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**DRAFT REPORT OF THE WORKING GROUP ON  
THE UNIVERSAL PERIODIC REVIEW \***

**Colombia**

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## **Introduction**

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its third session from 1 to 15 December 2008. The review of Colombia was held at the 14th meeting, on 10 December 2008. The delegation of Colombia was headed by H.E. Mr. Francisco Santos Calderón, Vice-President of Colombia. At its meeting on 15 December 2008, the Working Group adopted the present report on Colombia. In the course of the adoption of the report, Colombia informed that the National Statute for Victims' Rights is currently under consideration of the Colombian Congress. For this reason, Colombia will await the outcome of the Bill that is being discussed, before providing a response on the recommendations contained in paragraph 89 below.
2. On 8 September 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Colombia: Burkina Faso, Bahrain and Italy.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Colombia:
  - (a) A national report submitted / written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/3/COL/1);
  - (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/3/COL/2);
  - (c) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/3/COL/3).
4. A list of questions prepared in advance by Czech Republic, the United Kingdom of Great Britain and Northern Ireland, Denmark, Germany, the Netherlands and Sweden was transmitted to Colombia through the troika. These questions are available on the extranet of the universal periodic review.

## **I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS**

### **A. Presentation by the State under review**

5. H.E. Mr. Francisco Santos Calderón, Vice President of the Republic of Colombia, introduced the national report. He referred to the commitment of Colombia to human rights, to its openness and transparency, and noted the presence of 24 United Nations offices and the International Committee of the Red Cross (ICRC) in Colombia; having received 15 visits by human rights mechanisms since 2002; a follow-up system established with civil society and 39 embassies accredited in Colombia; and the full access international and local media and non-governmental organizations have to the country. He further noted that Colombia had changed from being a State accused of being negligent or accomplice of paramilitary groups to one which has imprisoned all the leaders of paramilitary groups, demobilized their structures and seized their properties; from being a State incapable of protecting its citizens to having dramatically improved the guarantee to life and freedom in Colombia, with decreases of 45 per cent in homicides, 77 per cent in massacres, 76.5 per cent in terrorist attacks and 87 per cent in kidnappings, between 2002 and 2007.

6. With regard to the situation of armed illegal groups, the representative stated that currently these groups have no support and are not representative in Colombia, with even less options to overtake power, resulting in paramilitary groups accepting a collective demobilization and 17,000 people belonging to other illegal armed groups having demobilized in an individual manner. He noted that FARC enjoyed a well-deserved repudiation: two days earlier, they had assassinated two members of a medical mission and wounded another 7 public servers in the Department of Caquetá. This is the latest of hundreds of violent events, such as an explosive artefact detonated in Ituango, Antioquia, causing 7 deaths and 51 wounded in a popular celebration, and the death of several community leaders in Arauca accused of supporting the illegal armed group ELN. He highlighted the kidnapping of hundreds of Colombians, 28 of which are rotting in the middle of the jungle since their abduction between 6 and 10 years ago, condemned to survive in subhuman conditions.

7. Colombia noted the enormous resources produced by the annual traffic of 500 metric tons of cocaine that feeds all illegal armed groups. The desire for such money leads to the massive destruction of rainforest and to aggression against vulnerable groups as well as the rest of society. The afore-mentioned motivates the State's demand for international shared responsibility in the fight against illicit drugs. In Colombia drug trafficking fuels the worst human rights violators.

8. With regard to questions relating to the efficiency of the judicial system and the fight against impunity, Colombia said it had a rich mix of constitutional rights, legislation developments, case law and measures against specific problems to enforce the rule of law. It reported that all citizens have legal resources to protect their individual or collective rights and to fight any acts from any authority, and that the Colombian Constitutional Court is acknowledged as one of the most active courts in the world in developing jurisprudence for human rights protection. In the field of legislation, Colombia highlighted the recent establishment of an oral and accusatory criminal procedure system, which clears the courts of justice and establishes guarantees and the development of the hearing of control of legality within a maximum term of 36 hours; the amendment of the Military Criminal Justice to limit its jurisdiction to offences relating to the service; and a law developed in 2005 against human trafficking and laws enacted in 2007 and 2008 on violence within the family, sexual abuse and violence against women.

9. The policy strengthening the judicial system has been one of the priorities of the State, having created the conditions that provide guarantees for independent actions from judicial operators; increased the budget of the justice sector by 86 per cent between 2002 and 2007; created 2,166 new jobs in the General Prosecutor's Office since January 2008 and agreed upon and begun implementing a new policy to increase the judicial efficiency in cases that involve violations of human rights. Colombia has also created several units of prosecutors for cases of special concern, such as aggressions against trade unionists. In 2000 and 2001, only two sentences were issued. From 2002 to the present date, 153 sentences have been issued, sentencing 233 persons for violent acts against trade unionists. In addition, Colombian justice has developed a formidable response regarding homicide allegations against members of the public force, as there are currently 716 investigations against 1,000 members of the armed forces, 138 of which are officers; 46 have been sentenced and 232 have been accused or are under trial; to date, 285 cases have been sent from the military justice to the civil justice.

10. Responding to questions about victims, demobilization and the Justice and Peace Law, the delegation said that Colombia has undertaken partial peace processes and very successful individual demobilization programmes. It said that the Justice and Peace Law acknowledged the

victims' rights, establishing an independent judicial process regarding juridical benefits to the demobilized; rights of truth, justice, integral redress, historic memory preservation, collective victims redress; victim protection duty; a commission for reconciliation and reparation integrated with a majority of people from the civil society and State control entities; regional commissions for the restitution of land that had been appropriated by illegal groups; and alternative prison penalties subject to serious commitments by the criminal and their repeal should the imposed obligations be breached. The versions of those who have been subject to this law would have enabled 2,908 cases to be opened within ordinary justice, including 172 against politicians, 112 against members of the Armed Forces and another 35 against other public servants. Colombia stated that the Government has also issued a decree creating a reparation programme through administrative channels that will demand investments of the order of 5.5 billion dollars, and the Congress is currently discussing a Law for Victims Rights.

11. Responding to questions on economic, social and cultural rights, the delegation stated that the drafting of the Colombian Development Plan for 2006-2010 included the rights perspective and it is intended to comply with the Millennium Development Goals. It also said the Government had implemented a policy of conditional subsidies to the poorest sectors of the population, which paired with the sustained economic development of recent years have made possible a reduction of poverty from 55.7 per cent to 45.1 per cent, and of extreme poverty from 21.6 per cent to 12 per cent between 2002 and 2006. Colombia reported having attained coverage of 94 per cent in basic education and 31 per cent in higher education. Education coverage programmes are accompanied by the implementation of the National Education Plan in human rights, quality improvement programmes and special policies for the most vulnerable sectors. It mentioned that the population subsidized by the State has doubled, reaching 23 million over the last five years; Colombia expected to attain universal health coverage by 2010. It also reported that the budget for supporting social interest housing had increased from \$75 million to \$330 million per year, with \$125 million allocated yearly to housing for internally displaced population.

12. Regarding children's rights, Colombia highlighted the issuing of the Code of Childhood and Adolescence; the drafting and application of the action plan to prevent and eradicate commercial sexual exploitation of children and adolescent; a strategy to eradicate child work that reduced this from 12.9 per cent in 2001 to 8.9 per cent in 2005; the budget of the Family Welfare Institute, which has increased from \$311 million to \$1,092 million between 2002 and 2008; the Inter-sectorial Commission to prevent recruiting and utilization of children by illegal groups; and participation by 3,712 youngsters in integral assistance programmes for demobilized populations conducted with UNICEF. With regard to women, Colombia highlighted the implementation of the Policy for Women constructing peace and development; the national agreement for equity between women and men, signed by State entities; the average participation of women in the Government ministries (30 per cent in leading offices); and the Gender Issues Observatory having been highlighted by the Economic Commission for Latin America and the Caribbean as best practice in the continent.

13. On the subject of displaced persons, the delegation stated that the Office of the United Nations High Commissioner for Refugees had acknowledged that Colombia is the country that makes the greatest efforts to attend to internally displaced persons in the world, also stating that the budget allocated to the internally displaced has increased from \$65 million to \$442 million between 2002 and 2008; that 80 per cent of displaced families registered receive emergency humanitarian aid; and that internally displaced persons participate in all decision-making processes for public policies regarding displacement. With reference to ethnic groups, the

delegation said that the Colombian population includes 10 per cent of the Afro-Colombian population and 3 per cent of the indigenous population, and both have legislation that acknowledges their rights to the territory, autonomy and culture preservation; affirmative action policies and entities dedicated to the development of these policies; ethno-education and ethno-protection programmes respecting their way of life, adding that the National Development Plan includes a chapter with resources allocated to an ethnic approach to development.

14. With regard to homicides carried out by members of the Armed Forces against protected individuals, the delegation noted that the participation of individual members of the military forces in the death of persons out of combat is a shameful practice that the Government condemns. It stressed that, from the moment President Alvaro Uribe took office, he ordered greater efficiency against violence and drug traffickers but with total transparency. “You will preserve the good name of the country only by the rigorous observance of human rights”, he said during his first speech to the military. The delegation reported that, since 2005, a number of actions concerning prevention, investigation and control have been taken. The delegation stated that the killing of non-combatants is an inexcusable crime, acknowledging that these events had taken place in the country and presented its sincere apologies to the victims, assuring them that none of these crimes will remain in impunity and that all necessary measures to prevent their repetition will be taken.

15. On questions relating to relations with human rights defenders, the delegation noted that the Government is implementing different policies to grant all guarantees to political parties, trade unionists, human rights defenders, ethnic groups, social leaders, journalists and witnesses of the Peace and Justice proceedings, among others, and has developed a permanent dialogue with these sectors. The President carried out prolonged meetings with the defenders and every 45 days he chairs a meeting with union leaders. It cited a survey by Latinobarometer, which indicated that the legitimacy of Colombian democracy has doubled between 2002 and 2008 to more than 60 per cent, and that voters in the 2007 regional elections increased 30 per cent in comparison to the 2003 elections. The delegation said the Government had publicly rejected any attack against human rights defenders and wanted a more constructive relationship with human rights organizations, saying that dialogue constitutes the only way to enrich the different positions and benefit the enforcement of human rights in Colombia. It expressed willingness to carry out any reasonable effort to improve this relationship.

16. Colombia recalled having dedicated 14 paragraphs of the report to list 69 voluntary commitments that they will assume, asking for the solidarity and accompaniment of the international community for such a purpose.

## **B. Interactive dialogue and responses by the State under review**

17. During the interactive dialogue, 43 delegations made statements.

18. A number of delegations congratulated the Government on the quality of its presentation and report, and on having voluntarily submitted to the review. Some also recognized the State’s transparency in the process. A number of delegations noted the State’s cooperation with the international community, with some citing cooperation with OHCHR and its extension of the memorandum of understanding on its presence until 2010, and others adding its cooperation with other United Nations mechanisms. Several welcomed the fact that the delegation was headed by the Vice-President of the State. Some also thanked Colombia for its replies to advance questions.

19. Chile highlighted the State's openness and cooperative attitude, allowing an in-depth analysis and transparent cooperation with other States. It said it understood the State's complex situation, also highlighting the efforts made by the Government to curb violence and crime. It said there has been important progress in demobilizing irregular combatants, and tackling violence against union members and human rights defenders, but figures remain high. It urged redoubling of efforts to protect the latter. It highlighted concerns about the need for prompt, objective and impartial justice, protecting the rights of victims and those under prosecution. It asked about measures to effectively implement the advanced norms that criminally define forced disappearances; actions to counteract forced recruiting by non-State and State actors; the current status of children recruited to serve as combatants or informers; the implementation of plans to reinsert, rehabilitate and provide reparations to demobilized child soldiers; and the legal situation of displaced populations, with regard to the tenancy of their lands, if there are any ongoing programmes to address this situation. Chile recommended that Colombia (a) 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 the July 2008 Constitutional Court sentence on the subject; (b) prevent anyone in the military, paramilitary or guerrilla forces accused of grave human rights violations and crimes against humanity from benefitting from the amnesty laws; (c) 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; (d) repeal administrative measures that help promote acts that undermine human rights, such as the indiscriminate use of rewards to civil informants or (e) incentives for the military in accordance to the number of deaths inflicted in combat; (f) 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.

20. Spain acknowledged the progress in defending human rights and fighting impunity. It recommended that Colombia (a) give priority to the fight against criminal gangs and emerging bands and, in this context, investigate threats and attacks on human rights defenders from these bands and grant them the necessary guarantees of security; (b) in the context of the tragic events related 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 responsible for promptly dealing with claims against any actions by units, or the individuals that compose them, which are contrary to fundamental rights; (c) achieve a broad consensus to approve the law establishing a statute for victims of conflict and ensuring that this law leads to effective reparations for all victims, especially victims of the State; (d) find a formula to solve the gaps in the Justice and Peace Law and allowing for a legal response to the situation of legal limbo in which many thousands of ex-members of AUC find themselves while they await trial; (e) ensure a 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 also asked about policies adopted for protecting indigenous peoples, effectively providing for them and setting into place access to their land, conservation and preservation of their ancestral lands; the status of approval of laws for victims and measures being taken to consider State victims; the data offered with regard to recruiting minors by illegal armed groups, measures being taken to reduce the impact of these forced recruitments and the general policy adopted by the Government; and policies planned to take care of displaced minors.

21. Norway welcomed the high number of human rights treaties ratified by the State. It remained concerned about the situation of human rights defenders, citing also the concerns of the High Commissioner for Human Rights about their vulnerability, and that of trade unionists, journalists and public officials who are stigmatized and often targeted or threatened for their work. Norway recommended that (a) the Government, at the highest level, forcefully denounce attacks against human rights defenders and that State authorities give human rights defenders legitimacy and recognition through supportive statements; and (b) crimes and violations against human rights defenders be effectively investigated and prosecuted, and that those responsible be punished.

22. Argentina acknowledged the State's efforts in human rights, globally and regionally, highlighting policies to fight paramilitary groups, and welcoming programmes for children recruited by illegal armed groups. It valued the open invitation to special procedures and the increasingly extensive inclusion of civil society in the design and implementation of national policies on human rights. It recognized the establishment of the Observatory for Gender Issues. It applauded that the recently adopted Justice and Peace Law includes principles on the right to truth, justice, preservation of historical memory and collective reparation of victims. Argentina recommended that Colombia (a) consider the possibility of implementing free primary education; (b) consider the possibility of ratifying the International Convention for the Protection of All Persons from Enforced Disappearance; and (c) accept the jurisdiction of the related Committee.

23. Mexico applauded Colombia for its constitutional and institutional framework on human rights, the relevant international instruments ratified and the transparency with which it identified its human rights challenges and the measures to deal with them. It noted from the reports that the Ombudsman, the State Procurator, the Constitutional Tribunal and the Supreme Court have been key players in human rights, and hoped that the country continues to strengthen these institutions and their independence. It also acknowledged the work of human rights defenders, judges, professors, journalists and unions as vital elements for the functioning of the rule of law. It said it trusts Colombia will not spare efforts to protect and guarantee the rights of victims of forced displacement, particularly women and children. It acknowledged the agreement reached by the Government and civil society on the need for prompt, objective and impartial justice, protecting the rights of victims, those prosecuted and society, to ensure justice, truth and reparations are met in cases of homicide, massacre, kidnapping, torture and forced disappearances. Mexico recommended that Colombia (a) continue consolidating its policy of total attention to victims and family members of human rights violations, in keeping with international standards; (b) consider withdrawing the declaration regarding article 124 of the Rome Statute; (c) consider the ratification of the Convention for the Protection of all Persons against Enforced Disappearance and (d) the Optional Protocol to the Convention against Torture; (e) also put into effect the declaration of article 22 of that Convention; and (f) 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 Detention.

24. Turkey noted that, in spite of its security challenges, Colombia had made steady progress over the years in governance, rule of law and peace. It appreciated the open-door policy pursued in cooperation with international and regional mechanisms, and (a) encouraged the Government to continue its close cooperation with OHCHR. Turkey welcomed the establishment of the Victim and Witness Protection Programme under the Justice and Peace Act and (b) encouraged the Government to continue to strengthen this programme and allocate sufficient resources. Turkey recommended that Colombia (c) intensify its efforts to address the issue of impunity. It



asked whether the draft national plan of action on human rights envisages further measures to combat impunity and whether the new adversary criminal system had proved useful in handling the backlog of criminal cases.

25. Sweden noted the many non-governmental organizations represented at the review, demonstrating the readiness of the Government to engage actively with civil society. It noted, however, reports of human rights defenders, union activists and journalists being threatened, abducted or even killed, recommending (a) intensification of efforts to bring down the high number of enforced disappearances and kidnappings in the country, with particular attention to indigenous human rights defenders. Welcoming the work of the Government in drawing up a national action plan on human rights and international humanitarian law, it sought information on its implementation, and recommended (b) intensification of efforts to complete the work on the plan in accordance with the recommendation from OHCHR, with particular attention to efforts to improve the situation of sexual violence against women. Welcoming efforts to end extrajudicial killings by illegal armed groups and the military, Sweden remained concerned by the continued serious breaches of international humanitarian law by paramilitary groups and guerrilla organizations. It asked about specific measures, and recommended (c) that the Government take all necessary measures to increase its efficiency in investigating and preventing extrajudicial killings.

26. The Philippines congratulated Colombia for the impressive decrease in violence indicated in the national report. It noted the comprehensive human rights and international humanitarian law policy, pointing out that Colombia needs the continued constructive support and assistance of the international community in improving human rights promotion and protection. The Philippines recommended (a) enhancing human rights education programmes for citizens and the armed forces to promote a culture of peace and respect for human rights.

27. France said there was significant progress in human rights. It was pleased that Colombia is party to the majority of conventions and at the establishment of formal dialogue with the European Union on human rights. It noted that the number of internally displaced persons in 2008 is greater, despite measures taken, and asked about conclusions drawn from the results of the current policy and about additional measures taken. It noted also that the justice and peace law made possible the demobilization of about 31,000 paramilitaries and considerable reduction in violence, but was concerned at the low rate of criminal prosecutions and that the rights of victims to justice, truth and reparations was not sufficiently integrated. It asked how the rights of victims would be specifically dealt with. France recommended that Colombia (a) reopen dialogue with the representatives of civil society organizations in order to make possible coordinated and rapid implementation of the National Plan of Action on Human Rights and International Humanitarian Law; (b) take effective measures to significantly reduce the number of extrajudicial executions and bring those responsible before civil jurisdictions; and (c) recognize and guarantee the legitimacy of the work of human rights defenders, as that of trade unions workers and journalists, and ensure their protection and that the violations of their rights are prosecuted. It noted the State's commitment to ratifying the Convention on Enforced Disappearance and hoped it would do so rapidly.

28. Guatemala recognized the efforts to promote and protect human rights and fundamental freedoms. It noted several initiatives regarding Afro-Colombian and indigenous peoples, and that the Government recognized remaining challenges. It asked about the strengthening of the process of recognizing, promoting and raising awareness of the rights of Afro-descendent and indigenous peoples, and for information on their representation in politics. It noted the Defence Ministry

directives for the protection of the rights of indigenous peoples and Afro-descendants, and asked for more information.

29. Cuba stated that it shared a wealth of experience in working with Colombia within the Movement of Non-Aligned Countries and in other international forums. It said it was aware of the difficult situation of endemic violence that had affected the country for a very long time, expressing its desire that Colombia find a path to national reconciliation and peace, counting on the support of Cuba. Noting that Colombia reported a number of actions towards measuring economic, social and cultural rights, with a view to fully and universally guaranteeing them, Cuba asked for more details on the Programme for the Follow-up and Evaluation of Public Policies on Human Rights, and what progress had been achieved in elaborating indicators on economic, social and cultural rights by the Inter-institutional Group established to this end in 2005. Cuba recommended that Colombia (a) consider the timely ratification of the Convention on Enforced Disappearance.

30. Switzerland said that the Government understands that security policy must be paired with full respect for human rights and international law and recognized that important measures have been taken, but it encouraged the authorities (a) to strengthen the judiciary and guarantee its independence; the (b) National Commission for Reparation and Reconciliation and the Working Group on Historical Memory to intensify their work in order to fully clarify past crimes and give voice to the victims. It also recommended that Colombia (c) 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*; (d) apply directives for performance evaluation 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; (e) strengthen the National Plan for the Search of Disappeared Persons; (f) 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; (g) step up its efforts to dismantle the new armed groups that have emerged since the demobilization of the paramilitaries; (h) that the judiciary continue its investigations on alleged links between State agents and paramilitaries; (i) that former paramilitary commanders continue to be heard within the framework of the application of the Justice and Peace Law; (j) that Colombian justice complete its work to establish the truth, putting an end to impunity and protect human rights; and (k) improve the text of the draft Law for Victims to include victims of State agents, in keeping with recommendations by the United Nations. It asked about measures to reduce the tremendous vulnerability of women in indigenous and Afro-Colombian communities and measures designed to reduce the re-emergence of the phenomenon of forced displacement.

31. Algeria recommended that Colombia (a) 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. In relation to the worrisome issue of the use of antipersonnel landmines by illegal armed groups, Algeria recommended that it (b) continue, in cooperation with the relevant international organizations, to implement its commitments as listed in paragraph 42 of its national report. On measures to protect the rights of persons belonging to vulnerable groups, particularly displaced persons, women and children, Algeria recommended that it (c) continue to implement its commitment as detailed in paragraphs 67, 71 and 76 of the national report.

32. The Netherlands stated that almost all violations of human rights and international humanitarian law were due to the ongoing armed conflict. It felt the Government takes its human

rights obligations seriously and commended it for a number of past achievements in this regard. Expressing concern about the emergence of new illegal armed groups and about the changes in strategy of some old ones, such as FARC, engaging mainly or only in criminal activities, particularly their use of antipersonnel mines, it asked about the Government's policy in curbing the influence of such groups on the civilian population. Noting substantial improvements in fighting impunity in the context of national reconciliation, it asked for elaboration of the indicators of the fight against impunity on a basic level, such as in the numbers of accusations, investigations, trials and convictions. Expressing its shock at the recent news of the killing of innocent young men by security forces and who were said to be guerrilla fighters and presented as a success in the fight against the guerrilla, the Netherlands was impressed with the extent of the initial measures taken by the Government, such as the dismissal of many officers. It recommended that Colombia (a) continue the investigation and prosecution of the persons responsible for these crimes; and that the Government (b) continue a constructive dialogue with human rights non-governmental organizations, especially given the current polarization between the two.

33. Austria noted that, while recruitment of children by the armed forces is prohibited by law, the phenomenon still exists, in particular in rural communities, with indigenous children. Austria asked about reasons for the difficulties in implementing Government policies and about measures designed to improve the situation, and for information on the work of the Inter-sectorial Commission. Austria recommended (a) taking all necessary steps to ensure the recovery, rehabilitation and reintegration of child soldiers and to address the underlying exclusion and marginality that makes rural children particularly vulnerable to recruitment by armed groups. It recommended (b) increasing efforts to address the question of sexual violence of children, particularly in rural areas and to develop effective data collection with regard to sexual and physical abuse of children to ensure that adequate reports, policing and juridical measures are in place. Concerned about the high number of internally displaced persons and lack of protection for the physical safety of their leaders, Austria welcomed efforts to tackle the problem, and the constructive role of the Constitutional Court, but recommended (c) increasing efforts to end impunity for those responsible for forced displacement, and intensifying security measures for communities of internally displaced persons, particularly by protecting their property rights. Austria recommended that (d) recommendations of the OHCHR field office be fully implemented as a means to contribute to the improvement of the human rights situation on the ground.

34. Albania said the human rights situation cannot be considered distinct from the great historical difficulties Colombia has had to face. It congratulated Colombia on the progress made since 2002 but said the real difficulties do not mean the State is not responsible for protecting its citizens and are no justification for State forces acting outside the law, against the principles of the State's modern Constitution. It recommended that Colombia (a) 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.

35. Denmark noted that the situation is highly complex and security concerns are significant. It expressed concerns about the security situation for indigenous peoples, given that an alarming percentage has been killed in recent years. Despite legislation on consultation with indigenous peoples concerning laws and distribution and use of indigenous land, in practice the consultation often does not take place. Denmark asked what the Government intends to do to ensure that such consultation takes place. It asked what the Government intends to do to ensure that the continuing and widespread use of torture by security forces is effectively eradicated. It asked if

the establishment of an independent national preventive human rights mechanism would play a pivotal role. Regarding increased judicial actions on human rights violations in relation to trade unionists, Denmark noted that, despite the efforts of the Government, information seems to show that killings of trade unionists have increased in recent years, and asked whether the Government plans to take further measures to prevent them. Denmark recommended that Colombia (a) step up efforts to protect its indigenous peoples and install an effective system of consultations with indigenous peoples; (b) step up efforts to fight torture; (c) ratify the Optional Protocol to the Convention against Torture and establish a national preventive mechanism; and (d) step up efforts to protect trade unionists.

36. Peru congratulated Colombia on its cooperation with special procedures, having extended them an open invitation and received visits by several mandate-holders. It acknowledged recent achievements, such as the freeing of hostages and the decisive fight against impunity, hoping these efforts will not only be maintained but strengthened in coming months so that Colombia may consolidate these successes in the short term. It requested information on recent efforts, including legislative measures, to implement a system of compensation and reparations for possible victims of violence.

37. Slovenia commended the State's ratification of the most important human rights instruments and for having adopted laws to implement its international obligations, but expressed concern at the gap between legislation and its implementation. Following the concern expressed by the Human Rights Committee in 2004 that Colombia does not allow conscientious objection to military service, Slovenia recommended that Colombia (a) recognize this right in law and practice and ensure that recruitment methods allow it. The State should guarantee that conscientious objectors are able to opt for alternative service, the duration of which would not have punitive effects. It expressed concern about the recruitment of children, with the forced recruitment of minors by the guerrilla and the paramilitaries estimated at 14,000 minors, citing the worrying situation in Medellin. It asked the delegation for an update on a request for transitional measures made in 2005 to the Inter-American Commission on Human Rights. It expressed concern that the demobilization process of the paramilitaries had reportedly failed to hand over a large number of children for their reintegration into society, and recommended that the Government (b) address the issue of unaccounted for children and guarantee free primary education as a preventive measure against such recruitments. Concerned also about the alleged use of children by State security forces in military intelligence activities and through programmes such as "Soldiers for a day", it (c) recommended its cessation, in compliance with a recommendation by the Committee on the Rights of the Child in 2006. It expressed concern at the extent of impunity, particularly for those responsible for child recruitment. It hoped to see the new draft legislation on reparations for victims of the armed conflict as fully comprehensive and non-discriminatory between victims of State agents and of non-State actors, in line with the United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation and the recommendations made by the Inter-American Commission on Human Rights to Colombia. It congratulated Colombia on having been reviewed on the historic day of the sixtieth anniversary of the Universal Declaration of Human Rights.

38. Germany asked about plans to ensure the prohibition of extrajudicial killings and executions is enforced at an operational level. It also asked about specific measures to prevent public forces from using sexual violence in the context of armed conflicts. Germany asked about measures envisioned to grant internally displaced persons the full exercise of their human rights. It recommended (a) better protecting human rights defenders, particularly in rural areas, and

fostering dialogue between the Government and human rights organizations, using if necessary the mediation of the OHCHR local office.

39. Pakistan appreciated the broad consultations undertaken with civil society in the preparation of the national report. It noted that, despite challenges, Colombia has made progress in a number of areas and highlighted the Government's commitment to upholding and respecting human rights at all levels of public authority. Pakistan noted that the Council and the international community should support the Government of Colombia in its efforts to address challenges to the protection and promotion of human rights.

40. The Czech Republic recommended, in relation to the high numbers of threats and attacks against human rights defenders, (a) the adoption of further measures to ensure effective protection of their personal safety, elimination of impunity of perpetrators of crimes against them, adoption of concrete steps against their stigmatization and the promotion of awareness-raising programmes for the public and officials about the importance and legitimacy of human rights advocacy. It asked about specific measures to protect the rights of children of detainees/prisoners and of children from rural areas. The Czech Republic recommended (b) the adoption of concrete measures to ensure universal access to quality primary education; (c) adopting measures ensuring effective national birth registration, including through programmes of mobile registration units and registration of those without documentation; (d) timely cooperation with the monitoring mechanism based on the Security Council resolution 1612 (2005) and adoption of concrete measures to prevent and punish all kinds of recruitment or use of children in armed conflict; (e) accession to the Optional Protocol to the Convention against Torture and establishing its national preventive mechanism accordingly. The Czech Republic acknowledged recent positive changes in legislation regarding the rights of persons of minority sexual orientation or gender identity. It recommended (f) conducting public awareness campaigns against societal prejudices and for upholding the principle of equality and non-discrimination regardless of sexual orientation and/or gender identity. It welcomed the issuance of a standing invitation to special procedures and recommended (g) its thorough and timely implementation.

41. Japan applauded the Government's efforts to improve public security, crucial to the protection of the right to life for all citizens. It requested more efforts to improve the country's human rights situation, including to prevent forced disappearances and kidnappings and to protect the human rights of indigenous peoples. It welcomed the enforcement of the 2006 Colombian Law on Children and Adolescents to protect the rights of children and youth and to stop sexual exploitation and child labour, but asked how much it has worked, given continuing serious human rights violations against girls. It expressed continued support for efforts to tackle various human rights issues, including measures to improve the situation of internally displaced persons, the socially vulnerable and education and to deal with antipersonnel land mines. As president of the Group of 24, Japan said it wished to lead the international community's efforts to build peace in Colombia.

42. Portugal noted the concerns raised by the Representative of the Secretary-General for internally displaced persons on the reintegration of demobilized people, possible impunity and the low return of internally displaced persons. Portugal asked about measures to overcome this situation. It recommended (a) prosecuting 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 also recommended (b) adopting measures to

ensure that the military justice system does not claim jurisdiction in human rights cases involving members of the security forces.

43. Brazil stressed its support for the efforts of the Government and civil society to strengthen democracy and the rule of law in the face of a deep-rooted history of violence. It stated that Colombia recognizes that the rule of law is a necessary precondition for development and promotion of human rights and that there can be no security without human rights. The fight against armed illegal groups must be won. Brazil emphasized prevention, investigation and punishment of members of law enforcement and security forces for abuses. It applauded progress made, and acknowledged efforts to guarantee the independence of judiciary to fight impunity and punish those responsible for violations. It said the possible passage of legislation on reparations for victims of the Colombian conflict will be significant progress. These actions will guarantee enjoyment of civil and political rights, it said, adding that these rights are only sustainable if accompanied by efforts in economic, social and cultural rights. It firmly backed and encouraged the fight against poverty. Brazil asked about further measures to guarantee that public security forces respect human rights; how civil society can contribute more to guaranteeing rights; and whether, under the mandate of the universal periodic review, there were specific areas in which technical assistance would be welcomed. It recommended that Colombia (a) increase social and economic initiatives to reinforce the full enjoyment of human rights by the internally displaced, in particular minorities, such as indigenous peoples and Afro-descendants; (b) expand access to education, by offering free public primary education; (c) continue efforts to combat impunity and human rights violations, and achieving the voluntary human rights goals approved by the Council in its resolution 9/12.

44. India welcomed two initiatives taken by the Government related to the National Plan for Education in Human Rights implemented by the Ministry of Education and the Integral Policy for Human Rights and International Humanitarian Law for the Armed Forces adopted by the Ministry of Defence. It commended Colombia for its efforts to integrate the study of human rights into its education system, and for law enforcement agencies. India noted the establishment of the Office of the Ombudsman at the regional and municipal levels and requested more information on the work of this wide network encompassing 1,102 Ombudsmen offices across the country. India asked whether the mandate of the Office of the Ombudsman is different from that of a national human rights institution in full compliance with the Paris Principles.

45. Canada noted the Government's willingness to engage constructively on improving the human rights condition of its people, and it expressed support for the significant ongoing efforts in this regard. Despite this, it said it believed the ongoing internal armed conflict continues to foster conditions for serious human rights violations and abuse. Canada recommended that the Government (a) fully prosecute extrajudicial killings, enforced disappearances and forced displacements and take strong action to stop their occurrence. Commending its success in demobilizing paramilitary groups, Canada expressed concern that some continued to operate and commit atrocities. It recommended that the Government (b) further reinforce its efforts to immediately disband and disarm all paramilitary groups, including those that regrouped under different guises, and hold them accountable for their actions. Recognizing Colombia's search for peace and reconciliation and its efforts to address claims by victims for truth, justice and reparations, Canada recommended that the Government (c) ensure all legislation and programmes in support of the Justice and Peace process comply with international standards. Commending its increased efforts to protect people from human rights abuses, Canada recommended that the Government (d) 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. Commending efforts to address the particular situations of women, children and indigenous groups, Canada noted that these groups continue to be the most affected by the conflict. It recommended that Colombia (e) 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; (f) address gender-based violence more broadly, in the spirit of Security Council resolution 1820 (2008) on women, peace and security; and (g) 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 noted that Colombia has one of the most progressive constitutions of any country, reflective of its commitment to the protection of human rights, the rule of law, equality and justice, and commended its efforts towards these ends.

46. Malaysia noted that despite tough challenges and daunting obstacles, more could be done and recommended (a) considering extending the network of Government services for the delivery of socio-economic and development aid into the rural areas. It recommended (b) continuing its efforts in seeking to break the linkages between elements of the armed forces and State security forces, and illegal paramilitary groups; (c) taking 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; and (d) taking on board 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.

47. Azerbaijan congratulated Colombia on the comprehensive methodology adopted in the review process, particularly the use of a web page to conduct consultations. It said the approach clearly demonstrates the will of the Government to comply with its human rights obligations, noting, inter alia, its standing invitation to all mandate-holders. It said it should be borne in mind that Colombia suffered from internal armed conflict over decades and that illegal armed groups involved in drug trafficking and associated with local and international networks of organized crime continue to affect negatively the human rights situation. It welcomed Government efforts to demobilize the illegal armed groups and to protect the public and noted the progress made. It noted also steps taken against torture and enforced disappearances, particularly the creation of the Emergency Search Mechanism for disappeared persons, establishment of a Commission on the Search for Missing Persons comprising Government and civil society entities, and the adoption of the human rights and humanitarian law policy by the Ministry of National Defence in line with the recommendations of OHCHR to guide the police and army during operations. It encouraged Colombia to ratify the Convention for the Protection of all Persons against Enforced Disappearance and asked about further measures the Government envisages to ensure practical implementation of the legal processes in this field. It noted that Colombia has a comprehensive policy to fight impunity and noted with satisfaction programmes and strategies to improve women's and children's human rights, as well as progress in education and combating poverty. It recommended that Colombia (a) continue its efforts to ensure the protection of all human rights defenders and reporters and welcomed the Ministry of the Interior Protection Programme with the involvement of civil society and the increase of its budget. It also asked for information on measures taken to combat human trafficking, especially in women and girls.

48. China expressed appreciation for the State's efforts to adopt a presidential human rights and humanitarian law programme and for setting up human rights departments in ministries. It cited the national plan of action on human rights and international humanitarian law and the national education plan for human rights and said the Government has made great efforts in

preventing violence and safeguarding security, and in the field of education. It asked about specific measures to demobilize armed groups, about existing challenges, and aspects in which it wished to get assistance from the international community. Noting that forced displacement is the most widespread violation of human rights in Colombia, it cited Government measures to tackle it, which have won extensive acknowledgement. It asked for elaboration on specific measures to prevent displacement.

49. The United Kingdom of Great Britain and Northern Ireland welcomed the emphasis given by the Government to human rights issues and noted progress made. It recommended that the Government (a) 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; (b) increase its efforts to tackle poverty and give its attention to the most vulnerable groups in society, including indigenous groups; (c) continue to take measures to tackle the influence of illegal groups, including FARC, ELN and new and reforming armed paramilitary groups such as the *Aguilas Negras*, and that it does so whilst conforming to international humanitarian law. It called for immediate and unconditional release of all hostages held by illegal armed groups. Welcoming the decision to dismiss military personnel as a result of recent extra-judicial killings and other crimes, it urged the Government to address the ongoing problem of human rights violations attributed to members of its armed forces, which have no place in a democratic society. The United Kingdom noted there were at least 3 million internally displaced persons in Colombia and, while welcoming measures taken, recommended that (d) efforts be increased to address this serious problem that causes much suffering to those individuals, families and communities affected. It applauded the essential work of OHCHR and the International Labour Organization in Bogota and urged the Government to continue to offer strong support to them and to provide regular public assessments and updates for the implementation of recommendations made in successive human rights reports of the United Nations.

50. The Republic of Korea congratulated the recent progress in raising awareness of human rights and in restoring security throughout the country. It joined OHCHR, the Committee against Torture and the Human Rights Committee in expressing concerns over the deep-rooted culture of impunity and violations committed against internally displaced persons and human rights defenders. It called upon the Government to seek technical assistance and capacity building in areas related to criminal justice and police training from the international community. It noted the sincere efforts to promote gender equality and eliminate discrimination against women through equal opportunities legislation, including the 2000 Quota Act, and requested information on national measures to protect human rights of Afro-Colombian and indigenous peoples, including ensuring economic, social and cultural rights.

51. Belgium said the reports before the Council showed the legal framework for the protection of human rights functioned relatively well and noted adoption of the new doctrine for the armed forces with respect to the protection of human rights. It expressed concern about numerous allegations of extrajudicial executions, forced disappearances, acts of torture and mistreatment of prisoners, and that human rights defenders including trade union workers continue to suffer seriously from the conflict. Belgium attached considerable importance to combating impunity, saying that to complete the reconciliation and achieve lasting peace, it was crucial to guarantee independent, impartial justice. The Colombian Supreme Court plays a particularly important role, and Belgium expressed concern at statements which might call into question its independence and credibility. It recommended that Colombia (a) guarantee access to



justice and the right to reparation for victims in a non-discriminatory way in conformity with international standards; (b) take the necessary measures to guarantee the independence and the efficient functioning of the judicial system; and (c) guarantee the efficient implementation of the Justice and Peace Law, taking into account the clarifications given by the Constitutional Court.

52. South Africa noted that the illiteracy rate among indigenous and Afro-Colombian groups is high and asked how the Government intends to address the disparities between indigenous and mainstream societies. It recommended (a) the acceleration of 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 and Afro-Colombian groups. It sought more information on how the Government intends to address the observation by the Committee on the Rights of the Child that the minimum age for marriage is too low.

53. Jamaica said it and Colombia shared similar experiences in addressing several socio-economic challenges at the national level, and applauded the efforts of the Government in human rights, notwithstanding the challenges faced, especially in combating crime and violence and in advancing social, economic and cultural rights. It noted steady progress and wide-ranging progress in response to some of these challenges. It noted particularly the attention given to the indigenous and Afro-Colombian groups, especially regarding their participation in the decision-making process, and expected that this would be further enhanced. It was pleased to note the emphasis on attainment of the Millennium Development Goals and the advancement of human rights in Colombia. It said such a focus augurs well for the realization of economic, social and cultural, as well as civil and political rights, and merits commendation. Jamaica said it expected that the international community will lend its support to Colombia as it seeks to provide an enabling environment for the full enjoyment of human rights.

54. Ireland recommended (a) full implementation of Presidential Directive 7 of 1999; and in particular that the Government 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. It recommended (b) implementing the Constitutional Court Order of May 2008 in relation to gender-based violence and, in particular, providing human rights protection for women victims of forced displacement; increasing measures to prevent sexual violence; and taking measures to ensure that those who use sexual violence are investigated and punished. Ireland expressed concerns on reports of extrajudicial executions of civilians by illegal armed groups and particularly on executions attributed to the armed forces. It recommended that the Colombian Government (c) implement urgently the recommendations of the High Commissioner for Human Rights from February 2008. Ireland further recommended that (d) the new National Plan of Action on Human Rights and International Humanitarian Law be used to address comprehensively the issue of extrajudicial killings.

55. Australia noted the clear indication of the importance and seriousness with which the Government regarded the universal periodic review. It recognized progress in human rights and that the High Commissioner for Human Rights has reported encouraging signs of improvement. It noted OHCHR reports that although only one paramilitary group recognized in the negotiation process is still operating, new illegal armed groups represent active factors in intensifying the armed conflict. Concerned about reports that some armed forces members have links to these groups or take a tolerant attitude towards them, it recommended that the Government (a) implement effective means of dismantling all forms of illegal armed groups that have emerged after the demobilization process began, and (b) continue in its investigations of public servants

and political leaders who have links with paramilitary groups. Concerned about OHCHR reports that human rights defenders and trade unionists are being murdered, have received threats or been subjected to interference in their work, it recommended that the Government (c) acknowledge publicly the work of human rights defenders and trade unionists as legitimate and refrain from making public statements which could be seen as delegitimizing these groups or linking them with illegal guerrilla groups; and that it (d) ensure that human rights abuses against human rights defenders, trade unionists and other advocacy groups are investigated thoroughly and those responsible are prosecuted.

56. Romania requested further elaboration on the policies envisaged to ensure full implementation of the right to education and non-discrimination in access to education, particularly regarding indigenous and Afro-Colombian groups, and on measures to fight against the phenomenon of children abandoning school. It requested information on cooperation with civil society in preparing the national report, and on intentions regarding the follow-up to the review. Romania recommended (a) ensuring the full protection of children's rights, in particular of children that are victims of the internal armed conflict and adequately addressing all situations of violence against women; and (b) adopting 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 review recommendations.

57. Hungary welcomed the promulgation of the new Code for Children in 2006 and the creation of the Inter-sectorial Commission for the Prevention of the Recruitment and the Use of Children and the Young by Illegal Armed Groups. However, citing statements by the Secretary-General and the High Commissioner, it stated that there is still concern about the use of children for military and intelligence purposes by the illegal armed groups and the Government itself. It asked what measures Colombia intends to take to resolve the issue. Hungary commended the launch of the Ministry of the Interior's protection programme to defend human rights defenders. It recommended (a) an equal emphasis on the implementation of this programme on 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; and (b) the visit of the Special Rapporteur on human rights defenders that was requested in 2006 but not yet agreed upon.

58. Bolivia encouraged the authorities to continue elaborating its national human rights plan of action, hoping it will be implemented through laws and public policies as a matter of priority. It asked about measures the State had taken to implement the recommendations made by the Special Rapporteur on the rights and fundamental freedoms of indigenous peoples after his visit in 2004. It also recommended Colombia (a) invite the Special Rapporteur on the rights of indigenous peoples to return to the country for a follow-up visit as soon as possible; and (b) take into account the United Nations Declaration on the Rights of Indigenous Peoples in the implementation of its public policies.

59. Panama acknowledged the persistence and courage of the Government and people of Colombia. It echoed the improvements in security mentioned by others, but expressed concern over the displacement of civilians by the armed conflict and its consequences on the full enjoyment of human rights. It sought information on measures to overcome poverty and its impact in the different regions of the country, the human rights policy in the security forces and future expectations in this regard. Considering the importance for the right to health to receive priority attention, and in the belief that access for the entire population to healthcare should be

guaranteed, especially for Afro-Colombian and indigenous communities, it asked about recent measures and future expectations in this area.

60. Uruguay noted that Colombia recognizes a situation of violence in its national report that dates back to at least 40 years ago. It said the presence of paramilitary, guerrilla and drug trafficking groups has destroyed the population and financed weapons for the conflict. It noted the democratic system, excellent laws and a judicial power, including a Constitutional Court, which has laid out jurisprudence on human rights and humanitarian law, but noted also that the sources of human rights abuses are varied, including paramilitary groups, guerrilla forces, and the State's armed forces. Uruguay recommended that Colombia (a) expedite the process undertaken under the Justice and Peace Law passed in 2005, with regards to accelerating the demobilisation of paramilitary chiefs and combatants. It said the OAS mission in charge of their oversight says it has identified over 20 such groups. It also recommended that Colombia (b) make every effort to achieve an agreement with the guerrilla groups in order to achieve peace as had been attempted in the past; (c) demobilize, within the guerrilla and the paramilitaries, children combatants, who have been forcibly recruited; (d) give strict orders to security forces to not make mistakes by qualifying as "terrorists" those who in reality are human rights defenders and members of non-governmental organisations. From very high levels, this false confusion has been promoted, with tragic consequences.

61. The Russian Federation asked about the main obstacles encountered in combating poverty and about additional steps to ensure the right to dignified standards of living, particularly under the present conditions of the world financial crisis. It asked about measures for the effective defence of the rights of indigenous and Afro-Colombian communities and if the cooperation between the Government and non-governmental organizations representing indigenous peoples was established.

62. Replying to some of the issues raised in the discussion, the delegation of Colombia noted that the General Attorney's Office is part of the judiciary, is independent from the executive, and is responsible for investigating crimes. With regard to procedural guarantees, it further noted that this Office has oversight over judges. Colombia has also set forth mechanisms and norms into domestic legislation to safeguard rights and due process for victims. The accusatory system has made it possible to expedite judicial proceedings. The General Attorney's Office counts with the National Unit of Prosecution for Human Rights and International Humanitarian Law, with offices in 13 cities and 100 prosecutors in the territory. The Government extended coverage to better respond to victims' needs. This work benefited from the cooperation of OHCHR and ICRC, among other international organizations. Colombia stressed that ongoing dialogue with civil society and these organizations has led to the development of investigations on cases which affect especially vulnerable peoples.

63. With regard to domestic violence, the delegation indicated, inter alia, that there are special centres for these victims. It stated that, on 10 November 2008, memorandum 0117 was passed adopting a protocol to investigate cases of sexual violence in the context of armed conflict. The strategy used for dealing with these investigations involved overcoming historical and cultural discrimination patterns, specific conditions of vulnerability for women, and special conditions referring to the kind of violence.

64. With regard to recruitment of minors, Colombia informed that a special group of prosecutors was created in 2008 within the National Unit for Human Rights and that 141 cases

were being investigated. As for the indigenous population victims, investigations are under way in different areas of the country.

65. Concerning human rights defenders, it was noted that a special memorandum of 3 June 2008 was promoted for adopting a strategy for investigations of cases of threats to these peoples. Colombia provided figures on numbers of investigation, persons in preventive detention, cases being prosecuted as well as convictions with regard to human rights violations against human rights defenders and journalists. It also provided similar type of information with regard to forced displacement and on the question of criminal gangs.

66. With regard to enforced disappearances, it was noted that the mechanism of urgent searches is being used and that 41 persons were found alive. Five departments of the country have had commissions to promote investigations for enforced disappearances with 499 victims. There are cases being prosecuted and also convictions have been issued in some of them.

67. The delegation emphasized that the State's goal is to effectively prevent impunity. To this aim cooperation from civil society, from the victims and from the international community is required.

68. Colombia noted that during 2008, the Justice and Peace Unit of the Attorney General's Office was strengthened by an increase of 350 per cent of staff and is now present in 53 parts of Colombia to develop investigations and orientation to be provided to victims. As part of the strategies to investigate massive and systematic crimes committed by organizations that come under the Peace and Justice Law, it mentioned a series of accomplishments such as the investigation of all aspects related to illegal organization, its dynamic and criminal activities, collection of testimonies of victims, and full identification of all demobilized. Colombia provided figures in this regard, notably on the groups targeted by criminal offences committed by those subject to this law and on the kind of crimes which are subject to it. The delegation also noted that 2908 cases were sent through the ordinary justice system, with the purpose to reactivating investigations which had been filed due to a lack of knowledge of the perpetrators.

69. Colombia stressed that victims are the central axis of the whole Justice and Peace Process and that 168000 persons have come forth to make claims as victims. The delegation informed of the establishment of a genetic bank for facilitating the identification of remains of people found in mass graves, as well of the Virtual Identification Unit to coordinate the work of all judicial police agencies involved in this task. Due to a sentence of the Constitutional Court, only as of July 23 of 2008, partial prosecutions of persons subjected to the Justice and Peace Law can be conducted, with so far 20 hearings. It provided information on assets received for reparation to be made to victims.

70. Colombia further reiterated, with regard to the Justice and Peace Unit, its commitments to speeding up the process of establishing the truth; accelerating the identification of human remains so that they can be handed over to family members; and inquiring into and investigating crimes committed by demobilized individuals against women and children (sexual violence and recruitment of children especially). The delegation highlighted that the State's mission is to ensure that the rights to truth and justice for victims be respected and that the process of peace and demobilization for these groups take place without prejudice to their guarantees for reparation.

71. With regard to specific issue of the so-called “extrajudicial killings”, the delegation explained that the context in which the Ministry of Defence works is the Government’s policy of democratic security. Since 2002, its objective has been to strengthen the rule of law throughout the territory. In this regard, it was stressed that the security policy is one of protection of human rights and that the Government agrees with the focus taken by OHCHR, the rule of law being the very basis of human rights. The delegation pointed out, however, that in order to have rule of law in Colombia, security is needed too. The Ministry of Defence has made and continues to make every effort such as recovering a institutional presence in a large part of the national territory, especially in those areas where it did not have a presence before, in order to protect human rights.

72. Without repeating the positive trends and the statistics and achievements, the delegation noted a decrease of homicides against indigenous peoples and against journalists and reiterated the Government’s commitment in this area.

73. Colombia believes it is very important to show the people that the State is effective because many of the problems of violence stem from the fact that there was a tendency in the past for people to protect themselves by their own means. Colombia complies with the right to protection. For example, the Government made significant progress in the combat against drug trafficking and took measures against criminal groups. However, such a fight requires collective action.

74. With regard to ensuring protection of human rights in the work of law enforcement forces, the delegation indicated that there is a system of instructions with regard to human rights, with in 2007 more than a 100,000 men and women having been trained in human rights in extra curricular activities. It also referred to the law on intelligence, which is about to go through the National Congress to be passed into legislation, with the aim of improving and increasing guarantees for citizens vis-à-vis intelligence activities. It indicated that Colombia signed the Oslo agreement with regard to cluster bombs.

75. It was however noted that the work done by the Ministry of Defence and the military forces is an unending job, requiring adapting and consolidating new situations. Stressing a paradox in this regard, the delegation noted that the better it improves the security, the more challenges have to be faced with illegal armed groups mixing in with civilian population, posing a huge operational challenge as well as normative challenges to determine which norms should be adopted in order to attack and capture these peoples. There is also a Policy on Human Rights and International Humanitarian Law based on recommendations from OHCHR and from a special commission sent by the United Kingdom in 2006.

76. While many answers to questions raised can be found in this Policy, the delegation referred especially to the case of so called extrajudicial executions. It noted that it is a very difficult case because information is confusing and numbers vary a lot, but figures given by various sources all show a strong decrease, which is not surprising given the measures Colombia took in this regard. It informed of the creation of a special commission of mixed composition pushing for investigations into cases of extrajudicial execution. In this context new directives have been issued such as the one mentioned that asks all military forces to privilege demobilization and capture those involved in conflict.

77. The delegation recognized that even when making every effort, there are always new cases which emerge, particularly the serious case in September 2008 when several peoples died

in the area of Ocaña. A special commission has been created to conduct investigation and serious problems of discipline and non compliance with the procedures have been discovered in certain units. There might also be a link between those groups and drug trafficking groups. A number of measures were taken such as a review of all procedures, the creation of a certification of human rights for military compounds, the revision of the assessment system of military forces, ensuring accompaniment of judicial police in compliance with the United Nations recommendations regarding the use of force, and the creation of a new system of complaints. Colombia asked the Council to study the issue of drug trafficking and human rights. The delegation noted that a lot of this work was made possible thanks to the very close and ongoing support of OHCHR and ICRC, and it thanked both organizations.

78. The delegation applauded the presence of civil society organizations and thanked the troika, which will be accompanying Colombia in this process.

79. The delegation indicated that the process was not as extensive as Colombia would have liked, not due to any lack of willingness on the part of the Government but because some civil society organizations refused to participate, alleging a lack of guarantees. It noted that a number of organizations did participate and the Government tried to go through this process in an open and public manner.

80. The delegation also indicated that Colombia found odd that there is an idea that there is a generalized practice of torture by public forces. Colombia stressed that this does not correspond to the human rights situation in Colombia. The delegation reported that, to the contrary, 85 per cent of people in the guerrillas that were demobilized, presented themselves before members of public forces, which shows that they had full confidence that their personal integrity would be respected. Moreover it was noted that any process with regard to detaining people by public law enforcement was absolutely key in Colombia both in terms of judicial mandate and judicial authority accompanying the process. Colombia repeated that it was then impossible to have seen widespread use of torture as was stated during the discussion.

81. It was noted that the Ombudsman in Colombia corresponds to the one set up based on the Paris Principles. The delegation promised that the Government will send answers in writing and respond to recommendations.

82. With regard to the Commission for searching disappeared persons, it does not only involve Government members but also civil society organizations as well as families' members of the disappeared. A national plan for searching disappeared persons was set up using information systems. The Government also created a system of network for identifying disappeared persons. The delegation stressed that many of the 69 commitments made voluntarily relate to the process of finding disappeared persons. It highlighted that the case of the death of young people presented as persons who died in combat was discovered through the functioning of this system, therefore showing the Government's efforts in this regard.

83. The delegation noted that one of the most controversial issues relates to the confusion around human rights defenders. The President's policy is to have an ongoing relationship with the community. Guarantees for the exercise of freedoms are also provided for as well as a policy of guarantees for social protection. There are several scenarios for the dialogue with the non-governmental organizations, including specific commissions created by the Government in which civil society participates. Furthermore, there is an ongoing follow-up within the London – Cartagena - Bogota process and there are also regional scenarios. At the beginning of his

presidential term, the President hosted numerous meetings with the non-governmental organizations. Currently several Ministers, the Attorney General and the Director of the Presidential Programme for Human Rights maintain a constant dialog with the organizations. The Vice-President has rejected attacks against non-governmental organizations. Special attention is being paid to investigations into these allegations.

84. It was noted that there are significant elements in place which mean that there is a strong political debate in Colombia. Colombia rejected the idea that it allows impunity and reiterated its commitment to the fight against all forms of human rights violations. It also rejected any accusation with regard to non-compliance with rights to victims. The delegation stated that non-governmental organizations have decided to abandon voluntarily the scenario of discussion with regard to the national plan of action and have undertaken a worldwide campaign to isolate the Government. The Government expressed its willingness to maintain the dialogue as well as its commitment to protect non-governmental organizations as much as possible.

85. The delegation reiterated that in Colombia the entire State is working together to respect the independence of the judiciary. It stressed that today the Colombian reality is different as there is extensive support from the population because this Government is aware of its obligations and it is making every effort to comply with those obligations in protecting its people. It indicated that the Government will very carefully analyse the recommendations.

86. In conclusion, the Vice-President of Colombia thanked the States for their questions, and stated that Colombia would respond to all of them and make those answers public. He also thanked them for the recommendations, which Colombia will analyse to decide on the ones it can implement and the ones it cannot, although many of them are already reflected in the State's own voluntary commitments. He also stated that there are practices that do not contribute to the enjoyment of human rights, one of them being evaluating from a political standpoint, or evaluating human rights without objectivity, or with erroneous information, which Colombia thinks in good faith might have happened to the Danish delegation. He added that the use of differentiated standards does not favour the practice of human rights. The Vice-President believes that there must be an objective analysis of the Justice and Peace Law and on the law on victims currently under discussion that will show the world that Colombia has made progress. Colombia noted that overestimation of achievements or problems do not help either in the area of human rights. Although the situation in Colombia is difficult, it has improved dramatically in the last six years, and these achievements are not just of Colombia or of the Government, but also those of the Judiciary, due to complementary efforts, as well as through contributions of the United Nations system, the international community, and civil society. He stressed that there have been many changes in Colombia with regards to human rights but that it is always necessary to acknowledge there are also many problems. He underscored the 69 voluntary commitments assumed by the Government; many of them are similar to the recommendations put forward during the discussion.

## **II. CONCLUSIONS AND/OR RECOMMENDATIONS**

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 Addendum 1 to the Working Group Report (A/HRC/10/82/Add.1).

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);
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);
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);
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);
5. Enhance human rights education programmes for citizens and the armed forces to promote a culture of peace and respect for human rights (Philippines);
6. Strengthen the National Plan for the Search of Disappeared Persons (Switzerland);
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);
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);



9. In the context of the tragic events related 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);
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);
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);
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);
13. Step up efforts to fight torture (Denmark);
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);
15. Address gender-based violence more broadly, in the spirit of the 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);
16. Ensure the full protection of children's rights, in particular of children that are victims of the internal armed conflict and to adequately address all situations of violence against women (Romania);
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 *Aguilas 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);
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);
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);
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);
  21. Take on board 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);
  22. Increase efforts to address the question of sexual violence of children, in particular in rural areas, to develop effective data collection with regard to sexual and physical abuse of children and to ensure that adequate report, policing and juridical measures are in place (Austria);
  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);
  24. Ensure that human rights abuses are appropriately investigated and that those responsible are processed and sanctioned by civil courts; to grant better facilities and financial resources to the judiciary, to accomplish this task efficiently; and to ensure effective implementation of the July 2008 Constitutional Tribunal sentence on the subject (Chile);
  25. Continue the investigation and prosecution of the persons responsible for killing innocent young men who were said to be guerrilla fighters (Netherlands);
  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);
  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;
  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);

29. Take effective measures to significantly reduce the number of extrajudicial executions and bring those responsible before civil jurisdiction (France);
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 *Fiscalia General de la Nación* (Switzerland);
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 in which many thousands of ex-members of AUC find themselves while they await 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 Act and allocate sufficient resources (Turkey);
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 its efforts to immediately disband and disarm all paramilitary groups, including those that regrouped under different guises, and hold them accountable for their actions (Canada);
33. That the judiciary continue its investigations into alleged links between State agents and paramilitaries (Switzerland); continue its efforts in seeking to break the linkages between elements of the armed forces and State security forces, and illegal paramilitary groups (Malaysia); continue its investigations into public servants and political leaders who have links with paramilitary groups (Australia);
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);
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);
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);
37. Increase efforts to address the serious problem of the situation of internally displaced persons that causes much suffering to those individuals, families and communities affected (United Kingdom);

38. Increase social and economic initiatives to reinforce the full enjoyment of human rights by the internally displaced, in particular minorities, such as indigenous peoples and Afro-descendants (Brazil);
39. Increase efforts to end impunity for those being responsible for the forced displacement as well as 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);
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);
41. In relation to high numbers 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 public as well as for officials about the importance and legitimacy of human rights advocacy (Czech Republic);
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);
43. Forcefully denounce at the highest level attacks against human rights defenders and give human rights defenders legitimacy and recognition through supportive statements (Norway);
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);
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 non-governmental organisations (Uruguay).
46. Recognize and guarantee the legitimacy of the work of human rights defenders, as of that of trade unions workers and journalists, and ensure their protection and that the violations of their rights are prosecuted (France);
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);
48. Fully implement the Presidential Directive 07 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);
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);
  50. Effectively investigate and prosecute crimes and violations against human rights defenders, and 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);
  51. Give priority to the fight against criminal gangs and emerging gangs and, in this context, investigate threats and attacks to human rights defenders from these gangs, and grant them the necessary security guarantees. (Spain);
  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);
  53. Put an equal emphasis on the implementation of the Ministry of the Interior's protection programme to defend human rights defenders on 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);
  54. Step up efforts to protect trade unionists (Denmark);
  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);
  58. Expand access to education by offering free public primary education (Brazil);

59. Step up its efforts to protect its indigenous peoples and install the effective system of consultations with indigenous peoples (Denmark);
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);
61. Take into account the United Nations Declaration on the Rights of Indigenous Peoples in the implementation of its public policies (Bolivia);
62. Adopt measures ensuring effective national birth registration, including through programmes of mobile registration units and registration of those without documentation (Czech Republic);
63. Increase efforts to tackle poverty and give its attention to the most vulnerable groups in society, including indigenous groups (United Kingdom);
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);
65. Consider extending the network of government services for the delivery of socio-economic and development aid into the 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 Addendum 1 to the Working Group Report (A/HRC/10/82/Add.1).

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.

1. Guarantee access to justice and the right to reparation for victims in a non-discriminatory way in conformity with international standards (Belgium);
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 recommendations by the United Nations (Switzerland).

90. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and /or the State under review thereon. They should not be construed as endorsed by the Working Group as a whole.

### **III. VOLUNTARY COMMITMENTS OF THE STATE UNDER REVIEW**

91. Voluntary commitments presented by Colombia are included in the addendum to the Working Group Report (A/HRC/10/82/Add.1).

**Annex**

**COMPOSITION OF THE DELEGATION**

The delegation of Colombia was headed by H.E. Mr. Francisco Santos Calderón, Vicepresidente de la Republica, Head of Delegation, comprised 12 members:

Mr. Francisco Santos Calderón, Vice-president, Republic of Colombia;

Ms. Adriana Mejía Hernández, Vice-minister for Multilateral Affairs, Ministry of Foreign Affairs;

Mr. Sergio Jaramillo Caro, Vice-minister of Defense, Ministry of Defense;

Mr. Carlos Franco Echavarría, Director, Presidential Programme for Human Rights;

Ms. Clemencia Forero Ucrós, Ambassador, Permanent Representative of Colombia to the United Nations, Geneva;

Ms. Sandra Castro Ospina, Chief Prosecutor, Human Rights Unit, Attorney General's Office;

Ms. Consuelo Méndez, Deputy Chief Prosecutor, Justice and Peace Unit, Attorney General's Office;

Ms. Margarita Rey, Director for Human Rights, Ministry of Foreign Affairs;

Coronel Juan Carlos Gómez, Director for Human Rights, Ministry of Defense;

Mr. Nicolas Palau, Asesor Dirección de Derechos Humanos y DIH, Ministerio de Relaciones Exteriores;

Ms. Clara García, Asesora Programa Presidencial para los Derechos Humanos y DIH;

Ms. Adriana Mendoza, Minister Counselor, Colombian Mission to the United Nations, Geneva;

Mr. Alvaro Ayala, Minister Counselor, Human Rights Officer, Colombian Mission to the United Nations, Geneva;

Ms. Alma Viviana Pérez, First Secretary, Human Rights Officer, Colombian Mission to the United Nations, Geneva.

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