



Promoting and strengthening
the Universal Periodic Review
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Statements made by other stakeholders under review at the HRC under item 6 after the adoption of the UPR report

Country: Colombia

Organisation: Colombian Commission of Jurists

Date of the statement:

14th HRC session - 11 June 2010

Colombian Commission of Jurists:

“In Colombia’s UPR in December 2008 it was recommended to step up efforts to reduce poverty and inequality focusing especially on indigenous, afro descendents and IDPs. Several of these recommendations were included in May this year in the final observations of the Committee on Economic, Social and Cultural Rights, after the presentation of Colombia’s report. These conclusions show that the situation of three years ago still persists. The Committee denounced the continuation of the armed conflict in Colombia, denied by the government, and expressed its concerns for the civilian population in this context. Also it states the absence of prior consultations among the indigenous and afro descendents people affected by projects infrastructure, development and mining sectors. The Committee is also concern for the conclusion of trade agreements that could affect the rights of the population, in particular ethnic minorities and people living in poverty, as well as the high number of people that still live in poverty, despite the recent economic progress. They also recognize the persistence of violence against women, the lack of free primary education, the high level of malnutrition and land issues. Within the Committee recommendations, some call upon the Colombian government to re-open the participatory discussion process over the adoption of a National Action Plan on Human Rights, to further the adoption of a protection policy for the civilian population and their rights within the armed conflict, to launch an agricultural reform and the ratification of the Optional Protocol to the international Convention of Economic, Social and Cultural Rights. The results of the Committee highlight the lack of implementation of the recommendations accepted by Colombia in the UPR. For this reason, the Colombian Commission of Jurists call upon the HRC to establish effective mechanisms to follow-up on the implementation of UPR recommendations and particularly in those States, like Colombia, where gross human rights violations still take place.”

. 15th HRC session - 23 September 2010

Colombian Commission of Jurists:

“The Colombian Commission of Jurists would like to show to the Council some of the considerations on the level of implementation of the recommendations made to Colombia in the framework of the Universal Periodic Review. These mostly coincide with the conclusions of the Human Rights Committee following the review of Colombia last July. As an outcome of the Democratic Security Policy we must note the increase in the assassinations by the police forces of approximately 20% of



the 16.855 persons killed between 2002-2009. The increase is due to the systematic practice of extrajudicial executions as verified by the Special Rapporteur Philip Alston. That is highlighted also by the cemetery of Macarena (Meta) where almost 500 people were buried without being identified; the police reported on them as fallen in combat. Until June 2008 the paramilitary forces committed 4,300 murders and enforced disappearances following the beginning of the negotiations with the government. The guerrilla has made an average of 300 victims per year and there are 2 new millions of displaced persons. Colombia is the country with the highest percentage of homicides of trade unionists. The impunity of these crimes stands 96% and between January and September 2010 36 were assassinated. With respect to indigenous peoples and unlike what has been said at this Council this week, over the course of 2010 the number of indigenous people murdered stands 83 and few are the steps forward in drawing the programme to guarantee the safety of these peoples. Despite the outlined sentence against the militaries responsible for the homicide of Edwin Legarda, that is not a cause of pride for these state authorities because they denied the commission to be set up in retaliation for the participation of Aida Quilcué, high counsellor of CRIC and wife of Edwin, to this Council. The government limited with Decree 12/90 of 2008 the amount of the compensation to approximately 10.000 dollars in case of homicide and the draft of the victims law submitted this week to the Congress reiterates this limit. The application of the so called Law for Justice and Peace continues to be hampered by the extradition of paramilitary leaders to United States and the lack of final judgments after 5 years.

It is also evident the failure in breaking down the mobilization process of 12,000 paramilitaries in 2002 at the following of negotiations of this group with the government. Currently there are 13,000 of them in action. Mr President, the conclusions of the Human Rights Committee and the other four Committees which have reviewed Colombia over the course of the past year clearly point to the lack of implementation of recommendations accepted by Colombia in the framework of the UPR.”

. 16th HRC session - 18 March 2011

Colombian Commission of Jurists:

“In compliance with the recommendations made to Colombia during the Universal Periodic Review and as was announced by the Vice-President to this Council the Government has submitted to the Congress a draft bill concerning compensation for victims of serious violations of human rights and international humanitarian law. Before this bill is adopted the Colombian Commission of Jurists wishes to refer to the structural failings of the bill which seriously limits the rights of victims.

The law will apply only to following 1986 in cases such as expropriation of land. Nor will boys and girls forcibly recruited be able to benefit unless they were released when they were still minors and the victims of expropriation and forced displacements among cities will not be included. In addition, the law deliberately excludes victims of paramilitaries now called ‘emerging gangs’ which are responsible for killing, treats, extortions, acts of sexual violence, forced displacement and at least ten massacres in the last few months of 2010.

This bill has not been sufficiently consulted with victims. It is also worth mentioning the participation of peoples of African descent and indigenous descent who should be guaranteed the right to private consultation.

It is worrying that this bill does not clearly point out sources of the income which is going to be use to finance the measures adopted. Furthermore, political forces from the government coalition insist in establishing fiscal sustainability as a limit and the government has included standards so that the measures which increase the functions State’s institutions should be taken on with the budget already adopted. It is important to establish a consist relationship between the measures to find in the draft bill, the National Plan for Development and budget laws in order to guarantee that the rights of victims will effectively be satisfied.



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As to the restitution of land, the draft bill recognizes rights to third parties and good faith concerning areas reserved where they already established system of agricultural, fishing, forestry, agroforestry, production, etc. That means that in most cases the victim would not immediately receive the land but only will be paid an income until a judge decides upon the decision to restore the land or when this assets is considerate affected by projects considerate of being publically useful and of social interest it would be impossible to grant the victims right of justice."

. 17th HRC session - 9 June 2011

Colombian Commission of Jurists:

"The Victims Act approved this week by Congress is a historic opportunity for Colombia. Its political and symbolic implication is as great as the practical risks of implementation. The Act can express state determination to provide redress for human rights violations and violations of humanitarian law by armed actors in Colombia. The government should adopt measures to dismantle the economic and political structure which have benefited and which underpin the armed groups in the margins of the law. If that is achieved, the central demand of the victims, it will be major progress. It is also possible to achieve more, since the Act creates a range of institutions with broad authorities. The government will have immense power to regulate the Act. It's subject to criteria, and fiscal sustainability, which can bring major resources to bear. We hope that it won't happen as occurred with the 2005 Act when regulations were used to contradict the orders of the Constitutional court. We have to see how the government regulate, research, and particularly, when a victim renounces the option of judicial's work, the system which condemns itself to abuse, and the concept of victims, lack of recognition of responsibility by the State, the privilege for continuing proactive use of the land deprived from victims, and the memorials for the victims. We hope that this project will be approved by the government and we call on the Human Rights Council to carefully monitor this issue."

. 22nd HRC session - 15 March 2013

Colombian Commission of Jurists:

"Colombia accepted in 2008, after its first UPR, 97 recommendations and a number of voluntary commitments, the majority of them are about questions of justice and fighting impunity, in terms of extra-judicial killings. A few years later many of these have not been sufficiently nor satisfactorily implemented. 97.8% of the cases of sexual abuse have not led to a sentence. The violence against union leaders has continued to be looked at as common offences. Impunity 97% of the 542 trials for killings of people who are LGBT between 2006 and 2011, only 20 have led to a final sentence and the majority of the investigations are archived or dealt with as crimes of passion. In the face of extrajudicial killings, for the more than 1500 killings since 2002 investigated by the "fiscalía" there are only 16 sentences (1 %), and among them there are only 1 prosecution of a high level law enforcement officer. As was said by the Special Rapporteur there is the interference in a number of different cases against the family members and lawyers contradicting the Congress approved a reform to the military justice and in terms of IHL in the conflicts. Colombia continues to be one of the most dangerous countries for the defense of human rights. Only in 2012 loss of life was 69 defenders of human rights, the highest figure for the last few years. We invite the Human Rights Council to reflect on the steps in those cases where it is clear that there has been no implementation."