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OIDH-ACO

UNITED NATIONS: CRITICAL ASSESSMENT OF THE HUMAN RIGHTS SITUATION IN COLOMBIA

On 10 December, in Geneva, Switzerland, the examination of the human rights situation in Colombia took place, in the context of the Universal Periodic Review, a new mechanism of the Human Rights Council. 43 countries from Europe, America, Asia and Africa participated in this debate, which lasted three hours. Within the discussion, which was generally characterized by the exchange of diplomatic formalities between the governments, serious concerns were expressed about the continuing grave human rights situation in Colombia.

Among the issues about which the States repeatedly expressed concern were the high number of reports of extra-judicial executions, perpetrated on a wide scale by the State security forces, forced disappearances, and forced recruitment of children and their use to gather military intelligence. Also, concern was expressed about the practice of torture. They asked for significant measures to be taken so that these practices, which had no place in a democratic society, would cease. In addition, several states recommended that the Colombian state should ratify the Convention on forced disappearances and the Optional Protocol to the Convention against Torture.

The various governments were very critical of the frequent threats to and murders of human rights defenders, trade unionists and journalists, and urged the Government to respect the independence of the judiciary and guarantee the safety of its members. They recommended in particular that the Government refrain from publicly stigmatizing human rights defenders and insisted on the need to make public statements at the highest level recognizing the legitimacy of their work and to guarantee their protection.

Many countries expressed their concern at the increase in forced displacement, the scant support given to this population and the lack of measures guaranteeing their return and the restitution of their lands. The particular vulnerability of Afrodescent communities and indigenous peoples was also the focus of much attention, and it was recommended that their right to life be guaranteed as well as the right to prior consultation on projects which affect their territories. The states also recommended to implement the 2004 recommendations of the Special Rapporteur on Indigenous Peoples and to apply in all public policies the Declaration on the human rights of indigenous peoples. Several states were concerned at the violence against women in the context of the armed conflict, the impact of recruitment of children and of displacement on their lives, with particular emphasis on sexual violence and the treatment of women and girls. They requested urgent and concrete measures to aid them, in line with the recent decision by the Constitutional Court. The need to guarantee the protection and non-discrimination of lesbians, gays, bisexuals and Trans (LGBT) was also mentioned.

They drew attention to the continued existence of paramilitary groups under different "guises" and the need to support the judiciary in their investigations into the links between these groups and agents of the State. They also

asked for the application of international standards to guarantee the rights of the victims to truth, justice and reparation, in particular through the adoption of a Law on Victims' Rights, which would allow all the victims of the conflict, including the victims of state agents, to access reparation on equal terms. In various interventions the need to guarantee economic, social and cultural rights was highlighted, making reference in particular to health, education and critical situations of poverty and inequality, especially for indigenous peoples, Afrodescent communities and the displaced population. Other states stressed the urgency to achieve agreements with the guerrillas in order to end the internal armed conflict. Several countries offered to facilitate in the search for peace.

On all human violations mentioned, the states expressed concern at the high levels of impunity, including in relation to sexual violence against women, and urged the Colombian state to take more effective legal measures to combat it, by investigating and punishing those responsible. There were explicit requests not to grant amnesties to those who have committed crimes against humanity.

Most countries acknowledged the Colombian government's open and cooperative attitude towards the Office of the United Nations High Commissioner for Human Rights and in relation to the Universal Periodic Review, as well as its ratification of most international human rights treaties. In addition, several states stressed as positive the reduction in various indicators of violence presented by the authorities and the demobilization of members of guerrilla and paramilitary groups in recent years. They also supported the State in its efforts to guarantee security, stressing that this should always be achieved within respect of international humanitarian law, human rights law and the rule of law. They condemned the serious breaches of humanitarian law committed by the guerrillas, particularly forced recruitment of minors and the use of antipersonnel mines.

We hope that the openness of the Colombian State before the Human Rights Council, as recognized by several states, will be reflected in its acceptance of all the recommendations made on all the above-mentioned issues. In the same way, to be consistent with its expressed intention to cooperate with the United Nations, the Colombian Government should present periodic progress reports to the Council on its implementation of these recommendations. In addition, it should act on its standing invitation to the special procedures by accepting the outstanding requests for visits by various Rapporteurs and Working Groups.

We notice that the concerns and comments expressed by the states are similar to the denunciations made repeatedly by human rights and peace organizations. Finally, in order to improve the human rights situation, to resolve the humanitarian crisis and to make progress towards a political and negotiated solution to the internal armed conflict in Colombia, we would like to emphasize the importance of implementing all the previous recommendations made by the Office of the United Nations High Commissioner for Human Rights in Colombia, the treaty bodies and the special procedures.

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For more information, please contact:

In Geneva: Gusatvo Gallón – CCJ - +41 78 680 01 18
In Brussels: Emmanuel Raison – ODHACO - + 32 2536 1913
In Bogotá: Camilo Borrero – CINEP – +57 310 698 47 88
Alvaro Villarraga – Fundación Cultura Democrática – +57 310 815 14 41
Luciano Sanin – Escuela Nacional Sindical – +57 310 436 28 16
Claudia Erazo – Corporación Yira Castro – +57 311 848 47 11
Alirio Uribe – Colectivo de Abogados José Alvear Restrepo – +57 312 587 49 58
Jomary Ortigón – +57 314 365 18 38 / 310 874 03 68