



**Franciscans International**  
A voice at the United Nations



# UNIVERSAL PERIODIC REVIEW COLOMBIA

## JOINT STAKEHOLDER SUBMISSION

*presented by*

**Franciscan Family of Colombia**

**Franciscans International**  
(NGO in Consultative Status with ECOSOC)

**Cajibío Peasant Movement**

**Tomás Moro Franciscan Foundation**

**16th Session of the Working Group on the IPR  
Human Rights Council  
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1. The organizations listed below respectfully present this joint submission of written comments concerning the human-rights situation in Colombia for consideration by the UPR Working Group at its 16th session from 22 April to 3 May 2013.
2. The **Franciscan Family of Colombia** ([www.familiafranciscanadecolombia.org.co](http://www.familiafranciscanadecolombia.org.co)) was founded in April 1992 as a non-profit organization of religious and lay men and women that belong to Franciscan congregations, institutions, and associations across Colombia. The Justice, Peace, and Reverence for Creation Commission supports local human-rights work of the family and promotes joint national initiatives. **Franciscans International** ([www.franciscansinternational.org](http://www.franciscansinternational.org)) was founded in 1989 and has had General Consultative Status with the ECOSOC since 1995. FI supports Franciscans and partners working at the local and national levels and assists in bringing their concerns and expertise to the UN to address structural causes of human-rights violations. The **Cajibío Peasant Movement** (*Movimiento Campesino de Cajibío*) is a social movement that works to defend and promote dignified living conditions and plans for the peasant communities of Cajibío, in the department of Cauca. The **Tomás Moro Franciscan Foundation** (*Fundación Franciscana Tomás Moro*) was founded in 2001 in response to the situation of violence in the department of Sucre and seeks to promote the dignity and improve the living conditions of internally displaced and historically impoverished sectors of the population through participative and sustainable programs.
3. These observations and analysis have been compiled through two regional capacity-building workshops on the UPR (December 2010 and July 2011) and three national meetings with members of the FFC, FI, and human-rights organizations (October 2011, June 2012, and August 2012). In this context, the organizations conducted regional consultations and interviews in the departments of Cauca, Antioquia, and Sucre. This research gathered first-hand information from Franciscans and partners' long-standing service to individuals and communities affected by the socio-political violence and participation in local processes to protect the environment and defend the collective rights of ethnic communities.
4. This report will comment on the implementation of the recommendations and voluntary commitments assumed in Colombia's previous UPR (2008) and seek to shed light on the information submitted by the Colombian government in its five mid-term reports on the follow-up to UPR presented to the OHCHR. These detailed follow-up reports are important tools for dialogue and monitoring by civil society and should be considered a best practice for other states.
5. The analysis will address: (I) forced disappearance and the guarantee of victims' rights; (II) the situation of human-rights defenders; (III) the right to development and collective rights in the context of the national mining policy; and (IV) the promotion of human rights in the context of the peace dialogues. It is our hope that the collection and presentation of this information will contribute to **a constructive review of the human-rights situation in Colombia that is informed by and responds to the reality of those made most vulnerable by the violence and socio-economic marginalization.**



## I. Forced Disappearance: Rights of the Victims

6. We call attention to the obligation of the State to protect areas that have been signaled as containing the bodies or remains of victims of forced disappearances. This is a minimum and necessary measure to satisfy national and international obligations and to fulfill voluntary commitments made to intensify governmental efforts toward the exhumation and identification of victims and the dignified delivery of remains to family members.

### A. *First-cycle UPR Recommendations and Commitments*

7. In the first-cycle UPR Colombia received 10 recommendations related to the crime of forced disappearance, including prevention, legal protections, prosecution, attention to victims, and guarantees for their rights. Also on the occasion of the UPR, the Colombia government made four related voluntary commitments: to accelerate the identification process of remains for the delivery to family members; to strengthen information systems and data bases related to this crime; to establish a comprehensive policy for attending to victims; and to consolidate and strengthen the Commission for the Search of Disappeared Persons, created in 2009.

### B. *Legal and Institutional Framework*

8. Colombia recently ratified the International Convention for the Protection of All Persons from Enforced Disappearance<sup>1</sup> and thus satisfied important UPR recommendations. However, the government has still not accepted the competency of the Committee. The government rejected Argentina's recommendation to accept this important mechanism and argued that the inter-American human-rights system offered a sufficient framework for guaranteeing the prosecution and reparation in the case that the national system fails.
9. The State's argument for not accepting the Committee's competency is contrary to the spirit of the Convention and suggests a lack of good faith for the full implementation of the Convention's provisions. It is particularly concerning in light of recent efforts in the region to weaken and reduce the competency of the inter-American human-right system, especially in areas such as of precautionary measures. The government must take all steps to implement the international obligations it has assumed and accepting the Committee's competency is an opportune and appropriate measure. For our organizations the recognition of the competency of the Committee is urgent and necessary, would promote victims' participation and protection in the future, and would be a sign of political will and intention to fully implement and comply with the Convention.
10. An important change in the legal framework since 2008 has been the promulgation of Law 1408 of 2010, "through which homage is paid to the victims of forced disappearance

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<sup>1</sup> Congress unanimously adopted Law 1418 of December 1, 2010 approving the Convention. The Constitutional Court approved this in sentence C-620/11 on August 18, 2011. The government deposited the instrument of ratification to the UN and the Convention entered into force in Colombia on August 10, 2012.



and measures are taken for their location and identification.”<sup>2</sup> This advance is an important recognition of the situation of the thousands of family members of disappeared persons and their rights as victims. The law includes a series of positive norms and pronouncements:

11. Among others, Law 1408 declares that “the Attorney General’s Office (*Fiscalía General de la Nación*), with the support of departmental authorities, the Public Prosecutor’s Office (*Ministerio Público*) and the Agustín Codazzi Geographic Institute will produce maps . . . that identify the presumed location of bodies and remains of victims of persons that have been forcibly disappeared.”<sup>3</sup> Importantly, under this Law “the police authorities, according to the information provided by the Attorney General’s Office, will **have the obligation to guarantee the protection of the zones that have been mapped** according to the process established in this article.”<sup>4</sup>
12. Law 1408 also establishes that the “National Government, in consultation with the National Commission for the Search for Persons, **will declare as a Memorial Sanctuary, and will preserve for the purposes of search and identification**, those places where, according to the information provided by the Attorney General’s Office, the existence of bodies and remains of forcibly disappeared persons is presumed, including those in which geographic and topographic conditions make it impossible to carry out exhumations.”<sup>5</sup> The Law also declares the criminal sanctions will be designed for any interference in a zone that is protected under the process set out in this article.<sup>6</sup>
13. In the context of ongoing armed conflict and generalized violence, and after decades of violence in which the practice of forced disappearance has been widely employed by all armed actors, the political and legal recognition of the need to protect the areas that have been identified as containing the remains of victims is a positive development. This is an acknowledgement of the importance the protection of these areas has for the family members of the missing victims and the fact that it is often a necessary condition in the long and arduous work of fulfilling the State obligations related to exhuming, identifying, and handing over the remains of the thousands of disappeared persons.

### C. *Promotion and Protection of Human Rights on the Ground*

14. Unfortunately, the advances in the legal framework on this point have not been sufficiently implemented so as to guarantee the rights of the victims in practice. The failure to protect sites known to contain remains of disappeared persons is an offense to the dignity of the victims and contributes unnecessarily to the ongoing suffering of the family members.

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<sup>2</sup> Ley 1408 of 2010, “Por la cual se rinde homenaje a las víctimas de desaparición forzada y se toman medidas para su localización e identificación.”

<sup>3</sup> Law 1408 of 2010, art. 9.

<sup>4</sup> *Id.* (emphasis added).

<sup>5</sup> Ley 1408 de 2010, art. 12 (emphasis added).

<sup>6</sup> *Id.*



15. Franciscans and partners have been accompanying organizations of women victims in a district of La Escombrera, inside Comuna 13 in Medellín. The plight of these victims reveals the failure to effectively put the political recognition and legal protections into practice to guarantee the rights of family members of disappeared persons. Despite repeated requests from the victims and commitments made by local and national government officials, an area in their district that is believed to contain numerous bodies of victims from the sector continues to be used as a dump by the many trucks that go in and out continually leaving construction waste on top of these areas.
16. Beginning with the infamous Operation Orion in October 2002, the community has long believed this to be a place where paramilitary forces would dump the bodies of individuals they had disappeared, tortured, and killed. This has been confirmed repeatedly in the confessions of paramilitary soldiers and commanders in the Justice and Peace process. The land has been identified as holding victims' remains by the family members and the community themselves, human-rights organizations, public authorities, judicial authorities, media, forensic experts, and confessed perpetrators. In 2008 the Attorney General's Office signed a cooperation agreement with the Mayor's Office of Medellín that, among other things, recommended the definitive closure of the dumps. The Justice and Peace Chamber of Medellín installed a memorial at the dumps in April 2012 to honor the victims.
17. However, local and national authorities have not been willing or able to protect and preserve these zones from continued use as a dump for local construction waste. The families suffer additional trauma because of the failure to respect the place where they believe their loved ones to be. These victims suffer alterations to their physical and mental health because of this ongoing situation. These circumstances are a violation of the right to reparation, aggravate the suffering caused by the crime of forced disappearance, and further frustrate the hope of one day seeing the excavation of this site and dignified burials.

### *Recommendations*

18. **Our organizations recommend that the Colombian State:**
  - a) **Ensure the full implementation of Law 1408 of 2010 and report on institutional and policy measures established to this end;**
  - b) **Prioritize the design and implementation of an effective mechanism to ensure the protection of zones that have been signaled as containing bodies or remains of victims of forced disappearances;**
  - c) **Accelerate the implementation of mechanisms to ensure the dignified delivery of the bodies and remains of disappearance victims to their families; and**
  - d) **Accept the competency of the Committee on Enforced Disappearance to ensure the Convention fulfills its intended purpose.**



## II. Situation of Human-rights Defenders

### A. *First-cycle UPR Recommendations and Commitments*

19. In the first-cycle UPR, the Colombian government received and accepted 16 recommendations in relation to the situation of human-rights defenders. The UPR process has been an important catalyst for emphasizing the protection of human-rights defenders as a priority theme and a positive framework for monitoring implementation. As the Special Rapporteur on human-rights defenders noted, “One good example for follow-up is Colombia, where national NGOs have used the UPR process as an opportunity to engage in various forms of human rights advocacy, including by obtaining media attention and sending out e-mail bulletins.”<sup>7</sup> She went on to note that the UPR can be an “important tool for civil society, and human rights defenders in particular, to trigger a genuine dialogue with their respective Governments before, throughout and after the review. The UPR can generate a genuine platform to enhance the protection of human rights defenders, and to strengthen the cooperation between national stakeholders.”<sup>8</sup> For this reason, the Franciscan coalition urges that the protection of human-rights defenders be given continued, dedicated attention throughout the second-cycle UPR of Colombia.

### B. *Institutional Framework and Public Policy*

20. The government has taken important steps in establishing the National Guarantees Working Group (*Mesa Nacional de Garantías*) in 2009 and expanding it under the current administration as the mechanism for the government to dialogue with human-rights organizations about the necessary conditions to guarantee their work. The creation of this space was a positive initiative and particularly noteworthy is the inclusion of a variety of important institutions related to promoting and protecting human-rights work. The executive branch has also made several public acts or statements recognizing the value of the work of human-rights defenders. The government’s five follow-up reports for the UPR recommendations describe the evolution of a National Guarantees Working Group.

21. However, the National Working Group process has serious set-backs and deficiencies.<sup>9</sup> Immediately following the fifth report (May 2011) presented by the government on its fulfillment of the UPR recommendations and commitments, the Working Group process was suspended because of continuing threats and violence against defenders. Civil society participants of the National Working Group alerted to the need for the State to fulfill the commitments it had assumed in the agreements emerging from the Working

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<sup>7</sup> Report of the Special Rapporteur on the situation of human rights defendets, Margaret Sekaggya, regarding the enhancement of the potential of the universal periodic review to the Human Rights Council, UN doc. A/HRC/10/12 (Feb. 12, 2009), para. 96.

<sup>8</sup> *Id.*, para. 97.

<sup>9</sup> See for example, Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, Mission to Colombia (7-18 Sept. 2009), UN doc. A/HRC/13/22/Add.3 (Mar. 4, 2010), para. 141.



Group process.<sup>10</sup> The reactivation of the process produced new agreements and commitments for all parties involved.

22. One important initiative has been the unification of the protection programs of the Ministry of the Interior and the Administrative Department of Security (DAS) under the National Protection Unit in 2011.<sup>11</sup> The objective is to “articulate, coordinate and carry out” protection service for those that the National Government determines to be at extreme or extraordinary risk of suffering harm as a result of a number of conditions of vulnerability including social or community work.<sup>12</sup> The objective is ultimately to “guarantee that the measures extended are opportune, effective, and appropriate.”<sup>13</sup>

### C. *Promotion and Protection of Human Rights on the Ground*

23. The regional consultations reveal that this Unit has been effective in ensuring the protection for several social leaders.<sup>14</sup> However, other urgent cases continue without the necessary protection. For example, several members of peasant movements in Cauca and human-rights organizations in Sucre do not have protection despite bringing evidence of threats and attacks to the authorities.
24. These cases continue to show a lack of coordination in the handling of the cases and it is difficult for those involved to get access to information about the process of risk evaluation. The cases in rural areas are attributed to Prosecutor’s Offices in the large cities, which have not been efficient in assuming responsibility for these threats against social leaders and human-rights defenders.
25. Women leaders and human-rights defenders suffer a grave situation of risk and have not had an adequate response from the State. The denial that exists about the fact that paramilitaries continue to be active in the conflict is an obstacle in addressing the causes of the threats suffered by women and effectively preventing them. The case of indigenous leader Aida Quilcué, who has suffered reiterated threats from paramilitary structures, is illustrative.
26. The regional activities of the National Guarantees Working Group have been especially weak in the areas suffering the armed conflict directly. The regional hearings in these zones should be prioritized as they are also the region with the most risk and polarization.

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<sup>10</sup> See for example, Press Release, Se suspende la Mesa Nacional de Garantías: Por los persistentes ataques contra defensores, defensoras de derechos humanos y líderes sociales en Colombia, (June 13, 2011) ([http://www.askonline.ch/fileadmin/user\\_upload/documents/Thema\\_Menschenrechte/110613\\_comunicado\\_platafor\\_mas\\_garantias\\_suspension\\_jun20111.pdf](http://www.askonline.ch/fileadmin/user_upload/documents/Thema_Menschenrechte/110613_comunicado_platafor_mas_garantias_suspension_jun20111.pdf)).

<sup>11</sup> Decreto 4065 del 31 de octubre de 2011, “Por el cual se crea la Unidad Nacional de Protección (UNP) y se establece su objetivo y estructura.” See also Decree 4912 of Dec. 26, 2011 and Decree 1225 of June 12, 2012

<sup>12</sup> Decree 4065 of 2011, art. 3.

<sup>13</sup> *Id.*

<sup>14</sup> For example, Miguel Fernández of the Central Unitaria de Trabajadores in Cauca and the indigenous leader Feliciano Valencia.



27. Our regional consultations revealed that the Working Group has failed to address directly in the thematic work the subject of the paramilitary demobilizations, the armed structures that continue to operate and those that have emerged and gained strength since the demobilization. In Cauca groups that identify themselves as Rastrojos, Águilas Negras, Autodefensas Unidas de Colombia Bloque Central, Comando emergente Carlos Vásquez Castaño, and Movimiento armado Nietos del Quintín Lame have assumed responsibility for threats and/or attacks against defenders and community leaders.<sup>15</sup> As the Special Rapporteur on human-rights defenders reminded Colombia in February 2012, the responsibility of non-state actors in the threats and violence “does not relieve the State of its obligations under human rights law to respect, protect and fulfill human rights, including those of human rights defenders.”<sup>16</sup>

### **Recommendations**

28. **The Franciscan coalition recommends that the Colombian State:**

- a) **Improve inter-institutional coordination between protection programs to ensure efficient evaluation of risks and effective protection;**
- b) **Increase investment and confidence in the National Guarantees Working Group to ensure a space of ongoing dialogue and monitoring with civil society;**
- c) **Prioritize regional hearings for the Working Groups as well as public statements to counter stigmatization in consolidation zones;**
- d) **Prioritize the thematic hearings on the role of the past demobilizations and paramilitary structures in current threats and violence against defenders;**
- e) **Maintain the commitment of reporting progress, challenges, and results in the promotion and protection of the work of human-rights defenders to all UN human-rights mechanisms, especially the UPR.**

### **III. Right to Development and Collective Rights**

29. Our organizations express deep concern with the failure of the Colombian government to fulfill its human-rights obligations and the voluntary commitments in its pursuit of opening the country to mining megaprojects and to address the grave consequences these are having on the environment.

#### **A. First-cycle UPR Recommendations and Commitments**

30. In the past UPR the Colombian government made voluntary commitments to strengthen prior-consultation processes in accordance with the most recent constitutional jurisprudence; to intensify efforts to protect indigenous peoples and to install an effective

<sup>15</sup> Also noted in the OHCHR report for 2011 on Colombia, para. 16.

<sup>16</sup> Human Rights Council, Report of the Special Rapporteur on the situation of human rights defenders, Add. Observations on communications transmitted to Governments and replies received, UN doc. A/HRC/19/55/Add.2 (Feb. 23, 2012) (citing her report to the General Assembly, UN doc. A/65/223 Aug. 4, 2010, paras. 28 & 29).



consultation system; to strengthen to spaces for dialogue between the Government and ethnic authorities and improve these relationships at all levels; to strengthen indigenous and afro-Colombian authorities; and to effectively guarantee the right to territory of these populations. We add to these objectives the importance of consulting with other sectors of the population that are highly affected by natural-resources megaprojects, namely the peasant organizations.

## *B. Public Policy*

31. The current administration has based its development plans on five “locomotors” and the mining industry has been hailed as the primary effort. The areas that have been identified for extractive megaprojects do not enjoy a consolidated rule of law but rather are zones of active armed conflict. The national legal mandates are mere formalities. Because of a lack of political will and deficiencies in public-policy design the interests and benefits of foreign investment are being pursued at the expense of the rights of the affected populations and in contradiction to parallel rights-based policies related to health, poverty eradication, protection of minorities, and food security.
32. The emphasis given by the current administration to eradicate illegal mining is an important effort that could bring benefits to local communities by weakening the influence and domination of illegal armed groups and limiting detrimental environmental and labor practices. However, the implementation of this policy has not made a distinction between illegal operations of this kind and informal or traditional mining that has long been a form of culture and subsistence for ethnic communities.
33. For example, in Cauca the increased regulation of mining activities has had the effect of halting long-standing gold-mining activities by the Afro-Colombian communities and increased delivery of these territories to large-scale mining companies. These communities have been signaled and attacked by illegal armed groups. The regulation of the mining sector in Colombia must prioritize the protection and support to subsistence miners to fulfill economic and social needs while respecting environmental and safety limitations. The interest of large corporations in these territories and the macro objectives of the government for national growth cannot trump the rights and development needs of local communities. This is particularly the case along the Pacific Coast in Timbiquí, Guapi, and López de Micay.

## *C. Cooperation with Human-Rights Mechanisms*

34. Given the importance of these matters, and in light of Colombia’s international and national obligations, and the voluntary commitments assumed, it is troubling that the State did not participate more fully in its review by the Committee on Economic, Cultural and Social Rights. As the Committee noted with regret, “the report of the State party does not contain sufficiently updated information and detailed statistics that would enable it to

fully assess whether and how the rights set out in the Covenant are being implemented.”<sup>17</sup> The active public reporting on the results and impact of development policy on economic, cultural and social rights is an important measure to ensure fulfillment of international human-rights obligations and to generate greater dialogue with civil society around these issues.

#### D. *Promotion and Protection of Human Rights on the Ground*

35. The current development initiatives of the Colombian government are not effectively guaranteeing the right of the most vulnerable populations to decent living conditions and these development objectives are being pursued in violation of collective rights of ethnic communities to territorial control and free prior consent. For example, in Cauca the mining policy, together with forest policy and military occupation of the territory, is not addressing the structural causes of poverty in the region but is instead intensifying levels of basic needs. Peasants, indigenous and Afro-Colombian communities are having their lands expropriated. There is deep concern within the communities that the “development” that may result from the megaprojects will be enjoyed exclusively by the foreign investors and not dedicated to improving the enjoyment of basic rights in the region. There is a lack of adequate space in public-policy debate and implementation for these concerns to be raised and addressed in the design of mining policies.
36. Prior consultation is a central principle in the protection of the collective rights of communities. It is “particularly relevant as they seek to maintain control of their lands under considerable pressure from State and private actors.”<sup>18</sup> However, as has been documented in numerous fora, “in practice those population groups face enormous obstacles in exercising control over their lands and territories.”<sup>19</sup> Our interviews have confirmed that “the right to prior consultations and consent is frequently violated in conjunction with megaprojects relating to infrastructure and natural resource exploitation, such as mining, oil exploration or monocultivation.”<sup>20</sup> The few consultations that have been carried out have been denounced as employing unclear and inaccessible procedures

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<sup>17</sup> Consideration of reports submitted by States parties under Articles 16 and 17 of the Covenant, Concluding Observations of the Committee on Economic, Social and Cultural Rights: Colombia, UN doc. E/C.12/COL/CO/5 (21 de mayo de 2010), para. 8.

<sup>18</sup> Human Rights Council, Report of the independent expert on minority issues, Gay McDougall, Addendum: Mission to Colombia, UN doc. A/HRC/16/45/Add.1 (Jan. 25, 2011), para. 99.

<sup>19</sup> Consideration of reports submitted by States parties under article 40 of the Covenant, Concluding observations of the Human Rights Committee: Colombia, UN doc. CCPR/C/COL/CO/6 (Aug. 4, 2010), para. 25. See also Consideration of reports submitted by States parties under Articles 16 and 17 of the Covenant, Concluding Observations of the Committee on Economic, Social and Cultural Rights: Colombia, UN doc. E/C.12/COL/CO/5 (May 21, 2010), para. 9 (“The Committee is concerned that infrastructure, development and mining mega-projects are being carried out in the State party without the free, prior and informed consent of the affected indigenous and afro-Colombian communities.”).

<sup>20</sup> CERD, Consideration of Reports Submitted by States Parties under Article 9 of the Convention, Concluding observations of the Committee on the Elimination of Racial Discrimination: Colombia CERD/C/COL/CO/14 (Aug. 28, 2009), para. 20.



and involving persons and groups that do not legitimately represent community interests.<sup>21</sup>

37. Our regional consultations confirmed what the Independent Expert on Minority Issues poignantly summarized in the context of Afro-Colombians: “Displacement is a current reality; not simply the legacy of a depleted war. The motivations of the perpetrators have evolved from tactical conflict-related to commercial, related to the acquisition of lands for illegal crops, agricultural megaprojects, economic development and exploitation of natural resources.”<sup>22</sup>

### *Recommendations*

38. **The Franciscan coalition recommends that the Colombian State:**

- a) **Fully cooperate with the UPR and treaty bodies by providing updated and specific information on the implementation and results of laws, policies, and programs with regard to the guarantee of economic, social, and cultural rights;**
- b) **Seek technical advice from OHCHR and ILO and consult with Afro-Colombian, indigenous, and peasant organizations to adopt and implement all procedural regulations necessary to ensure that the right to prior consultation is guaranteed in practice in strict accordance to international law and standards, national law, and relevant Constitutional Court decisions;**<sup>23</sup>
- c) **Design and implement development plans in harmony with legislation and public policy designed to satisfy human-rights obligations in the areas of health, minority rights, food security;**
- d) **Take concrete measures to support traditional or alternative development models chosen by communities to promote their cultural, social, environmental and economic integrity.**

## **IV. Promoting Human Rights in the context of the Peace Dialogues**

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<sup>21</sup> Human Rights Council, Report of the independent expert on minority issues, Gay McDougall, Addendum: Mission to Colombia, UN doc. A/HRC/16/45/Add.1 (Jan. 25, 2011), para. 79. Constitutional Court, Sentence T-769 (2009), Sentence T-129, (3 March 2011); Concluding Observations of the Committee on Economic, Social and Cultural Rights: Colombia, UN doc. E/C.12/COL/CO/5 (21 de mayo de 2010), para. 9 (“The Committee is also concerned that, according to the Constitutional Court, the legitimate representatives of the afro-colombian communities did not participate in the process of consultation and the authorities did not provide accurate information on the scope and the impact of the mining mega-project of Chocò and Antioquia.”).

<sup>22</sup> Human Rights Council, Report of the independent expert on minority issues, Gay McDougall, Addendum: Mission to Colombia, UN doc. A/HRC/16/45/Add.1 (Jan. 25, 2011), para. 94.

<sup>23</sup> See Consideration of reports submitted by States parties under Articles 16 and 17 of the Covenant, Concluding Observations of the Committee on Economic, Social and Cultural Rights: Colombia, UN doc. E/C.12/COL/CO/5 (21 de mayo de 2010); and CERD, Consideration of Reports Submitted by States Parties under Article 9 of the Convention, Concluding observations of the Committee on the Elimination of Racial Discrimination: Colombia CERD/C/COL/CO/14 (Aug. 28, 2009), para. 20.



39. We express our deep hope and support that the peace dialogues may result in a negotiated end to the internal armed conflict. In this process we emphasize the need to effectively protect the civilians in conflict zones.
40. We request that the State prioritize truth-seeking and truth-telling mechanisms and public acknowledgement that the primary victims of the conflict have been civilians. Commitments assumed by each party should be widely communicated to the society at large. We reiterate the importance of having a space for representatives of the different sectors of victims and for consideration of civil society proposals such as those coming out of the Congress of the Peoples in Cauca. We urge all parties involved in the conflict to engage in concrete acts of peace to demonstrate mutual trust and trustworthiness, as well as an honest option for a reconciliation that benefits society.
41. We request the Government, through sustained dialogue and consultations, to guarantee that the negotiated agreements contribute to the satisfaction of rights and resolution of the challenges faced by rural populations. In the aspiration of a Colombia at peace, the process should also serve to catalyze and intensify efforts to address the grave problems of violence and corruption committed by armed structures that were not effectively demobilized and all those referred to as “new illegal armed groups.”