

Responses to Recommendations

COLOMBIA

Review in the Working Group: 10 December 2008
 Adoption in the Plenary: 20 March 2009

Colombia's responses to recommendations (as of 10.08.2012):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
65 REC accepted; 11 rejected, 2 pending	The delegation provided comments on the REC accepted and rejected; 11 out of the 65 accepted REC were considered as already implemented or in the process of implementation (n°2 (Czech Republic), n°3 (Ireland), n°3 (Austria), n°10 (Switzerland), n°28 (Portugal), n°29 (France), n°30 (Switzerland), n°38 (Brazil), n°39 (Portugal), n°56 (Argentina), n°58 (Brazil))	No additional information provided	Accepted: 65 Rejected: 11 No clear position: 0 Pending: 2

List of recommendations contained in Section II of the Report of the Working Group A/HRC/10/82:

87. The recommendations formulated during the interactive dialogue have been examined by Colombia and the recommendations listed below enjoy the support of Colombia. Colombia has submitted its views on recommendations noted in the report in paragraphs 19(a), 19(b), 19(f), 20(a), 20(e), 21(a), 21(b), 22(a), 22(b), 23(c), 23(f), 25(b), 26(a), 27(a), 27(b), 27(c), 29(a), 30(c), 30(d), 30(e), 30(f), 32(b), 33(d), 34(a), 35(a), 35(d), 37(a), 37(b), 38(a), 40(a), 40(d), 40(g), 42(a), 42(b), 43(a), 43(b), 45(b), 45(c), 45(d), 45(e), 46(b), 46(d), 47(a), 49(a), 49(c), 49(d), 51(b), 54(a), 54(c), 54(d), 55(b), 55(c), 55(d), 56(b), 57(a), 57(b), 58(a), 60(b), 60(c), 60(d). These views are included in an addendum to the report of the Working Group (A/HRC/10/82/Add.1):

A - 1. Consider the possibility of ratifying the Convention for the Protection of all Persons against Enforced Disappearance (Argentina); consider the timely ratification of the Convention on Enforced Disappearance (Cuba); consider the ratification of the Convention on Enforced Disappearance (Mexico);

A - 2. Thoroughly and timely implement standing invitations to special procedures (Czech Republic); consider the visits by the special rapporteurs on human rights defenders; extrajudicial, summary or

arbitrary executions; independence of judges and lawyers; and the Working Group on Arbitrary Detentions (Mexico); invite the Special Rapporteur on the rights and fundamental freedoms of indigenous peoples to return to the country for a follow-up visit as soon as possible (Bolivia); agree to the visit of the Special Rapporteur on human rights defenders, requested in 2006 but not yet agreed upon (Hungary);

A - 3. Continue its close cooperation with OHCHR (Turkey); implement urgently the recommendations of the High Commissioner for Human Rights of February 2008 (Ireland); fully implement the recommendations of the OHCHR field office in Colombia as a mean to contribute to the improvement of the human rights situation on the ground (Austria);

A - 4. Reopen dialogue with the representatives of organizations of civil society in order to make possible coordinated and rapid implementation of the national plan of action on human rights and international humanitarian law (France); adopt measures to protect human rights defenders and cooperate with human rights organizations in adopting a national plan of action for human rights and in the implementation of the recommendations resulting from the universal periodic review (Romania); intensify efforts to complete the work on the national plan of action in accordance with the recommendation of OHCHR, with particular attention to efforts to improve the situation regarding sexual violence against women (Sweden); use the new national plan of action on human rights and international humanitarian law to address the issue of extrajudicial killings comprehensively (Ireland);

A - 5. Enhance human rights education programmes for citizens and the armed forces to promote a culture of peace and respect for human rights (Philippines);

A - 6. Strengthen the national plan for the search for missing persons (Switzerland);

A - 7. Continue efforts to combat impunity and human rights violations, and achieve the voluntary human rights goals approved by the Council in its resolution 9/12 (Brazil);

A - 8. Conduct public awareness campaigns against social prejudices and for upholding the principle of equality and non-discrimination regardless of sexual orientation and/or gender identity (Czech Republic);

A - 9. In the context of the tragic events relating to the discovery of the bodies of 11 young people in the area of Ocaña, and cases known as "false positives", expedite the designation of persons within all military units, to be responsible for promptly dealing with claims against any actions by units, or the individuals that compose them, which are contrary to fundamental rights (Spain);

A - 10. Apply directives for the evaluation of performance and operational results in the armed forces, giving priority to the number of people demobilized or captured as opposed to the number of those killed (Switzerland);

A - 11. Take all necessary measures to increase its efficiency to investigate and prevent extrajudicial killings (Sweden); fully prosecute extrajudicial killings, enforced disappearances and forced displacements and take strong action to stop their occurrence (Canada);

A - 12. Intensify efforts to bring down the high number of enforced disappearances and kidnappings in the country, with particular attention to indigenous human rights defenders (Sweden);

A - 13. Step up efforts to fight torture (Denmark);

A - 14. Continue, in cooperation with the relevant international organizations, to implement its commitments as listed in paragraph 42 of its national report with regard to the worrying issue of the use of anti-personnel landmines by illegal armed groups (Algeria);

A - 15. Address gender-based violence more broadly, in the spirit of Security Council resolution 1820 (2008) on women, peace and security (Canada); implement the Constitutional Court order of May 2008 in relation to gender-based violence and, in particular, provide human rights protection for women victims of forced displacement, increase measures to prevent sexual violence and take measures to ensure that those who use sexual violence are investigated and punished (Ireland);

A - 16. Ensure the full protection of children's rights, in particular of children who are victims of the internal armed conflict, and adequately address all situations of violence against women (Romania);

A - 17. Continue to take measures to tackle the influence of illegal groups, including FARC, ELN and new and reforming armed paramilitary groups such as the *Águilas Negras*, and do so while conforming to international humanitarian law (United Kingdom); continue, with the support of the international community, to do everything to protect its population against all forms of human rights violations committed by illegal armed groups (Algeria);

A - 18. Make every effort to achieve an agreement with the guerrilla groups in order to achieve peace, as has been attempted in the past (Uruguay);

A - 19. Demobilize, within the guerrilla and the paramilitaries, children combatants who have been forcibly recruited (Uruguay); take all necessary steps to ensure the recovery, rehabilitation and reintegration of child soldiers and address the underlying exclusion and marginality, which makes rural children particularly vulnerable to recruitment by armed groups (Austria); address the issue of unaccounted for children not handed over after the demobilization process of the paramilitaries and guarantee free primary education as a preventive measure against forced recruitments (Slovenia);

A - 20. Timely cooperate with the monitoring mechanism based on Security Council resolution 1612 (2005) and adopt concrete measures to prevent and punish all kinds of recruitment or use of children in armed conflict (Czech Republic); continue to work constructively with the United Nations on the implementation of the monitoring and reporting mechanism of Security Council resolution 1612 (2005) on children and armed conflict (Canada);

A - 21. Accept the recommendation of the Committee on the Rights of the Child that Colombia seek technical assistance from, inter alia, OHCHR and UNICEF, in areas including juvenile justice, rehabilitation, repatriations, police training and social reintegration of demobilized child soldiers and child victims of landmines (Malaysia);

A - 22. Increase efforts to address the question of sexual violence of children, in particular in rural areas, develop effective data collection with regard to sexual and physical abuse of children and ensure that adequate report, policing and juridical measures are in place (Austria);

A - 23. Take the necessary measures to guarantee the independence and the efficient functioning of the judicial system (Belgium); strengthen the judiciary and guarantee its independence (Switzerland);

A - 24. Ensure that human rights abuses are appropriately investigated and that those responsible are processed and sanctioned by civil courts; grant better facilities and financial resources to the judiciary, to accomplish this task efficiently; and ensure effective implementation of Constitutional Tribunal sentence of July 2008 on the subject (Chile);

A - 25. Continue the investigation and prosecution of the persons responsible for killing innocent young men said to have been guerrilla fighters (Netherlands);

A - 26. That Colombian justice complete its work designed to establish the truth, putting an end to impunity and protect the human rights (Switzerland); prevent anyone in the military, paramilitary or guerrilla forces who is accused of grave human rights violations and crimes against humanity from benefitting from the amnesty laws (Chile); intensify its efforts to address the issue of impunity (Turkey);

A - 27. That the National Commission for Reparation and Reconciliation and the Working Group on Historical Memory intensify their work to fully clarify past crimes and give voice to victims (Switzerland);

A - 28. Adopt measures to ensure that the military justice system does not claim jurisdiction in human rights cases involving members of the security forces (Portugal);

A - 29. Take effective measures to significantly reduce the number of extrajudicial executions and bring those responsible before civil jurisdiction (France);

A - 30. Investigate all cases of disappearances and homicides under civil courts and punish those responsible, and to this effect, strengthen the human rights unit of the *Fiscalía General de la Nación* (Switzerland);

A - 31. Ensure that all legislation and programmes in support of the Justice and Peace process comply with international standards (Canada); find a formula to solve the gaps in the Justice and Peace Law and allow for a legal response to the situation of legal limbo that many thousands of ex-members of AUC find themselves in while awaiting trial (Spain); guarantee the efficient implementation of the Justice and Peace Law, taking into account the clarifications given by the Constitutional Court (Belgium); that former paramilitary commanders continue to be heard within the framework of the application of the Justice and Peace Law (Switzerland); continue to strengthen the victim and witness protection programme under the Justice and Peace Law and allocate sufficient resources (Turkey);

A - 32. Step up efforts to dismantle the new armed groups that have emerged since the demobilization of the paramilitaries (Switzerland); implement effective means of dismantling all forms of illegal armed groups that have emerged since the demobilization process began (Australia); further reinforce efforts to immediately disband and disarm all paramilitary groups, including those that regrouped under different guises, and hold them accountable for their actions (Canada);

A - 33. That the judiciary continue its investigations into alleged links between State agents and paramilitaries (Switzerland); continue its efforts to break the linkages between elements of the armed forces, State security forces and illegal paramilitary groups (Malaysia); continue its investigations into public servants and political leaders who have links with paramilitary groups (Australia);

A - 34. Take measures to prevent those involved in law enforcement, politics, the Government and civilians in general from being involved in illicit activities with illegal armed combatants (Chile);

A - 35. Take stronger measures to address the problem of organized crimes and drug trafficking, in particular, to focus on the link between drug trafficking and trafficking in women and girls (Malaysia);

A - 36. Take measures to ameliorate the effects of the displacement of civilians as a consequence of armed fighting, ensuring their return when zones have been pacified and adopting immediate measures for the restitution of lands and/or adequate compensation of those who have lost their lands (Chile);

A - 37. Increase efforts to address the serious problem of the situation of internally displaced persons, which causes much suffering to the individuals, families and communities affected (United Kingdom);

A - 38. Increase social and economic initiatives to reinforce the full enjoyment of human rights by internally displaced persons, in particular minorities, such as indigenous peoples and Afro-descendants (Brazil);

A - 39. Increase efforts to end impunity of those responsible for forced displacement, and intensify security measures for the communities of internally displaced persons, in particular by protecting their property rights (Austria); prosecute the perpetrators of forced displacement independently of other possible crimes and human rights violations, instead of considering it an accessory fact or a simple consequence of armed conflict (Portugal);

A - 40. Continue efforts to implement its commitments, as described in paragraphs 67, 71 and 76 of the national report with regard to the protection of displaced persons, women and children (Algeria);

A - 41. In relation to high number of threats and attacks on human rights defenders, adopt further measures to ensure effective protection of personal safety of these groups, eliminate impunity of perpetrators of crimes against them, adopt concrete steps against stigmatization of human rights defenders and promote awareness-raising programmes for the public and officials about the importance and legitimacy of human rights advocacy (Czech Republic);

A - 42. Ensure dialogue with important sectors of civil society, leaving aside stigmatizing speech and anything that would be unjustified on one side or the other; in this context, it is especially important to finalize the agreed national human rights plan of action (Spain);

- A - 43. Forcefully denounce at the highest level attacks against human rights defenders and give human rights defenders legitimacy and recognition through supportive statements (Norway);
- A - 44. That high-ranking State officials publicly express the recognition of the importance of the role played by human rights defenders, in order to support and protect the legitimate work of human rights defenders and trade union workers (Switzerland);
- A - 45. Give strict orders to security forces not to make mistakes by qualifying as “terrorists” those who in reality are human rights defenders and members of nongovernmental organisations (Uruguay);
- A - 46. Recognize and guarantee the legitimacy of the work of human rights defenders, as of that of trade unions workers and journalists, ensure their protection and that violations of their rights are prosecuted (France);
- A - 47. Deepen its engagement with and support for civil society actors, human rights defenders and minority groups, and ensure their safety, with specific mechanisms in place if necessary, including through supportive public statements on the important role they play in democracy (United Kingdom);
- A - 48. Fully implement Presidential Directive 7 of 1999, and, in particular, give public recognition and support to human rights defenders, sanction those who make unsubstantiated allegations against human rights defenders, strengthen the protection programme and investigate and punish crimes against human rights defenders (Ireland);
- A - 49. Acknowledge publicly the work of human rights defenders and trade unionists as legitimate and refrain from making public statements that could be seen as delegitimizing these groups or linking them with illegal guerrilla groups (Australia);
- A - 50. Effectively investigate and prosecute crimes and violations against human rights defenders, and ensure that those responsible are punished (Norway); ensure that human rights abuses committed against human rights defenders, trade unionists and other advocacy groups are investigated thoroughly and those responsible are prosecuted (Australia);
- A - 51. Give priority to the fight against criminal and emerging gangs and, in this context, investigate threats and attacks against human rights defenders from these gangs, and grant them the necessary security guarantees (Spain);
- A - 52. Do everything possible, in the territories under its jurisdiction, to protect human rights defenders, trade unions workers and journalists, and take necessary political measures to protect them and respect their human rights (Albania); better protect human rights defenders, in particular in rural areas, and foster dialogue between the Government and human rights organizations, using if necessary the mediation of the local OHCHR office (Germany); take greater measures to ensure the safety of all its people, including directly targeted groups such as human rights defenders, community leaders, journalists and trade unionists (Canada); continue efforts to ensure the protection of all human rights defenders and reporters (Azerbaijan);
- A - 53. Put an equal emphasis on the implementation of the Ministry of the Interior’s protection programme to defend human rights defenders in the field, bearing in mind the joint statement of the Special Representative of the Secretary-General on the situation of human rights defenders with other special rapporteurs who expressed concerns about the situation and called for appropriate measures to be taken by Colombia (Hungary);
- A - 54. Step up efforts to protect trade unionists (Denmark);
- A - 55. Continue a constructive dialogue with human rights non-governmental organizations, especially given the current polarization between them and the Government (Netherlands);
- 56. Consider the possibility of implementing free primary education (Argentina);
- 57. Adopt concrete measures to ensure universal access to quality primary education (Czech Republic);
- A - 58. Expand access to education by offering free public primary education (Brazil);

A - 59. Step up its efforts to protect its indigenous peoples and install an effective system of consultations with indigenous peoples (Denmark);

A - 60. Follow up on the recommendations made by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples in 2004 (Canada);

A - 61. Take into account the United Nations Declaration on the Rights of Indigenous Peoples in the implementation of its public policies (Bolivia);

A - 62. Adopt measures ensuring effective national birth registration, including through programmes of mobile registration units and registration of those without documentation (Czech Republic);

A - 63. Increase efforts to tackle poverty and give its attention to the most vulnerable groups in society, including indigenous groups (United Kingdom);

A - 64. Accelerate the poverty alleviation programmes with a view to addressing the uneven distribution of wealth, access to health and the high level of social exclusion of indigenous peoples and Afro-Colombian groups (South Africa);

A - 65. Consider extending the network of Government services for the delivery of socioeconomic and development aid to rural areas (Malaysia).

88. The recommendations noted in the report in paragraphs 19(d), 19(e), 22(c), 23(b), 23(d), 23(e), 35(c), 37(a), 37(c), 40(e), 60(a) above did not enjoy the support of Colombia. Colombia submitted its views on these recommendations. These views are included in an addendum to the report of the Working Group (A/HRC/10/82/Add.1).

R - Paragraph 19(d) (Chile): "To repeal administrative measures that promote acts that undermine human rights, such as the indiscriminate use of rewards to civil informants"

R - Paragraph 19(e) (Chile): "To repeal administrative measures that promote acts that undermine human rights, such as incentives for the military in accordance to the number of deaths inflicted in combat"

R - Paragraph 22(c) (Argentina): "To accept the jurisdiction of the Committee related to the International Convention for the Protection of All Persons from Enforced Disappearance"

R - Paragraph 23(b) (Mexico): "To consider withdrawing the declaration regarding article 124 of the Rome Statute"

R - Paragraph 23(d) (Mexico): "To consider the ratification of the Optional Protocol to the Convention against Torture"

R - Paragraph 23(e) (Mexico): "To put into effect the declaration of article 22 of the Convention against Torture"

R - Paragraph 35(c) (Denmark): "To ratify the Optional Protocol to the Convention against Torture and establish a national preventive mechanism"

R - Paragraph 37(a) (Slovenia): "To recognize in law the right to conscientious objection to military service and practice and ensure that recruitment methods allow it"

R - Paragraph 37(c) (Slovenia): "Recommend the cessation of the use of children by State security forces in military intelligence activities and through programmes such as "Soldiers for a day", in compliance with a recommendation by the Committee on the Rights of the Child in 2006"

R - Paragraph 40(e) (Czech Republic): "Recommend the accession to the Optional Protocol to the Convention against Torture and the establishment of a national preventive mechanism accordingly"

R - Paragraph 60(a) (Uruguay): "To expedite the process initiated under the Justice and Peace Law passed in 2005 with regard to accelerating the demobilization of paramilitary chiefs and combatants"

89. The following recommendations will be examined by Colombia, which will provide responses during the adoption of the outcome report by the Council at its tenth session. The response of Colombia to these recommendations will be included in the outcome report:

P - 1. Guarantee access to justice and the right to reparation for victims in a non-discriminatory way, in conformity with international standards (Belgium);

P - 2. Continue consolidating its policy of integral attention to victims and family members of human rights violations, in keeping with international standards (Mexico); achieve a broad consensus to approve the law establishing a statute for victims of conflict and ensure that this law leads to effective reparations for all victims, especially victims of the State (Spain); improve the text of the draft law for victims in order to include victims of state agents, in keeping with United Nations recommendations (Switzerland).

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