcomes the improvement in the situation of some vulnerable groups as a result of such measures as strengthening of the Early Warning System. However, trade unionists, human rights defenders, journalists, departmental officials (mayors, councillors and representatives), members of the Union Patriótica, community leaders and local government officials (who often courageously carry out their duties in fear of their lives) continue to be particularly affected by the armed conflict. The Commission reiterates the necessity of bringing to a halt all attacks on these groups. It encourages the Government to ensure that the programmes for the protection of human rights defenders and other groups - for which the Human Rights Department of the Ministry of the Interior is responsible - are comprehensive and effective.

32. The Commission reiterates its particular concern regarding the climate of hostility that has been generated regarding the work of human rights defenders, and calls upon the Government of Colombia to take steps to enforce Ministry of Defence Directive 09 of July 2003, whereby public servants are instructed to respect human rights defenders and the work of their organizations. It calls on the Government of Colombia to ensure that no generalized public statements are made which might serve to endanger the rights of people involved in the defence of human rights or in trade union movements. It encourages the Government to deepen its dialogue with civil society and encourages the latter to profit from it in a constructive way.

33. The Commission welcomes the stronger presence of the Ombudsman's Office through community defenders in regions with a high concentration of indigenous and Afro-Colombian communities. It deplores the increase in selective violence against those communities, as well the practice of confinement by the illegal armed groups. The Commission further condemns ongoing violations of the economic, social and cultural rights of 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. It calls upon the

Government of Colombia to adopt further protection measures for the leaders, defenders and other members of those communities, which are under threat.

34. The Commission deplores violations of the right to life of large numbers of children. The Commission deplores the fact that vulnerable sectors of the population, in particular women and children, are especially affected by the ongoing violence. The Commission is concerned that abandonment, child labour sexual exploitation and abuse, physical ill-treatment and familial violence continue to occur. The Commission also deplores continuing violations and abuses of the economic, social and cultural rights of children and women. The Commission welcomes the signature of the National Agreement on Gender Equality and the adoption of the National Policy on Sexual and Reproductive Health, and urges further advances in these areas.

35. The Commission notes that the successes of the Government of Colombia against the illegal armed groups appear to have led to a change in tactics on their part, in particular by the paramilitaries, leading to increased levels of harassment and more subtle forms of threat.

36. In conclusion, the Commission reminds the Government of Colombia of its commitment to take into account and implement recommendations contained in the statement by the Chairperson. The Commission calls for the prompt implementation by all relevant parties of the concrete priority recommendations for 2004 of the High Commissioner for Human Rights, as well as those recommendations adopted by the Commission at its fifty-ninth session that remain to be implemented. The Commission shares the High Commissioner's view that the situation regarding human rights and international humanitarian law would improve notably if they were to be applied during 2004.

37. The Commission welcomes the commitment of the Government of Colombia to work in a constructive spirit with the office in Colombia of the High Commissioner for Human Rights to examine the implementation and evaluation of the recommendations. The Commission believes that the meeting of the international support group in Bogotá in November 2004 will be an appropriate occasion to assess progress in this regard, as well as in the implementation of the London Declaration.

38. The Commission further calls on the Government of Colombia to avail itself fully of the advisory services of the office in Colombia of the High Commissioner for Human Rights with a view to ensuring that norms and measures adopted by Colombian institutions are consistent with international law on human rights and that the recommendations of the High Commissioner for Human Rights are taken into account.

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