HUMAN RIGHTS
IN COLOMBIA

Universal Periodic Review

UNITED NATIONS
HUMAN RIGHTS COUNCIL

Libertad y Orden
Ministry of Foreign Affairs
Vice Presidency of Colombia
Presidential Human Rights and IHL Programme
Republic of Colombia
Contents

5 Acronym Glossary
9 Introduction
13 Fundamental Aspects of the Colombian State
  13 Territory
  13 Population
  14 Culture and Religion
  15 Historical Context
  16 Human Rights Institutions
19 General Guidelines of Government policy in human rights matters
23 The struggle against violence and the maintenance of public order
  23 Reducing violence
  24 Actions implemented to demobilize illegal armed groups
  25 The struggle against new illegal armed groups
  26 Homicides against protected persons
  31 Enforced Disappearance
  34 Torture
  36 Arbitrary arrest
  39 Landmines
43 Access to justice and efforts to combat impunity
  43 Access to Justice
Human Rights in Colombia

45 Efforts to combat impunity
47 The Law of Justice and Peace - Processes

53 Economic, Social and Cultural rights
54 Poverty
57 Education
59 Health
62 Nutrition
63 Work
65 Proper shelter

69 Vulnerable Populations
69 Boys & Girls
74 Women
78 Population of Lesbians, Gays, Bisexuals & Transsexuals
80 Disabled People
82 People in a Situation of Forced Displacement
87 Ethnical Minorities: Aborigines, Afro-Colombians, Black populations, Palenqueros, Raizales & Rom
92 Defenders of HR, Unionized workers and Journalists
98 Persons Deprived of Liberty
100 Immigrants

103 Environment and Sustainable Development

107 Government On Line

109 Voluntary commitments assumed by the State due to the Universal Periodic Review

115 Conclusions

116 Bibliography
Acronym Glossary

**ACCIÓN SOCIAL**  Presidential Agency for Social Action and International Cooperation

**UNHCR**  UN Agency for Refugees

**AICMA**  Integral Action against Land Mines

**ASFADDES**  Association of Disappeared Detainees' Family Members

**CBPD**  Commission to Look for Disappeared Individuals

**CGT**  General Confederation of Labor

**CIBELES**  Epidemiology Control System on Externally Caused Lesions

**CIC**  International Committee on National Institution Coordination for the Promotion and Protection of HR

**CINAMAP**  National Authority on Land Mines

**CISA**  Investment Central Office

**CNRR**  National Commission for Reparation and Reconciliation

**CEPBM**  Presidential Counsel for Women Equitable Conditions

**CTC**  Confederation of Colombian Workers

**CTI**  Technical Investigation Agency at the Attorney General's

**CUT**  Unitary Centralized Labor Union
<table>
<thead>
<tr>
<th>Organization Name (Spanish)</th>
<th>Abbreviation</th>
<th>Description (English)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Departamento Administrativo de Seguridad</td>
<td>DAS</td>
<td>Administrative Security Department</td>
</tr>
<tr>
<td>Derechos económicos, sociales y culturales</td>
<td>DES</td>
<td>Economic, Social and Cultural Rights</td>
</tr>
<tr>
<td>Departamento Nacional de Planeación</td>
<td>DNP</td>
<td>National Planning Department</td>
</tr>
<tr>
<td>Ejército de Liberación Nacional</td>
<td>ELN</td>
<td>National Liberation Army</td>
</tr>
<tr>
<td>Fuerzas Armadas Revolucionarias de Colombia</td>
<td>FARC</td>
<td>Revolutionary Armed Forces of Colombia</td>
</tr>
<tr>
<td>Comisión Interamericana de Derechos Humanos</td>
<td>IACHR</td>
<td>Inter-American HR Commissions</td>
</tr>
<tr>
<td>Instituto Colombiano de Bienestar Familiar</td>
<td>ICBF</td>
<td>Colombian Family Welfare Institute</td>
</tr>
<tr>
<td>Comité Internacional de la Cruz Roja</td>
<td>ICRC</td>
<td>International Committee of the Red Cross</td>
</tr>
<tr>
<td>Derecho Internacional Humanitario</td>
<td>IHL</td>
<td>International Humanitarian Law</td>
</tr>
<tr>
<td>Organización Internacional del Trabajo</td>
<td>ILO</td>
<td>International Labor Organization</td>
</tr>
<tr>
<td>Instituto Nacional para Ciegos</td>
<td>INCI</td>
<td>National Institute for the Blind</td>
</tr>
<tr>
<td>Instituto Nacional Penitenciario</td>
<td>INPEC</td>
<td>National Bureau of Prisons</td>
</tr>
<tr>
<td>Instituto Nacional para Sordos</td>
<td>INSOR</td>
<td>National Institute for the Deaf</td>
</tr>
<tr>
<td>Sistema Interamericano de Derechos Humanos</td>
<td>ISHR</td>
<td>Inter-American System for Human Rights</td>
</tr>
<tr>
<td>Lesbianas, gays, bisexuales y transgeneristas</td>
<td>LGBT</td>
<td>Lesbians, Gays, Bisexuals &amp; Transsexuals</td>
</tr>
<tr>
<td>Minas antipersonal</td>
<td>MAP</td>
<td>Land Mines</td>
</tr>
<tr>
<td>Mecanismo de búsqueda urgente</td>
<td>MBU</td>
<td>Emergency Search Mechanism</td>
</tr>
<tr>
<td>Misión para el diseño de una estrategia de</td>
<td>MERPD</td>
<td>Mission for the Design of an Strategy to Reduce Poverty &amp;</td>
</tr>
<tr>
<td>reducción de la pobreza y la desigualdad</td>
<td></td>
<td>Inequity</td>
</tr>
<tr>
<td>Spanish Term</td>
<td>English Term</td>
<td></td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>--------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Municiones sin Explotar</td>
<td>MUSE Unexploded Ammunition</td>
<td></td>
</tr>
<tr>
<td>Necesidades Básicas Insatisfechas</td>
<td>NBI Unsatisfied Basic Needs</td>
<td></td>
</tr>
<tr>
<td>Non Government Organization</td>
<td>NGO Non Government Organization</td>
<td></td>
</tr>
<tr>
<td>Niños, niñas y adolescentes</td>
<td>NNA Boys, Girls and Youngsters</td>
<td></td>
</tr>
<tr>
<td>Observatorio de Asuntos de Género</td>
<td>OAG Gender Affairs Observatory</td>
<td></td>
</tr>
<tr>
<td>Organización de Estados Americanos</td>
<td>OAS Organization of American States</td>
<td></td>
</tr>
<tr>
<td>Objetivos de Desarrollo del Milenio</td>
<td>ODM Millennium Development Goals</td>
<td></td>
</tr>
<tr>
<td>Población en Situación de desplazamiento</td>
<td>PAIPSD Population In A Forced Displacement Situation</td>
<td></td>
</tr>
<tr>
<td>Programa contra Cultivos Ilícitos</td>
<td>PCI Program Against Illegal Crops</td>
<td></td>
</tr>
<tr>
<td>Plan Nacional de Educación para el Ejercicio de los Derechos Humanos</td>
<td>PLANEDH National Education Plan for the Exercise of HR</td>
<td></td>
</tr>
<tr>
<td>Plan Nacional de Atención a las Personas con Discapacidad</td>
<td>PNAD National Plan for the Care of the Disabled</td>
<td></td>
</tr>
<tr>
<td>Plan Nacional Decenal de Educación</td>
<td>PNDE National Ten-Year Education Plan</td>
<td></td>
</tr>
<tr>
<td>Programa de Seguimiento y Evaluación de Políticas Públicas en Derechos Humanos</td>
<td>PROCEDER Program for Tracking and Assessment of hr Public Policies</td>
<td></td>
</tr>
<tr>
<td>Portal Único de Contratación</td>
<td>PUC Single Sourcing Platform</td>
<td></td>
</tr>
<tr>
<td>Programa Red de Seguridad Alimentaria</td>
<td>RESA Food Security Network</td>
<td></td>
</tr>
<tr>
<td>Servicio Nacional de Aprendizaje</td>
<td>SENA National Apprenticeship Service</td>
<td></td>
</tr>
<tr>
<td>Sistema Nacional Ambiental</td>
<td>SINA National Environmental Protection System</td>
<td></td>
</tr>
<tr>
<td>Sistemas de Información Nacional de Educación Básica</td>
<td>SINEB National Information System for National Basic Education</td>
<td></td>
</tr>
<tr>
<td>Sistema de Información Red de Desaparecidos y Cadáveres</td>
<td>SIRDEC Network Information System Disappeared /Corpse Recovery</td>
<td></td>
</tr>
</tbody>
</table>
Sistema de Identificación para Potenciales Beneficiarios de los Programas Sociales
SISBEN System for the identification of potential social program beneficiaries

Sistema Nacional de Información de Educación Superior
SNIES National Information System for Superior Education

Sistema Penal Oral Acusatorio
SPOA Criminal Oratory Accusatory System

Naciones Unidas
UN United Nations

United Nations High Commissioner for Human Rights
UNHCHR United Nations High Commissioner for Human Rights

Exámen Periódico Anual
UPR Universal Periodic Review

Unidad de Valor Real
UVR Real Value Unit

Vivienda de Interés Social
VIS Social Interest Housing
COLOMBIA SUPPORTED THE creation of the Universal Periodic Review (UPR) with the conviction that it is not only useful but helps to objectively assess the State’s relevant practices as well as to promote cooperation and best practices to ensure Human Rights. The country voluntarily assumed this exercise to promote an in-depth analysis of its situation, a better understanding thereof and a more transparent cooperation with all the other Nations in relevant matters.

Colombia is open to international scrutiny and is committed to cooperating with the United Nations and the Inter-American System for HR (ISHR); it has had an Office for the United Nations High Commissioner for HR (UNHCHR) since 1997, an agreement which has been extended until October 2010; twenty-three (23) offices exist in the country including UN agencies, funds and programs, as well as an International Committee of the Red Cross (ICRC) delegation. Similarly, there is an open invitation for special HR procedures and organizations of the United Nations and the Inter-American System for Human Rights. A group was established with 39 embassies that, together with the Government and the civil society, periodically review the
HR situation. Since 2002, 10 United Nations (UN) assessment teams have visited the country as well as 4 delegates from the ISHR.1

In addition, the State is up-to-date in its report filing commitment and it continues following the recommendations issued by the different relevant organizations. An open dialogue space has been implemented with the participation of representatives from the civil society and the 39 mentioned embassies to follow the recommendations issued by the UNHCHR.

It is evident that there are still challenges to be faced in order to fully ensure Human Rights, the achievement of which demands greater efforts and a more efficient State, but evident also is that there has been important progress in this field due to the decisive and coordinated work carried out by all the institutions which, in cooperation with the civil population, have applied a policy with elements out of which the following are worth highlighting:

- Commitment by the public authorities to ensure and respect HR
- Democratic security policy applied with transparency to ensure the rights and freedom of all individuals without distinction, across the National territory
- Strengthening of justice to combat impunity: zero tolerance for HR violations

1 UN visitors have arrived in the country in the last seven years, mainly the special rapporteur on the Right to Education; the special rapporteur on the contemporary forms of racism, racial discrimination, xenophobia, and related intolerance; the special rapporteur on the right to freedom of opinion and expression; the work group on forced or involuntary disappearances; the special representative from the Secretary General on the HR of internally displaced people; the special rapporteur on the right of every person to enjoy the highest possible level of physical and mental health, the special rapporteur for childhood and the armed conflict and, lastly, during the second half of 2008, a working group visited the country to deal with the topic of arbitrary arrests, together with the United Nations Secretary-General to ensure the HR of internally displaced people. On behalf of the OAS, the country has been visited by the special rapporteur on freedom of expression, the special rapporteur on women’s rights, the special rapporteur on rights of persons deprived from liberty, and the special rapporteur on the Afro-descendant population.
- Assurance for all institutional operations without any pressure
- Strategies to prevent HR violations: an early alert system and protection programs, among others
- Policies to provide protection and ensure the HR of the most vulnerable populations
- Encouragement of an HR culture
- Cooperation with the international community
- War against all illegal armed groups without distinction
- Inclusion of the HR approach in the preparation of development plans at all levels
- Significant increase of budget line items to take care of victims and to conduct HR protective actions
- Demobilization processes with accountability for victims’ rights
- Permanent dialogue with all social sectors.

According to Resolution 5/1 of the HR Council, the State’s report could not exceed twenty pages, for which reason it was only possible for Colombia to include the topics that, according to the consultation process, presented the greatest difficulties. These are: the fight against violence; access to justice and efforts to combat impunity; discrimination and vulnerable populations; and economic, social and cultural rights.

Therefore, the purpose of this document is to expand the information regarding the most important proceedings and actions that the Colombian State considers it has conducted in topics related to HR, and to reproduce the voluntary commitments it assumed based on the UPR.
COLOMBIA, LOCATED IN the northeastern part of South America is bathed by two oceans: the Atlantic Ocean on the north, and the Pacific Ocean on the south. It shares borders with Brazil, Ecuador, Panama, Peru and Venezuela.

Territory

Colombia is a country with different geographical, ethnical and cultural conditions; it has a surface of 1,141,748 km² and is divided into territorial entities: departments, districts, municipalities, and aborigine territories. Municipalities are fundamental entities of the State’s administrative political division. At present there are 32 Departments and 1,102 Municipalities.

Population

The results of the most recent general census (DANE, 2005) show that according to 2007 estimates, approximately 44.5 million people reside in the country permanently, this means that it is the third most populated country in Latin America, after Brazil and Mexico, and the twenty-eighth most populated country in the world. Out of the total population, 51.2% is made up by women, 48.8% by men, and 75% is located in urban areas, while 25% is settled in rural areas.
Culture and Religion

The *Mestizo* population is predominant in Colombia. Notwithstanding, according to the most recent census, 10.5% of the population acknowledged themselves as *Raizal, Palenquero, Negro, Mulato, Afro-Colombian* or *Afro-descendent*; 3.4% as *Aborigine*, and around 0.1% as part of the *Rom* population\(^2\) (Table 1).

<table>
<thead>
<tr>
<th>Ethnical Distribution</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aborigine</td>
<td>3.4</td>
</tr>
<tr>
<td>Rom</td>
<td>0</td>
</tr>
<tr>
<td>Raizal, Palenquero, Colored, Mulato, Afro-Colombian or Afro-descendant</td>
<td>10.5</td>
</tr>
</tbody>
</table>

Source: Dane, 2005 census figures.

Spanish is acknowledged as the national language, although the country has marked dialectic and regional characteristics. In addition, Colombia has a great linguistic wealth within its aborigine community; 64 languages belonging to 22 aborigine families have been identified, constituting official languages in the territories where they are spoken. The Raizal communities of San Andres and Providencia belong to the Afro-Anglo-Western-Indian culture and speak English as their standard language, and the Sanadresano Creole speak it as their native language. In the Colombian continental Caribbean another Afro-Colombian Creole language – Palenquero is spoken in the town of San Basilio de Palenque. The Rom or gypsy groups speak their own language - Romaní. Languages and dialects are also official in their territory.

Worship freedom is stipulated in the 1991 Political Constitution therefore every person has the right to freely profess his/her religion and to disseminate it either individually or collectively. According to the religious entity’s public registrar, there are nearly one thousand of such organizations at present in Colombia; although Christianity is widespread Catholicism prevails.

---

\(^2\) Estimates are that the number of Colombian gypsies ranges from 5,500 to 8,000.
**Historical Context**

Colombia lived several armed confrontations during the XIX century in its State structuring process. Slightly before the second half of the XX century, a violent confrontation of vast proportions, known as “La Violencia” took place, which ended in an agreement between the two protagonists or existing political parties.

A new armed confrontation arose with the guerrilla groups in consequence of the State’s difficulties to control the territory and due to the Cold War effects and limited democracy. The degradation of these groups and the State’s lack of strength promoted the stemming of private justice groups. Narcotraffickers facilitated the resources to strengthen such groups in a significant manner, adding up to almost fifty thousand members in the recent past.

Since 1984, innumerable negotiation processes have been performed and important reforms have taken place to improve democracy. Seven guerrilla groups, three urban militia groups, and 36 paramilitary blocks have demobilized. In consequence of the above. As of October 2008 the demobilization of 17,450 individuals has taken place, out of which 3,700 are minors. The National Constitution Assembly was held in 1971 with the participation of four of such demobilized groups and several sectors which were formerly excluded from Colombian political life. The Constitution that was successful in refreshing the institutions strengthened participative democracy, and established a broad chart of rights as well as enabling protection mechanisms.

Some guerrilla groups have disregarded the peace possibilities offered to them and have instead increased their attacks against the Colombian population and the democratic institutions, as is the case of the Colombian Revolutionary Armed Forces (FARC). To support the last failed negotiation efforts with these rebels, an area of 42,000 Km² was cleared during three years to hold the relevant peace talks, with the cooperation of ten countries, and the UN’s participation.

Consequently, the HR situation in the country should be addressed from the perspective of a prism with an ample spectrum, where a pluralist creation Constitution and an HR-ensuring spirit converge into a policy to strengthen the State institutions in the territory, opening negotiation
possibilities provided that there is willingness for this purpose by the illegal armed groups.

Human Rights Institutions

Following is the institutional framework in charge of protecting and promoting Human Rights:

The HR institutions in the Executive Branch are: the HR and International Humanitarian Law (IHL) Presidential Program; the HR Directions at the Ministries of the Interior & Justice, Defense, Foreign Affairs, and Social Protection. In addition, there are specialized government entities promoting specific rights of populations in vulnerable situations, such as women, children, disabled citizens, the elderly, ethnic minorities, and displaced and demobilized individuals.3

In the Legislative Branch: the Bi-Chamber Congress that in addition to enacting laws, exerts political control of the Government’s actions and has its own HR Commissions. There are also Congress benches for ethnical groups and women.

The Judicial Branch administers justice; controls the constitutionality of the acts of all other powers; and protects citizens’ rights.

As a controlling body, the Prosecutor General’s Office is responsible for the safeguard and promotion of HR; the protection of public interest, and the surveillance of the official behavior of public servants. Besides the State

---

3 This deals with the following national entities: the President’s Counseling Office for Equality for Women, (CPEM), the Direction of Aborigine, Minorities and Rom Affairs at the Ministry of the Interior; the Direction for Matters Dealing with Colored, Afro-Colombian, Afro-descendents, Raizales and Palenquero Communities at the Ministry of the Interior; the Presidential Agency for Social Action and International Cooperation in charge, among other things, of the displaced population; the High Counsel for Social and Economic Reinsertion of Illegal Armed Individual and Groups; the Colombian Institute of Family Welfare (ICBF), enforcing children’s rights, family and elderly rights; the National Institute for Blind People (INCI); and the National Institute for Deaf People (Insor). (See Annex 3, List of HR domestic Institutions).
Prosecutor General’s Office, it includes the Ombudsman’s Office\textsuperscript{4} and, at a territorial level, there is at least one community head office in every municipality.

The valuable contribution by civil society organizations to the HR objectives in Colombia is worth mentioning, as well as their participation in many work spaces with State agencies that have enriched the content of public policies in these matters.

\textsuperscript{4} On December, 2007, the International Coordination Committee of Domestic Institutions for the Promotion and Protection of HR (ICC) ratified the acknowledgement of Colombian Ombudsman’s Office in the “A” status or category. This acknowledgement means that the Ombudsman’s Office fully complies with the Paris Principles.
GOVERNMENT POLICIES ON human rights are expressed in general development plans, the Democratic Security policy, the decentralization strategy for public policy on human rights, and in the construction of the National human rights Action Plan; and more particularly, in the human rights and international humanitarian law policy of the Ministry of Defence.

The National Development Plan Towards a Community State 2002-2006 announces the recovery of security as the main objective to establish physical legitimacy and to strengthen the Rule of Law.

The National Development Plan The Community State, Development for all 2006-2010, has three main objectives: a) to enhance the achievements of the Defence and Democratic Security policy; b) to consolidate investor confidence and a high and sustained rate of economic growth with social equality, in order to generate the general benefits of competitiveness and employment; and c) to implement an ambitious programme of social goals designed to reduce poverty, promote equality, and expand State programmes to reach the greatest possible number of people, and especially those most in need.

To this end, the President and the Minister of Defence adopted the policy of Defence and Democratic Security in 2003. Its general purpose is to reinforce and guarantee the Rule of Law, by strengthening democratic authority, and guaranteeing that institutions will be free to exercise their
authority and enforce the law, securing the active participation of the public in matters of common interest. The policy is based on the protection of fundamental rights, the protection of values, pluralism, democratic institutions, and general solidarity and cooperation in the defence of democratic values.

The strategy to decentralize public policy in human rights has meant that it is now the business of each region to prevent violations of human rights and breaches of international humanitarian law through planning processes in which national, departmental and municipal authorities may play an active part, working with law enforcers, civil society and the community. Processes are adapted to the routines, humanitarian needs, resources and degree of violence of each region⁵.

Following the commitments acquired through the approval of the 1993 Vienna Declaration and Programme of Action at the human rights World Conference, Colombia has prepared a comprehensive human rights and international humanitarian law National Action Plan.

The State is fully committed to this process. Two years ago, 27 Government agencies started to work on it with control and research organisations. A proposal has been made and is now being negotiated with several national and regional sectors of civil society with human rights interests, with representatives from sixteen vulnerable sectors. This has taken place in a “Coordination Instance”, installed on September 26, 2006. Agreement has been reached on the core of the Plan’s content and to the criteria, principles, and methodological route for negotiation. Despite obstacles, the Government keeps the doors open to joint work.

⁵ Following CONPES Document 3172 of July 15, 2002 “Lines of action to strengthen the State’s policy in matters of human rights and international humanitarian law”, State policy in matters of human rights and international humanitarian law focuses its attention on the following priority areas: prevention of violations of human rights and breaches of international humanitarian law; security of human rights defenders; care for those displaced by violence; particular measures to promote international humanitarian law; promotion of the administration of justice; observance of Government commitments to international organizations or agencies; the struggle against illegal armed groups; the National Action Plan in human rights and international humanitarian law, and institutional strengthening.
The Plan is conceived as a State policy, focusing on gender and ethnic perspectives which stem from a notion of the incorporation of human rights and the reciprocal dependence between civil and political rights and ESCR. Colombia believes that this is a priority in the formation of agreements between institutions and civil society. The Ministry of Defence adopted a comprehensive human rights and international humanitarian law policy at the beginning of 2008. It defines the objectives and programmes that the Armed Forces (and where relevant, the National Police) must be aware of and observe. The policy provides a framework for law enforcers’ conduct in operations. It has a threefold purpose: to articulate human rights and international humanitarian law training systems, to adapt training methods in human rights and international humanitarian law to the needs of law enforcement today, and to integrate all

6 The objectives of the National Action Plan in human rights are:
- To promote guidelines for coordinated State action and its articulation with the organizations in civil society in matters of human rights and international humanitarian law.
- To promote cooperation in the design and execution of programmes and actions between the Government agencies and the State, NGOs, social organizations, professional groups, and other sectors of civil society.
- To promote the application of international treaties on matters of human rights and international humanitarian law.
- To emphasize the role that human rights must play in domestic development and in the administration of institutions in order to strengthen the Social of State of Law.

The structure of the Plan’s topics is the following:
- First core issue: emphasis in the promotion of human rights culture.
- Second core issue: emphasis on the guarantee of rights to life, freedom, and personal integrity.
- Third core issue: emphasis on the struggle against discrimination and on the promotion of identity acknowledgement.
- Fourth core issue: emphasis on promoting rights focused on public policies for health, education, shelter and work.
- Fifth core issue: emphasis on the administration of justice and the struggle against impunity.
capabilities available in law enforcement so that observance of human rights and international humanitarian law will be guaranteed.

The position of Operations Legal Adviser\(^7\) was created in 2008 to comply with the commitment to respect and defend human rights and international humanitarian law. The Adviser is responsible for ensuring that operations are conducted in accordance with the Constitution and the law. The National Army Doctrine and Education Office has incorporated the principles of human rights and international humanitarian law into all operational manuals and checklists. Every military unit (division, brigade, battalion), was assigned an officer on November 6, 2008 to receive complaints of human rights violations or accusations against law enforcers. There will be a weekly management control of this process with a video-conference that will be directly transmitted on TV, for the officer responsible to explain complaints received and actions taken. The UN will be asked to provide cooperation in the supervision of this practice.\(^8\)

\(^7\) Starting first in the Colombian Air Force and subsequently in the other Armed Forces.

\(^8\) This guideline was issued by the President during the 89th anniversary of Colombian Air Force on November 6, 2008.
The state has adopted specific measures for human rights issues on the basis of the general guidelines mentioned in the preceding section.

This section reviews the guidelines concerning the struggle against violence and the maintenance of public order. In particular, this relates to indicators for violence, actions implemented for the demobilization of illegal armed groups and ways to counteract the new illegal armed groups; it also deals with the prevention and prosecution of crimes against protected persons, and the prevention of enforced disappearances, acts of torture and arbitrary arrest; and finally, an approach to the problem of landmines.

Reducing violence

28,837 murders were reported in 2002 was 28,837, an annual rate of 66 per 100,000 population. In 2007, this had fallen to 17,198 (-45.2%), an annual rate of 36.2%. Massacres decreased even more significantly: there were 115 cases with 680 victims in 2002, and 26 cases in 2007 (-77.4%), with 128 victims (-81.2%). During the first half/2008, the number of massacre victims decreased 9.8% compared to the same period/2007. Terrorist attacks decreased 76.5%, from 1,645 in 2002 to 387 in 2007; and, in the first half/2008, terrorist attacks decreased by 6% compared to the same period in 2007. Kidnap for ransom - essentially perpetrated by the FARC and the ELN - decreased by
87% between 2002 and 2007, from 1,708 to 226. The improvement in these indicators has in general been progressive and constant (DNP 2007, 2008).

**Actions implemented to demobilize illegal armed groups**

The State keeps the door open to dialogue and negotiation for the final demobilization of illegal armed groups. This is evident from its proposals to facilitate demobilization and unilateral signals such as the release of arrested guerrilla leaders and members, or the intermediation of members of civil society, international actors, and the Catholic Church, leading to 31,671 demobilizations.

Numbers of individual demobilizations are still rising, from 412 in 2002 to 3,192 in 2007; and by October 2008 they total 17,450. About 80% are from FARC, and 13% from ELN. 1,680 members of illegal armed groups surrendered during the first half/2008; 8% less than in the same period/2007. It is reported that 89% of these were members of the FARC (DNP, 2008).

On September 7, 2006, the Government created the Commissioner for Social and Economic Reinsertion of Illegal Armed Individuals and Groups, as part of efforts to implement the policy for reinsertion of individuals or groups who demobilise voluntarily into civilian life.

Among the Commissioner’s activities is the provision of psychosocial cooperation, health care, work training, social service, employment and business planning coaching and assistance. The intention is that participants in the reinsertion process will acquire the necessary capabilities to generate income and compete in the labor market like anyone else.

The educational strategy consists of an offer to the demobilized and their families of programmes and projects that will enable them to read and write and participate in elementary, high school, and higher education.

The social service component seeks to benefit the communities through activities such as reforestation, green areas, repair of common use areas, and care for vulnerable groups.

In addition, the Commissioner’s office finds them employment in the formal sector, taking account of the profile of the demobilized person and the requirements of the employer. The Office also follows up the performance of participants in their jobs.
Other income-generating options are the individual or group business plans, the structure and development of which is supported by the Commissioner’s office after their economic feasibility has been identified.

This reinsertion policy has linked more than 29,000 demobilized individuals to social and economic reinsertion programmes. It has given work training to 9,202, and it is currently training 4,109 students; 2,277 have received assistance with disbursements for productive projects; business plans that would potentially benefit 14,878 more are under study. In addition to this, private sector campaigns have found 3,000 jobs for the demobilized population.

The Attorney General has also exercised preventive control, and has implemented public policies in order to provide administrative benefits to those who have demobilized and reinserted.

The struggle against new illegal armed groups

There have been attempts to form new illegal armed groups, styled “emerging criminal gangs”; their intentions are to control the drug-trafficking business (around 500 tonnes a year), and to engage in extortion and other crimes, taking advantage of the existing difficulties of corruption and the ease with which anyone can hide from the authorities in the many remote mountain areas of Colombia.

The State’s decision has made a clear decision to combat these groups in all possible ways. Measures include:

- The creation of a joint verification mechanism against criminal gangs regionally and nationwide, and an intelligence centre. It has been possible to establish through regular reports that 13% of gang members arrested or gangs dismantled were demobilized former irregulars.
- A report on the results of efforts to eliminate the gangs is published every month.
- The OAS Mission supports the tracking of this activity.

---

9 A estimate based on the October 2008 report submitted by the National Police (National Police, 2008).
Homicides against protected persons

The Government (and in particular, the Ministry of Defense), are making great efforts to prevent the homicide of protected individuals and to encourage the Judiciary to mount investigations and prosecutions. One such effort is the implementation of strategies for prevention and prosecution strategies:

- **Prevention**

  **Regulations**

  Directive 10/2007: The Directive reminds the Armed Forces and the Police, as authorities accountable for observing and enforcing the Constitution and the law on the prevention of homicides of protected persons, of their obligations of legality, need, and proportionality. It creates a Committee to track reports of alleged homicides of protected persons, and it has held eleven meetings in order to pursue criminal and disciplinary investigations, identify factors that have an impact on the occurrence of such acts, strengthen controls, and make recommendations on prevention. The recommendations have included the inclusion of, and respect for provisions of international humanitarian law in military operations, as well as with the establishment of clear rules for the use of force.

  Directive 19/2007: This Directive states that the Judicial Police will conduct the initial investigation of deaths in combat, and orders the commanders of the military units to deploy all available resources, so whenever the situation suggests that there has been a murder of a protected person, the Attorney General’s Office may take the necessary steps.

**Incentive-Strengthening**

The Commander-in-Chief of the Armed Forces issued Directive 300-28 placing greater emphasis on demobilization and arrests than on combat casualties, and discourages incentives that may encourage conduct leading to human rights violations. In May, the Army High Command issued Directive 142 which made similar changes to the criteria to be taken into account for awards of the Medal for Valour and the Public Order Medal.
Training Strategies

In order to provide training on the content of such guidelines, the Army has issued a series of instructions concerning procedures to be followed in cases of death in combat, which have been disseminated at all levels in each army unit.

The Human Rights and International Humanitarian Law Department of the Ministry of Defence held ten training workshops during 2007, attended by some 640 members of the forces of law and order, including soldiers, non-commissioned officers, and staff and in 2008, it has conducted twelve workshops for the army and the police on general and operational human rights policies.

Prosecution Strategies

Stronger cooperation with judicial authorities

In June 2006, the Ministry of Defence and the Attorney General’s Office signed an agreement to support the Military Criminal Justice system. The agreement states that the Prosecution Service officers will conduct inspections at the places where casualties occur during military operations, in order to guarantee total transparency and legitimacy.

The Attorney General’s Office implemented an Assistance Unit supporting the Human Rights Unit in order to investigate alleged homicides of protected persons. This unit was created on October 19, 2007 and is made up of three prosecutors in Bogotá, thirteen in another eight cities, and a support team of the Technical Investigation Division (CTI) of the Prosecution Service. It began its work in January 2008, giving special attention to cases occurring in Antioquia and Meta, although does not imply any neglect for actions in other Departments.

The monitoring Committee reports on cases of alleged homicides of protected individuals and has been working on the implementation of an immediate reaction mechanism for these reports. A “mobile team” will be created to work in Bogotá, which will be transferred to the involved Unit as soon as a report is received10.

---

10 At present, an administrative process is projected for the creation of the operational
On the other hand, since June 2007 and until August 2008, upon the initiative by the Army Commander, 21 visits were practiced to the 7 Army Divisions with the UNHCHR Officer to review every case denounced by this organization. The idea is to continue conducting such visits.

**Promotion of cases in ordinary jurisdiction**

By mandate of the Constitutional, all cases of apparent homicides to protected persons must be investigated and prosecuted by ordinary justice. To this end, the Military Criminal Justice Direction (JPM) has transmitted to its judges the importance to analyze the cases in each judicial unit, and to evaluate their referral to ordinary justice whenever such cases may entail severe violations against human rights. As of August 2008, 226 referrals have been made to ordinary justice.

**Dismissal and removal of Law Enforcement members**

Certain members of the Military Forces, including Generals, have been suspended from their positions or withdrawn from the Institution during investigations on homicides of protected persons.

For example, recently, and based on serious disappearance reports in the town of Soacha and due to apparent homicides in the jurisdiction of the II and VII Divisions of the National Army, the Ministry of Defence created a Transitory Commission through Resolution 4342 of October 3, 2008, and designated the Commander-in-Chief of the Armed Forces to analyze the operational circumstances and to recommend the administrative steps to be taken.

The Commission found serious signs of officers’ negligence at different levels, concerning the enforcement and verification of such procedures for
the intelligence cycle and the planning, execution and evaluation of military operations and missions; it also found an inexcusable lack of diligence in the rigorous inspection of apparent irregular cases occurring within their jurisdiction.

It was concluded that such negligence could have facilitated the collusion of certain Army members with common criminals enjoying impunity, in exchange for their contribution to being able to report false and irregular results that are totally against the Democratic Security policy and the military doctrine and honor.

These facts are being investigated criminally by the Attorney General and by the for disciplinary offences by the Inspector General, with total support from the Ministry of Defence and the Armed Forces.

The Ministry of National Defence took measure to counter the serious failures encountered by the Commission, including the dismissal of three Generals from active service, together with four colonels, seven lieutenant-colonels, four majors, one captain, and one lieutenant.

Training strategies

Four seminars were held between October 2007 and May 2008, for Military Criminal Justice Officers and disciplinary officials in order to promote and facilitate investigations. The seminars dealt with the characterization of acts deemed as serious violations of human rights. To expedite the study of the jurisdiction assumed by the Attorney General’s Office, an operational law course addressed to prosecutors was held in November 2007 in Medellín. Concurrently, the Military Studies Center has designed training courses for the members of the Armed Forces on how to preserve the scene of events

- Criminal investigations

Throughout 2007, the human rights and international humanitarian law National Unit at the Attorney General’s Office established two Special commissions to operate in the Departments of Antioquia and Meta, since these are the ones that report most of such cases.

The staff of this Unit was increased, and today it has a group of full-time prosecutors distributed across the country, in efforts to improve results and
Human Rights in Colombia

slowly win the war on impunity. As of September 30, 2008 the unit was managing 589 cases or investigations, on which 15 convictions were obtained, together with 44 convictions, 225 warrants for arrest, 91 pre-trial measures, 247 affected with pre-trial measures, 34 indictments, 117 prosecutions, 76 in the trial stage and another 763 related to different forces.

- **Initiatives**

  An Operational Manual will be published to provide tools for the characterization of threats, the identification of the applicable legal framework, the definition of the level of force level to be used, the preparation of operational orders, and the design of clear and simple rules of engagement.

  A system to report homicides of protected individuals is being implemented to centralize, screen, update, and permanently monitor the number and status of cases. It will receive information from the Office of the Vice-President, the UN, the ICRC-International Commission of the Red Cross, the Ombudsman’s Office, the Inspector General’s Office and the Attorney General’s Office, among others, and will observe strict information management procedures.

  The Operational Legal Advisers will be strengthened with training in operational law and more prosecutors will be appointed to cover tactical units.

  Disciplinary referrals to the General Prosecutor’s Office will be promoted for cases of severe violations of human rights or breaches of international humanitarian law.

  The “Project to generate instruments for comprehensive planning of proceedings among organizations of the Criminal Justice System and the Disciplinary Control System for cases of violations of human rights and breaches of international humanitarian law” is to be implemented in order to define strategies to solve structural factors that cause delays in Armed Forces disciplinary investigations.

  The Government proposed at the hearing: “Actions against homicides of protected persons in Colombia” held on October 22 this year, before the Inter-American Human Rights Commission, to hold quarterly meetings with participation of civil society to assess the problems encountered.
Enforced Disappearance

In Colombia there is a vast body of laws that guarantee the individuals’ right to freedom as well as rules and mechanisms to combat enforced disappearances.

Article 12 of the political Constitution contains a prohibition against subjecting anyone to enforced disappearance or tortures or any cruel, inhuman, or degrading treatment or punishment. Based on this provision, Law 589 was enacted on July 6, 2000, “whereby genocide, enforced disappearance, forced displacement and torture, are typified as crimes”.

This law includes valuable measures of criminal policy for the treatment of enforced disappearance, such as: the creation of the Commission to search for disappeared persons; the implementation of a uniform register of disappeared persons; the implementation of an urgent search mechanism; the establishment of measures to administer property owned by victims; the State’s obligation to take all necessary actions to establish the victim’s location; and the prohibition against pardon or amnesty for persons who commit these crimes. The law describes the agents concerned as public servants or those who work under their determination or in acquiescence at their acts, and private individuals.11.

• Commist Disappeared

The Commission to search for the disappeared (CBPD) is an inter-institutional organization that operates nationwide and receives cooperation from civil society12; its main objective is to support and promote the

11 Criminal Code, Article 268: He who, forming part of an armed illegal group, deprives others of their liberty: whichever is the type of deprivation, followed by concealment and the rejection to acknowledge such deprivation, or give location information, jeopardising the protection of the law, shall incur in imprisonment from 25 to 40 years, a fine ranging from 500 to 2,000 minimum legal wages, and will be banned from exercising public rights and functions from five to ten years. Any public server or individual acting under the determination or acquiescence of criminals and incurring in the conduct described above shall be subject to the same penalty.

12 It is composed of the Attorney General of the State or his permanent deputy, the
investigation of enforced disappearances. It has coordinated the design and implementation of the National Register of Disappeared Persons and Unidentified Corpses as well as the National Plan for the Search of the Disappeared; and it has regulated and promoted the urgent search mechanism.

Since its creation in 2000, the Commission has held around 140 sessions, forming a consensus with civil society on different developments of the public policy in this area. It is an organization that since its creation has operated seamlessly and the Government has acknowledged it as being at the highest level of the State apparatus.

- **National Plan to Search for the Disappeared**

  The CBPD has developed the National Plan to search for disappeared persons, which has been implemented as a pilot plan in the Department of Casanare, through the identification of the sociopolitical conflicts in the region. Cases of enforced disappearance that have not been brought to justice have been documented, and mass graves have been found. Likewise, victims’ relatives have been approached from a psychosocial perspective, and the media have been engaged to analyze the disappearances.

- **Urgent Search Mechanism**

  The Urgent Search Mechanism (MBU) has been implemented to have judicial authorities immediately complete all proceedings required to locate a disappeared person, as an effective mechanism in crime prevention. The

Prosecutor General or his permanent deputy, the Ombudsman or his permanent deputy, the Minister of Defence or a deputy from the Human Rights Office of the Ministry; the Director of the Presidential Human Rights and International Humanitarian Law Programme, or its permanent delegate; the Director of the Presidential Programme for the Defence of Freedom, or his permanent deputy; the director of the Forensic Medicine Service or his permanent deputy; a representative from the Association of relatives of enforced disappearance victims’ family members (Asfaddes), and a representative of human rights NGOs selected by those Organizations (Colombian Commission of Attorneys).
Ombudsman’s office permanently monitors the urgent search mechanisms and consolidates reports on their results.

- **System to report disappearances**
  The Disappeared Persons and Unidentified Corpse Information System (Sirdec) was implemented as of January 1, 2007, and the Judicial Police (CTI) was given access to this System as of March 10, 2008.
  The Forensic Medicine Service has performed work using Sirdec and has obtained the following results: the processing of 35,500 fingerprints of deceased people, the identification of 1,350 corpses from 1992 to 2007, and identity checks on 21,214 corpses arriving at the Service’s offices from 1992 to 2007.

- **Preventive Measures**
  The Ministry of Defence adopted measures to prevent enforced disappearance of individuals through permanent Directive 06 issued in 2006; other objectives include: support for the investigation of this crime; the search for the disappeared person, application of the urgent search mechanism. To obtain better results, it has strengthened awareness, training, and assimilation of the regulations of the Search Commission.

- **Legal Situation of the Relatives of Enforced Disappearance Victims**
  With the promulgation of Law 589 in 2000, the relatives of the victims of crimes related to enforced disappearance and kidnapping, qualify for certain benefits, namely:
  - Legal representation of the absent person, appointing the closest relative as established by civil law, as administrator of the person’s assets.
  - Continued payments corresponding to salaries, fees and employment benefits to which the disappeared person is entitled.
  - Declarations of absence and/or presumed death are included in the judicial actions available to guarantee full representation of the absent person, at the discretion of the relatives. Such civil actions aim at regularizing situations related to assets and inheritance that occur after a kidnap, an enforced disappearance, or the taking of a hostage; and their intention is to grant legal
jurisdiction for the administration of assets and the judicial representation of the absent or kidnapped person in any actions the victims are required to take.

Likewise, Law 986 was enacted in 2005, “whereby protection measures are adopted for the victims of kidnap and their families” – including the victims of hostage taking and enforced disappearance and their relatives – and it further covers financial, fiscal, procedural, employment, health, and education benefits for them.

Torture

Colombia has a legal framework that protects the right to life and bans torture. The Criminal Code typifies torture as a crime against an undetermined active subject.13

---

13 Criminal Code, Art. 178: “Torture. He who inflicts upon a person either physical or psychological pain or serious suffering to obtain from such person or from a third party, any information or confession, or with the purpose of punishing the person for an act performed or there is suspicion that such an act has been committed, or when torture is applied to intimidate or force a person for any reason that implies any type of discrimination, the inflictor shall be sentenced with imprisonment from eight to fifteen years, a fine of 800 - 2,000 minimum monthly salaries, and disqualification from the exercise of public and political rights and functions during the same term as the imprisonment. He who performs the same conduct with purposes other than those described in the preceding paragraph, shall receive the same penalty. Pain or suffering derived only from lawful punishment, or which are a normal or inherent consequence thereof, shall not be understood as torture”. The Constitutional Court has compiled international standards and has made great progress jurisprudence in the matter. Decision C-148/05, declared unconstitutional the expression “serious” with which the Criminal Code designated the pain or suffering inflicted both, in the regulation of the crime of torture against a protected person (Art. 137 of the Criminal Code) and in torture (Art. 178), which means that in order to typify the crime of torture, there will be no need to determine whether or not the suffering or pain inflicted on the victim was severe. In Decision C-102/05 the Constitutional Court develops the concept of the non-discrimination privilege when dealing with
Training

The prohibition against torture is included in the human rights and international humanitarian law Uniform Teaching Model for education and training at Armed Forces institutions. Training covering crimes of laesa humanitas is also being offered to special prosecutors and to the Attorney General’s Technical Units across the country, including the fact that the statute of limitations does not apply; on the definition of the crime in international and domestic law, and regarding the typical forms of behavior, investigation, and evidence.

Training in the application of the Istanbul Protocol

Colombia, in compliance with the Decision dated September 12, 2005, issued by the Inter-American Court of Human Rights in the case: Wilson Gutiérrez Soler vs. Colombia, and assuming the fundamental role it has in the elimination and prevention of torture, has developed a strategy for the dissemination of the Istanbul Protocol and training for its implementation.

With support from the UNHCHR, the training on the Protocol was extended to all agencies in contact with the crime of torture, so they may accept the international standards for an effective approach to victims, as well as the documentation and an efficient investigation of the crime.

The Forensic Medicine Service, as part of its routine work, applies the definition of torture adopted by the United Nations Convention against torture and other cruel, inhuman or degrading treatment or punishments. Within this framework, the Service has included the Minnesota and Istanbul Protocols in its activities. Applying this same principle, in 2006, a course was held for 153 experts, training them on topics relating to these protocols, the forensic approach in cases of suspicion of torture, and fingerprint photography, among others.

In this same ruling, the Court establishes the banning of torture as a right for immediate application, that is, not being subject to interpretations by the authority in cases of acts which are potential violations.
• **Investigation and Documentation of Cases**

Concerning the investigation of cases, the Attorney General’s Office has created a single database for follow-up and control of torture cases. The Forensic Medicine Service has a basic quality monitoring Programme in the database of the External-Origin Epidemiological Lesions Control System (Sivelce), and the database of the Network Information System on disappeared persons and unidentified corpses (Sirdec. The Service detects and records signs of torture, which has enabled torture cases to be documented in accordance with international standards.

**Arbitrary arrest**

Article 28 of the Constitution establishes the right to freedom.\(^{14}\) In Colombia, as a general rule, there is judicial reserve when arresting someone, with only two possible exceptions: the administrative pre-trial arrest and cases where the person is caught *in flagranti*. In Colombia, the fundamental rights of detainees are protected by *habeas corpus*.\(^{15}\)

The Constitutional Court has made pronouncements on issues of personal liberty and detention, and on the limitations to the two exceptional figures mentioned. Reference is made below to certain case law decisions that have given content and scope to this right.

---

14 Article 28 of the Constitution: “All individuals are free. A person or his family may not be disturbed, or imprisoned or arrested, nor may his domicile be searched. The above may only be done by virtue of an order from a competent authority, meeting the legal formalities and for a reason previously defined by law. The pre-trial arrested person shall be placed at the disposal of a competent judge within 36 hours following detention, in order for the Judge to adopt the appropriate decision within the time allowed by law. Under no circumstance may a person be arrested or imprisoned for debt, and there shall be no penalty or pre-trial measures to which the statute of limitations does not apply.”

15 Article 30 of the Constitution: “He who is deprived of his liberty and believes that he has been unlawfully detained is entitled to invoke *habeas corpus* before any judicial authority at any time, either directly or through a third party and this must be solved within 36 hours.”
Constitutional Court Decision C-024/1994, defined administrative preventive arrest as physical detention for the purpose of verifying certain facts that are necessary for the police to comply with their constitutional duty to maintain public order and secure conditions for the exercise of rights and freedoms. The same decision determines that for administrative arrest to be viable, there must be sufficient grounds and objective reasons for it. Furthermore, an administrative arrest must meet certain conditions, namely: it must be necessary, proportional, not longer than 36 hours before the person is freed, or placed at the disposal of the courts; it operates only in response to severe situations; habeas corpus applies in full; and all the human rights the arrested person must be respected.

Constitutional Court Decision T-851/2004 concerns the rights of prisoners. Essentially, it determined the following criteria, in accordance with international, constitutional rules and case law:

Prisoners are in especially vulnerable conditions, and this imposes special duties on the State.

The central pillar of the relationship between the State and prisoners is the respect for human dignity.

Persons deprived of their liberty continue to enjoy all their constitutional rights, subject to legitimate restrictions derived from the measure that deprived them of their liberty. Although the fact of depriving someone of his liberty implies the absolute suspension of certain rights, this does not imply the restriction of other rights.

There is a minimum mandatory content of State obligations regarding prisoners, regardless of the severity of the conduct causing the arrest, and regardless of the level of socioeconomic development.

The authorities may not lose sight of the fact that the purpose of imprisonment is the re-socialization of the offender.

Prolonged transitory detention in police stations and other institutions, for a term exceeding that permitted by law, is contrary to the most basic provisions of the Colombian constitutional order.

Constitutional Court Decision C-237/2005, analyzed the issue of people caught in flagranti; it determined that the exception to the principle of judicial reserve based on such an event as the grounds for deprivation of
Human Rights in Colombia

liberty, implies that an offender is arrested at the time of execution of punishable conduct, or apprehension with objects, instruments or signs allowing unmistakable the inference that that person has engaged in punishable conduct. In such events, a written order from a judicial authority is not essential; but the person caught in flagranti must be taken before a judge.

The new accusatory system for criminal proceedings that was introduced in Colombia progressively as of 2005, and which is applicable today throughout the country, offers an additional guarantee for full respect of the right to personal liberty, and for the principal of judicial reserve.

Law 906/2005 regulates the system and determines that the deprivation and restriction of personal liberty are of an exceptional nature; they may only be construed restrictively, and their application must be deemed necessary, adequate, proportional, and reasonable in terms of the provisions of the Constitution. In this same sense, the law provides that personal liberty may only be affected when necessary to prevent the obstruction of justice or to produce a witness in court, or to protect the community and the victims, or to enforce a judgment.

In the new criminal procedures, arrests operate as follows:

Unlike the previous system, which allowed the prosecutor to order the arrest himself, a written order must now be issued by a guarantees control judge with all legal formalities and for specific reasons to believe that a person is the author of, or is involved in, the crime under investigation, in the opinion of the Prosecutor concerned.16

16 The Attorney General or his delegate may exceptionally issue a motivated and written warrant of arrest if a pre-trial arrest is required and if no judge is available to issue it, provided there is physical evidence, material elements or information that allows the reasonable inference that the person is the author or is involved in the conduct investigated, and any of the following factors are present: imminent risk that the person may flee, leave the place where the investigation is under way; grounds to believe that evidence might be altered; danger for the security of the community or the victim. The effectiveness of this order is subject to the possibility of obtaining access to a guarantees control court and a trial judge. After the arrest, the detainee is to be placed at the disposal of a guarantees control judge immediately
A detainee must be placed at the disposal of a guarantees control judge within a maximum of 36 hours for the legality of the arrest to be established in a hearing, and to decide on other relevant matters.

A warrant for arrest will be effective for a maximum of six months. The organizations with judicial police powers are required to keep an updated record of all types of arrest accomplished.

When the information provided or compiled shows that the alleged crime does not require a pre-trial arrest, the detainee shall be released by the Attorney General’s Office. Similarly, if the arrest is unlawful the detainee must be released, as stated above.

**Landmines**

Colombia has taken a number of steps to face the disturbing problem of landmines, now that the 2001 Ottawa Convention has come into force.

- **Destruction of the Army’s arsenal**
  From June 26, 2003 until October 24, 2004 the Army destroyed the all the land mines it held in its arsenal, a total of 19,222 units.

- **Destruction of minefields for the protection of Army bases**
  The Army has destroyed 8 of the 34 minefields planted for the protection of its bases since the effective date of the Ottawa Convention. The remaining 26 minefields are programmed for destruction by March 1, 2011.

- **Destruction of facilities and equipment for landmines**
  In 1999, the weapons and explosives maker Industria Militar destroyed all equipment for the production of land mines, and destroyed 2,542 mines of this type which it had in store.
• **Creation of the Presidential Programme for Comprehensive Action against Landmines**

The Landmines Observatory was created in 2002, as the Government agency to apply the Ottawa Convention, and to be concerned with assistance for survivors, prevention and awareness programmes, humanitarian removal of land mines, information management and institutionalization, and the sustainability of the National Action Plan against Mines. Later, in 2007 the Observatory became the Presidential Programme for Comprehensive Action against Landmines, as the agency responsible for the coordination and regulation of Overall Action against Landmines (AICMA), and to serve as the Technical Secretariat of the National Landmines Authority (Cinamap).

The Programme has a budget of some COP 7,815 million. There is USD 3 million, from central budget contributions, cooperation from the Swiss Embassy, and a project with the European Union. It has three main components:

**Care for Victims.** The objective of this component is to generate and promote alternatives and secure comprehensive care for landmine victims, the effective exercise of their rights, and their socioeconomic inclusion. To this end, four lines of action have been defined: awareness of the problems and needs of the victims; identification of the difficulties in the response given by the institutions involved in giving assistance to victims; formulation of alternatives to improve coverage; and quality of the services provided in that assistance; joint work with the competent entities; and support for initiatives applicable to those problems.

Effective assistance for the victims must include overall care (physical and psychological), access to indemnities and humanitarian aid, and support for their socioeconomic inclusion. The Presidential Action Programme against Landmines has been coordinating the following strategies for this:

- The promotion and dissemination of the care roadmap.
- Support in the activation of institutional response in the light of the difficulties encountered with landmine victims, unexploded

---

17 The figures in Colombian pesos are approximated in US dollars on the basis of the Market Reference Rate (TRM) for November 17, 2008.
ammunition, and improvised explosive devices—IEDs, following the care roadmap.

- Information for the victims on their rights and duties, institutional offer, and care procedures.
- Information for the competent agencies and organizations on their responsibilities and duties regarding care given to landmine victims.
- Mobilization of domestic and international resources to attend to the victims' rehabilitation.
- Implementation of solutions that may contribute to the elimination of economic access barriers to comprehensive care services, to encourage productive projects aiming at socioeconomic inclusion and assistance from the community.
- Promotion of employment for victims of landmines, unexploded ammunition, and IEDs by private companies as part of their corporate social responsibility.
- Coaching in project management, designed to improve the quality and coverage of out-patient clinical service, emergencies, medical-surgical care, and rehabilitation services.
- Permanent updating of information on the victims’ situation.
- Preparation of an overall care roadmap for victims, including medical, psychosocial, educational, and employment assistance.

**Humanitarian removal of mines.** This component refers to the mine removal activities coordinated by the Army, through the Department of Humanitarian Mine Removal, in order to secure the sustainability of the four squads that make up the Humanitarian Mine Company. The coordination is conducted jointly with the Inspector General of the Armed Forces, the Military Engineering School, the OAS, and the Inter-American Defence Board.

In exchange, this humanitarian taskforce is responsible for preparing and updating the humanitarian mine removal procedures, respecting international standards for comprehensive action against landmines.

The humanitarian landmine removal team maintains a permanent dialogue with the civil and military authorities of the Municipalities and Departments contaminated with land mines, in order to coordinate action
with the Armed Forces, and attend to community needs concerning the destruction of such devices and other improvised explosives that imperil security, safety and local development.

*Education on the risk of mines.* The education on the risk of mines aims at three fundamental objectives: to minimize deaths and injuries caused by landmines and unexploded ammunition; to reduce their socioeconomic impact; and to support tasks of assistance and development. This education refers to processes addressed to the civilian population in order to reduce the risk of injury by generating awareness and promoting a culture of safe practices. This includes:

- **Dissemination of information:** This consists of relevant information activities and basic protection against mines and unexploded devices. It basically contains one-way information transmitted through the media (radio, TV, posters, brochures, booklets…).
- **Education and training:** Teaching and training activities designed to generate and promote the adoption of safe practices that will reduce the damage of risk caused by the mines and unexploded devices. The process includes the provision and acquisition of knowledge, attitudes and practices through teaching and learning.
- **Community links:** Communities are the focal point for education on mine risks. The purpose of linking the community and empowering it is to reduce levels of vulnerability by using mechanisms to strengthen the social fabric affected by the mines risk. Existing capabilities, knowledge, and self-care skills must be identified in the process in order to promote and develop local strategies for risk reduction.
Access to justice and efforts to combat impunity

This part of the document reviews the most important measures taken by the State to combat impunity for violations of human rights and breaches of International Humanitarian Law. Particular emphasis is placed on the special procedures derived from Law 975, the Law of Justice and Peace.

**Access to Justice**

In Colombia, access to justice for the enforcement of fundamental rights is assured through a diversity of internal resources, including the following:

The action of *tutela* action, (an action for the protection of fundamental rights), which may be filed by any person who believes that personal fundamental rights are being violated or threatened by an action or omission by a public or private authority.\(^{18}\) The filing of suit does not require major formalities; there is a second instance; and there is even the possibility of being reviewed by the Constitutional Court. Failure to observe a tutela ruling may...

---

\(^{18}\) “The action for the protection of rights against private persons is applicable whenever: a) the private person to whom it is addressed is accountable for the provision of a public service or the performance of public functions; b) the private person’s conduct against whom the action for the protection of legal rights is addressed, seriously and directly affects a collective interest; c) the applicant is found to be subordinated to, or defenceless from the individual against whom the motion for the protection of legal rights is filed.” (Decision T-798/07)
lead to actions for contempt and criminal prosecution. The effectiveness and efficacy of the *tutela* action has been acknowledged by the Inter American Court for Human Rights in its Third Report on the human rights situation in Colombia.19

*Habeas corpus*, which tends to protect fundamental rights of persons deprived from freedom.20

Class actions and group actions, the purpose of which is to prevent contingent damage, or to remove a danger, threat, violation or injury which may affect collective interests and rights, or to restore things to their *status quo* in ante, whenever possible.21

The action for unconstitutionality22 and the action for nullity which allows anyone to challenge any regulation or administrative act thought to be contrary to the Constitution.

The Constitutional Court has produced much jurisprudence to protect fundamental rights and strengthen measures to combat impunity, such as:

- Expansion of the concept of fundamental rights, establishing their relation with the ESCR, analysing its scope, strengthening the concept

---

19 The Interamerican Court for Human Rights, in its Third Report on the Human Rights situation in Colombia said that “the *tutela* action (action for the protection of fundamental rights) has become an important instrument to prevent human rights violations and to protect the effective exercise of the rights enshrined in the Constitution and in other international instruments referring to human rights. In general, this corrective mechanism has been widely and rapidly applied.”

20 Article 30 of the Constitution: “He who is deprived of his liberty and believes that that action is unlawful, is entitled to claim *the habeas corpus* before any judicial authority at any time, either directly or through a proxy, and the situation is to be solved within 36 hours”

21 Article 88 of the Constitution. Law 472/1998 aims to regulate class actions and group actions referred to under Article 88 of the Constitution.

22 Article 40 of the Constitution acknowledges that every citizen has the right to participate in the determination, exercise and control of political power and states that to enforce that right, a citizen may “file public actions in defence of the Constitution and the law “. 
of equality, and promoting positive discrimination in favour of the most vulnerable sectors.

- Declarations of an “unconstitutional state of affairs”, where orders are given to State entities in order to overcome serious and repeated violations of fundamental rights.23
- Establishing the possibility of reviewing processes where there has been an acquittal, whenever an international human rights court determines that a breach by the State in the matter of an investigation.24

The law also provides several alternative mechanisms for the solution of conflict that are promoted by the National Conciliation Programme of the Ministry of the Interior and Justice, the National Programme of Justice and Peace Homes, and the Peace Jurisdiction.25

**Efforts to combat impunity**

Colombia has taken several actions to combat impunity, among which are the following:

The adoption in 2006 of a policy to combat impunity in cases of violations of human rights and breaches of international humanitarian law,

23 The “unconstitutional state of affairs” is applicable when “a) There is a repeated violation of fundamental rights of many persons—who may then resort to the tutela (action for the protection of fundamental rights) to obtain the defence of their rights and thus, to make the courts restore those rights— and b) when the cause of the breach is not only attributable to the authority in question, but is based on structural factors” (Decision SU-090/00). The Constitutional Court has declared the “unconstitutional status of affairs” in six situations: to protect human rights of persons deprived from freedom; to warn on lack of protection for human rights defenders; to examine the distribution of resources concerning education; and to protect pensioners’ rights, or notaries public removed from their posts without a motivated administrative act from a competent authority; and to protect the rights of the displaced.


covering four strategic areas: strengthening of institutions and organizations; management of resources; assistance for victims and witnesses; and improvement of operating conditions during investigation, trial, and prosecution.

So far, more than COP26 billion (some USD12 million) have been invested in implementing this policy; 60.7% of this amount comes from the central budget, 19.6% from Netherlands cooperation, and 19.7% from European Union cooperation. Progress so far may be summarized as follows:

- Institutional and budget strengthening of the Judiciary, and in particular of the Attorney General’s Office. Funding of the Attorney General’s Office, the Forensic Medicine Service and the prison infrastructure, has increased by 86% between 2002 and 2007 (National Planning Department, 2008).
- Creation of 2,166 new positions in the Prosecution Service since January 2008.26
- Improvement of the conditions of security and protection of judicial officers in the regions.
- Consolidation of the powers of the ordinary jurisdiction in relation to the military criminal jurisdiction.
- Coordination of work with entities involved in investigation, judgment, and prosecution of violations of human rights and breaches of international humanitarian law.
- Preparation and socialisation of a characterisation and identification guide for cases of violations of human rights and breaches of international humanitarian law, which involved training for 240 legal operators and to strengthen the State’s capacity for comprehensive assistance and guidance for the victims, through the design of an institutional architectural proposal.
- Promotion and follow-up of cases of violations of human rights. This is a vital strategy within the policy, which places emphasis on violations committed against vulnerable groups, indigenous communities and union members/leaders and in cases of homicides of protected persons.

26 Decree 122/2008 created 1,412 new permanent positions and 753 temporary positions.
Implementation of the expanded task force (comprised of the Inspector General’s Office, the Attorney General’s Office, the Project to combat impunity, the Ombudsman’s Office, the Superior Council of the Judicature, and the National Bureau of Prisons) as an inter-institutional articulation body responsible for the coordination and monitoring of this policy.

Creation of the technical-legal committees in the Attorney General’s Office for the evaluation and promotion of cases, where the regional directors of the CTI, the unit’s coordinating prosecutor and the prosecutors with cognizance of the cases meet weekly or monthly with Judicial Police groups in order to assess the results of investigations, and to analyze progress and weaknesses, for corrective measures to be taken and to facilitate the progress of investigations.

The implementation as of January 2005 of the new accusatory criminal System has been an important innovation. This change in the criminal procedure seeks a more efficient justice system, guaranteed to protect the rights of the victims, capable of processing the enormous volume of criminal case. The accusatory system also introduces important conceptual advances, among which there is the strict differentiation between the individuals responsible for the investigation (Attorney General’s Office), and the guarantees control (control judge) and and trial judges (judges).

Likewise, several programmes have been adopted for the protection of life and personal integrity of the victims, witnesses and judicial officers. These are: the Programme for Witness and Victim protection of the Attorney General’s Office; the Programme for the protection and individual security for servants of the Judicial Branch; the Human Rights Programme of the Ministry of the Interior & Justice; and the Programme for the protection of victims and witnesses under the Justice and Peace Law.

**The Law of Justice and Peace - Processes**

Law 975/2005, known as the Justice and Peace Law, is designed to facilitate the peace processes and the individual and collective reinsertion of demobilised members of illegal armed groups into civilian life, guaranteeing
the rights of their victims to the truth, justice and reparations. Those who have not committed war crimes or crimes against humankind are subject to Law 782/2002 and other forms of regulation.

Of all the experiences of peace processes around the world, this Law is the most stringent, for it does not allow amnesties or pardons for war criminals or crimes of laesa humanitas: it grants the offenders a reduced sentence for their offences, in to disarm and not to revert to crime. Any crimes which the offender does not voluntarily confess to the Justice and Peace jurisdiction continue to be within the ambit of the investigations and trials of the ordinary courts.

The Justice and Peace Law has been approved in all instances, including the Constitutional Court, which has exercised constitutional control of it on thirteen reviews of its harmony with the Constitution and the international treaties ratified by Colombia on human rights matters.27

In the three years after the Law came into effect the State has taken the following actions to guarantee victims’ rights:

• The Government has named 3,541 candidates for benefits under the Law.
• As of August 2008, 1,155 Free Statements had been completed, which resulted in the confession of an important number of crimes. At present, another 301 Free Statements are in progress.28 In this respect, the Supreme Court of Justice made a pronouncement to allow partial indictments, which means that it is not necessary for offenders in their Free Statements to confess all details of all their crimes in order to be indicted: but an indictment may be issued when they admit the perpetration of a crime. This has enabled cases to proceed faster.29
• Mobile courtrooms for Free Statements are available for the demobilized witnesses nominated to receive the benefits of Law.

27 See the following decisions of 2006: C-319, C-575, C-719, C-370, C-650, C-127, C-455, C-531, C-670, C-400, C-476 and C-426, for 2007 see Decision C-080.
28 The Criminal Justice Prosecutors II, as agents of the Inspector General’s Office, have intervened in 1,216 Free Statements.
• A uniform register of victims was created: it contains 161,737 records to date (National Planning Department, 2008).

• Additional resources have been provided to strengthen the National Justice and Peace Unit of the Attorney General’s Office to meet current needs, increasing the initial number of prosecutors from 20 to 59 with the power to indict, and appointing 125 more for support, and 400 investigators.

• As of September, 2008, in the exhumations of mass graves, 1,698 corpses have been found, of which 538 may possibly be identified, and 223 were already identified and delivered to their families. (National Planning Department, 2008).

• To guarantee the right to truth and reparations the Law created the National Reparations and Reconciliation Commission (CNRR), made up mostly of members of civil society.

• Mass media have been used to inform the victims. In addition, the Ombudsman’s Office has formed legal brigades to provide advice, assistance, psychosocial coaching, and judicial and extrajudicial representation for individuals who qualify as victims. As of this date it has provided legal counsel and psychosocial support to 38,279 victims.\(^{30}\)

• Concerning the repair for the victims, as of this date, the demobilized individuals have handed over 4,619 assets to the reparation fund. The Government issued Decree 1290, 2008 whereby it created the Programme of individual reparation through administrative action (parallel to the reparations through judicial action) which, for the next three years, has set aside a budget of COP11 billion (more than 4.7 million dollars). (National Planning Department, 2008).

• The Justice and Peace Law Programme for the protection of victims and witnesses was created, and USD21 million have been destined

---

\(^{30}\) These initiatives have been supported by the Project to Combat Impunity, and cases of violations of human rights and breaches of international humanitarian law; support has been received by the Presidential Programme for Human Rights and International Humanitarian Law.
to it between 2007 and 2008. At present, upon instructions by the Constitutional Court, the Programme is being reviewed in order to include gender focus and to speed up processes.

- As a result of the financial and technical support of IOM-USAID, a specialized legal advice project has been implemented to guarantee the effective participation of the victims and the full materialisation of their rights to truth, justice and reparations.

The decision to extradite 14 of the 3,541 demobilised paramilitaries – considered by the Government as being candidates for the benefits of this Law - was based on the discretion vested in the President, who said that there were disturbing signs that these individuals were not complying with the conditions that would qualify them for the benefits under the Law. This decision should convince other members of the demobilized groups to comply with their commitment to provide the truth, reparations, and give the commitment not to revert to crime. Further, the middle-ranking commanders and combatants of the paramilitaries remain at the disposal of the Justice and Peace Unit of the Attorney General's Office.

In addition, the Government secured wide-ranging judicial cooperation from the United States government, which has appointed designated a Judicial Attaché at its Embassy in Bogotá as a channel for the authorities for all requests filed. It was also agreed that all assets handed over by those extradited and convicted in plea-bargaining processes in America are to be used to provide reparations for the victims in Colombia. The Government requested the United States to allow the presence of Colombian representatives in the US Courts so that they could continue to seek the truth.31

Several of those extradited have stated their interest in continuing the process and telling the truth, after they have finished negotiating conditions

---

31 There is a high level of dialogue between the Colombian authorities and the American authorities for the common purpose of optimizing judicial cooperation and providing all collaboration required for the Justice and Peace processes. (Exchange of Notes of June 25 and July 9 between the American Ambassador in Colombia, the Ministry of Interior and Justice and the Ministry of Foreign Affairs)
with the American justice system; in certain cases, arrangements are being made for this to happen, with full guarantees for the victims. One sign of continuity of the proceedings is the fact that after the extradition of Mancuso-Gómez - considered to be one of the top AUC leaders - he returned 1,400 hectares of land that he took away from 95 families on the plains of Cordoba more than ten years ago. In the act of restoration that took place last July, his attorney read a handwritten note from Mancuso, asking the victims to forgive him for the damage he caused. Mancuso also, in a virtual hearing on September 25 and 26, gave evidence to the Supreme Court of Justice, and on November 18 and 20 he will continue with his Free Statement before the Justice and Peace Unit.

Also, in other statements obtained under the Law of Justice and Peace and other actions, the justice system has initiated investigations to clarify the link between paramilitary groups and politicians: 68 congressmen and six mayors are being investigated; five congressmen, two former congressmen, and one governor have been sentenced; five cases against congressmen have been closed due to lack of evidence; nearly one hundred businessmen are linked to different proceedings and the Justice and Peace Unit of the Attorney General’s Office has documents that implicate 76 members of the Armed Forces. Such figures evidence the independence and progress in the investigations and the intense work of the judiciary to discover the full truth about the paramilitaries.32

---

32 The Attorney General’s Office has identified at least 12 people who are presumed to have links with FARC, and a criminal investigation may be initiated against them soon.
Economic, Social and Cultural rights

The Government has accomplished important efforts during the last years to guarantee economic, social, and cultural rights, through the design and implementation of overall policies allowing to enforce such rights for the entire population, especially for the vulnerable sectors mostly affected by poverty, violence, and inequality.

As a consequence of these policies, significant progress has been achieved in the last years, jointly with efforts from the constitutional judges who, through the tutela action (action for the protection of fundamental rights), have guaranteed the effective enjoyment of the DESC (economic, social and cultural rights) in concrete cases.

Notwithstanding, the National public policies and the policies on territories, sectors or municipalities, must always be designed within the integrality and universality framework inherent in such rights.

For this purpose, Colombia has progressed in the challenge of properly measuring the DESC (economic, social and cultural rights) in order to ensure that the public policies actually contribute to their accomplishment. Hence, the Ombudsman’s Office has developed the evaluation and monitoring of HR public policies Program (Prosedher), that has an assessment and follow-up methodology, whose purpose is to verify up to what extent social policies do ensure, without any discrimination, the respect for, protection of, and exertion of the DESC. An inter-institutional group for the building of DESC indicators was created in 2005 under the coordination of the
Vice-Presidency of the Republic, aimed at preparing a technical approach proposal to measure the actual progress of policy compliance.

The plans, policies, and social programs of the Colombian State include the Millennium Development Goals (MDO), related to actions oriented towards reaching those goals while assuring the enjoyment of DESC. The strong commitment of the State with the Millennium Development Goals is evidenced with their inclusion in the Colombian National Development Plan 2006-2010: Community Status: development for all.

The poverty, education, health, nutrition, labor and shelter issues are reviewed below with more details.

**Poverty**

The Colombian Government, committed to combating poverty and inequality has developed a comprehensive policy whereby it has been able to reduce the poverty index in almost 11 points (from 55.7 to 45.1% between 2002 and 2006), and the extreme poverty index by 10 points (from 21.6 to 12% in the same term), and it has been possible to increase the average household income by 19%, passing from 383,000 pesos in 2002 to 455,000 pesos in 2006.33 (National Planning Department, 2007)

Similar results are observed when measuring poverty according to unsatisfied basic needs (UBN). The percentage of households with less than one UBN went from 22.3 in 2002 to 18.7 in 2006. Furthermore, the percentage of households with two or more UBN decreased in the same term, from 6.3 to 4.5. (National Planning Department, 2008). During this period inequality also decreased in accordance with the Gini coefficient, going from 0.58 to 0.54. With these results, the income participation of the poorest 50% increased by 36%, while the participation of the richest 20% decreased by 8%. Furthermore, the households with medium income increased their

---

33 The measurement of household income is presented in 2006 constant pesos and it was accomplished based on what was reported in the household surveys. This measurement takes into account all income reports: monetary income derived from the main activity and the second activity, income in kind, and others such as subsidies, revenues, and aid in money.
participation in 8% of the total income. (National Planning Department, 2008).

This progress is significant for the country and accounts for positive factors, such as economic growth, consolidation of the democratic security policy, and the implementation of the 2003-2006 social reactivation Plan, through the application of seven equality tools (educational revolution and social security, promotion of solidarity economy, social management of rural areas, social management of public utilities, country of owners, and quality of urban life).

In fact, poverty and extreme poverty dropped between 2002 and 2006 due to three fundamental reasons: the economic growth obtained during the period which was above 5% per annum in average (in 2006 it reached 6.8%); the decrease occurred in inequality of income as a result of an improvement in the household income, in particular among the poorest, which means that there was equitable growth, and the important progress introduced into the social policy, was effectively oriented towards the poorest population (National Planning Department, 2007).

Notwithstanding, it is still necessary to continue implementing strategies in order to reach the goals formulated within the MDGs – Millennium Development Goals to decrease the poverty index to 28.5% and the extreme poverty index to 8.8% by 2015.

Similarly, in a government effort to establish an overall policy for poverty reduction, involving not only work to assist the poorest, but also seeking employment and equality for the entire population, in the 2006-2010 National Development Plan, guidelines are provided for regarding the social policy approach on these aspects. This deals with consolidating and articulating the social protection System which focuses on responding to needs concerning assurance and risk management, as well as vulnerabilities of the entire population. This effort is complemented by the consolidation of the social promotion system which focuses on aiming the policies and actions at the poorest and most vulnerable families to overcome their condition, and to expand their possibilities in order to obtain achievements in terms of social inclusion and generation of their own income.

The main present strategy of the National Government for the reduction
of extreme poverty is the implementation of the social protection Network to jointly overcome extreme poverty. In addition, several years ago support programs for the poor and vulnerable population are being conducted to improve human capital, such as “Families in Action”\(^\text{34}\), and to promote access to assets, such as the “Bank of Opportunities”.

The Network “Juntos” (“Together”) aims at improving living conditions of 1.5 million families in extreme poverty and displacement from 2007 to 2010 (National Planning Department, 2007), by strengthening and capacity building, so such families may promote their own development. To attain this purpose, the State is committed to granting preferential access benefits to a set of programs and social services, so these families may have access to better living conditions defined through 45 basic achievements in the following nine dimensions: identification, income and work (training for work and productive projects) education and training, health, nutrition, housing, family dynamics, banking and savings, and support to guarantee their access to justice.

The Families in Action Program, consisting in granting direct monetary support to the beneficiary mothers, provided that they comply with a series of requirements, such as guaranteeing attendance of their underage children to school, and their attendance to their appointments for growth and development checkups scheduled to guarantee their right to health care.

The “Bank of Opportunities” aims at providing the general population with access to financial services, and particularly for those with the lowest income levels. This policy comprises a set of tools seeking to facilitate access to loans, savings, payment, management of remittances, and insurance. The goals for 2010 are to offer financial coverage in all Colombian municipalities; to increase micro-credits in three million, also increasing the savings accounts in three million; to promote 850,000 new cooperative affiliations; and to increase participation in banking services by 5% participation within the next four years.

\(^{34}\) See paragraph about displaced population.
Education

The education revolution policy implemented by the present administration emphasizes education as a vehicle to achieve a more equitable society, which translates into better results by extending coverage and quality improvement; and although more and better education is needed, education must focus on issues relevant to the demand of productive sectors in a global economy.

The evolution of the educational coverage has evidenced important progress in the last four years: between 2002 and 2006 basic and medium education gross coverage in the country went from 88% to 94% and from 24% to 31% of the gross coverage of higher education in undergraduate programs. In access matters, total registration on preschool, basic, and medium education went from ten million students in 2002 to eleven million in 2006, which means a 10% increase. Furthermore, registration in higher education increased by one million to 1,301,000 students between the same years. Intra-annual school dropouts were reduced by 1.8 points between 2002 and 2006, going from 7.2 to 5.4%; in the case of higher education, annual abandonment dropped from 16.5% in 2003 to 12.9% in 2006. Despite such progress, there is a need to focus on actions to increase basic coverage of secondary, medium, and higher education.

35 Significant progress has also been recorded in the different educational levels; in 2006 the country reached 94% coverage in transition, and 115% in primary basic education. In secondary and medium basic education, coverage of 84% and 59% was achieved, respectively. Source: Planning and Finance Advising Office – Ministry of National Education. (See: Ministry of National Education. Educational Revolution: 2006-2010 Sector Plan).

36 Between 2002 and 2006 the following registration increases were recorded: 20% in transition; 3% in primary education; 21% in secondary education; 26% in medium education and 30% in higher education. Source: Estimates of the National Education Ministry based on registrations certified by Education Secretariat (2002), Basic Education National Information Systems (Sinab) (2006), National System of Higher Education Information (Snies) and DANE’S Census 2005. (See: National Education System. Educational Revolution: 2006-2010 Sectors Plan).
To face the difficulties encountered concerning quality, permanence, availability and access, as well as the absence of tests that assess the quality of teachers, children’s work and teenager pregnancy, the State has proposed several initiatives. For example, the “Knowledge” test applied to Colombian teachers, focused on improving teaching quality; and the program: “Families in Action” started in 2000, and has become an important public policy, that has provided good results in the issue of schooling permanence.

Thanks to this program, the school attendance rate increased by 7.2% in rural areas for beneficiary children in secondary schooling between 12 and 17 years old, with which attendance passed from 66.9% to 74.1%; on the other hand, a 1.9% increase was recorded in urban areas, so attendance went from 82.2% to 84.1%. For 7 to 11 year old children in primary school, the rural area attendance rate increased by 1.5% going from 92% to 93.5%. In urban areas the attendance rate reached 94.2%.

The policy whereby other punctual policies have been developed to enforce the right to education is the Ten-Year Education Plan 2006-2016, the purpose of which is to become a social agreement for the right to education which, with the participation of the institutions and the citizens in general, will allow identifying the issues required to make the relevant decisions in order to achieve progress in the transformations needed in the educational field.

At present, the 2006-2010 Sectors’ Plan is developed as a policy, which constitutes a Government commitment to face the challenges imposed by the Ten-Year Plan, and contemplates four fundamental policies: coverage, quality, relevance and efficiency.

- In coverage, the Government is expanding the access opportunities, reaching more vulnerable persons, and developing conditions to ensure student permanence at all levels of the system, granting priority to the first infancy, children and youngsters affected by violence, minority ethnic groups, illiterates and the rural population.
- Concerning quality, emphasis is placed on the articulation of all teaching levels, trying to have all the educational institutions work on improvement plans.
- The relevance policy has been conceived so that the educational
system trains human resources to be able to respond to the challenge of increasing productivity and competitiveness in the country. Hence, regarding development of labor skills, it intends to establish flexible responses that may facilitate students’ transition between different training levels and between the educational system and the labor market.

- In what refers to the efficiency policy, the priority lies in strengthening and consolidating the modernization processes and in quality assurance throughout the sector.

Lastly, the Ministry of Education is the leader of the National Education Plan for the exercise of the HR (PLANEDH), with the support of the Ombudsman’s Office, the Vice-Presidency of the Republic, the UNHCHR and the Educational Alliance for Peace. The implementation of an educational pilot project to exercise HR was initiated with this 3-year Plan in five Departments of the country. Its objective is to build in a coordinated manner, with territorial entities and education institutions, strategies that allow an education for the exercise and practice of Human Rights.

The project intends to include HR education across the institutions, in an open school perspective, involving the reality of the educational community context to be transformed by the community, making education meaningful.

**Health**

In Colombia, 90.4% of the population is protected by the Health Social Security System. Out of the 44,450,260 inhabitants estimated as of December 2007, there are 40,196,310 affiliated to the General Health and Social Security System (17,198,673 correspond to the contributions regime, and 22,997,637 to the subsidized regime), and 1,910,351 are beneficiaries of exception regimes. Coverage has increased by 100% in the subsidized regime, thanks to

---

37 For the affiliation to a health subsidized regime and in order to focus on the vulnerable population, Colombia prioritized children under 5 years of age, pregnant women, or breastfeeding mothers, displaced population, and disabled citizens. The insured or
government efforts that in 2008 have guaranteed 500 billion pesos to affiliate 2.5 million more in this regime.38

Notwithstanding, there are still difficulties to guarantee access to health services in universal and equitable conditions, particularly because the mandatory subsidized Plan is inferior to the mandatory contributions Plan, due to which this Administration has committed to exerting the necessary efforts to unify the health mandatory plan for children of all social strata, as the first step to comply with the recent ruling of the Constitutional Court39, which orders to unify the benefits of both regimes.

The provision of the health system services in Colombia is decentralized. The 2007-2010 Public Health National Plan40 defines the methodology for the preparation, execution, follow up, evaluation, and control of the territorial health actions and plans in order to consider and prevent the main health risk factors and the promotion of healthy lifestyles among Colombians, placing emphasis on populations in vulnerable conditions. This Plan defines as National priorities infants’ health, sexual and reproductive health, oral health, mental health, preventable violent injuries, chronic illnesses, nutrition, sanitary security, and occupational health.

The Ministry of Social Protection has executed actions together with the National Cancer Institute, and the Ministry of the Environment, Housing and Territorial Development for the promotion of health care, and disease prevention, in order to develop and implement the Public Health Strategic Plan, to strategically strengthen the extended the inoculation program, to develop a National policy on cancer control, to update the HIV/AIDS prevention and control inter-sector plan, to improve the mental health conditions of the population, and to develop a National environmental health policy for 2006-2010.

uninsured displaced population is exempt from paying for health services. Colombia destines resources additional to the National budget to take care of the displaced population’s health and disabled citizen’s health.

38 In 2002 the subsidized regime had 10,744,289 affiliates (MPS, 2008).
40 Issued through Decree 3039, 2007 and Resolution 0425, 2008.
Concerning vaccination and infant’s mortality, the extended vaccination Program has been strengthened territorially and nationally, thanks to the awarding of a credit by the multilateral banking that has facilitated improvement in inoculation equality conditions and efficacy in the use of resources. In 2007, the Ministry of Social Protection reported vaccination coverage of 94.6% with triple viral vaccine in one year old children, and 93% with polio and penta-vaccines in children below 1 year of age.

In matters of sexual and reproductive health, the Government designed a public policy from 2002 to 2006 that was able to drop the total birthrate from 2.6 to 2.4 children per female; and increase the current use of contraceptive methods in reproductive age women from 76% to 78%; an increase from 91% to 94% in pre-natal care and, from 86.4% to 92% in institutional childbirth care. Cervix cancer detection coverage by Pap smear reached 84%. In addition, contraceptive methods were included in the mandatory health Plan.

---

41 For an amount of 133.7 million dollars to strengthen the program throughout the country.

42 Sexual and reproductive health was included in the technical guidelines for the formulation and the execution of strategic and operational plans of the Basic Health Care Plan (PAB) 2004-2007, which through strict compliance actions defined health promotion and sexual and reproductive rights emphasizing on teenagers, and on the supply of hormone contraceptive methods, barrier and emergency methods for non-insured adolescents, for displaced population, and for people living in marginal and risk areas. In general, the National sexual and reproductive health policy required to be designed in accordance with the formulations of the Fourth World Conference on Women (1995) and the International Conference on Population and Development (1994) which, in turn, includes the health definition of the World Health Organization. This policy retakes several legal and political, domestic and international background aspects that back the included strategic proposal, among which the following are worth mentioning: the World Summits summoned by the United Nations Organization, particularly the one on Population and Development (El Cairo, 1994) the Fourth World Conference on Women (Beijing, 1995), and the National Constitution and its development, among others; and main problems are stated as priority topics around which the proposal is based: safe maternity, planning, sexual
New diagnostic procedures and antiretroviral medications were included in the mandatory health Plan to face the dissemination of HIV; and technical norms were reviewed and adjusted together with the care guides of such plan. At present, 70% of the infected patients have had access to treatment, and there is a special program for HIV vertical reduction from mother to child.

It is worthwhile highlighting that 1.1 million from the total subsidized regime affiliates in 2007 are aborigines (MPS, 2008). In addition, affirmative actions are adopted in Colombia to provide health services to ethnical groups, as it is stated in the part dealing with vulnerable populations.

**Nutrition**

In the last five years Colombia has given a great leap in matters of nutrition programs for children, funded with National Government resources. 3.9 million children were provided with nutrition care in 2002, and in 2008 this figure increased to 9 million. Out of these children, 6 million are under the care of programs of the Colombian Institute of Family Welfare (ICBF) and more than 3 million by “Families in Action”, which ensures education and health for children under this Program.\(^\text{43}\)

The nutrition supplemental program developed by the Colombian Institute of Family Welfare, the “children breakfast Program” is outstanding for providing nutritional supplements to boys and girls with the support of municipal City Halls and the Program of “School Restaurants” created to contribute to children’s access to the educational system, preventing school abandonment, and promoting regular attendance, providing a nutritional supplement to boys and girls recorded in public institutions in SEC (socio-economic classes) 1 and 2, giving priority to schools located in rural areas and aborigine sectors and also in those with high proportion of students deemed as displaced.

---

and reproductive health of teenagers, cervix cancer, sexually transmitted diseases, including HIV/AIDS, and domestic and sexual violence.

\(^{43}\) Words of the President of the Republic in the summit: “Latin America and the Caribbean without Hunger”. September, 2007.
For the elderly, the nutritional supplements have substantially increased in coverage. In 2002, 60,000 elderly people were subsidized, and in 2007 more than 800,000 persons over 60 received this care, either through a monetary subsidy for their nourishment, out of which 425,634 were beneficiaries in 2007 and 459,606 in 2008, or with the national nutrition Program for the elderly “Juan Luis Londoño de la Cuesta”, that takes care of 381,233 users, directly proving them with a food ratio (lunch served during weekdays throughout the year) or a ratio to be prepared (package of food and a kgr of “Bienestarina” a month).44

Furthermore, taking into account that 52% of the total public expense is made in the regions, it is worth noting that the territorial entities also exert efforts to combat hunger, where we CAN emphasize the program “Bogotá without Hunger” and the “Manna Program” in the Department of Antioquia, which have fought against extreme poverty through nutritional supplements and economic subsidies to children and breastfeeding mothers of the lower SECs.

The implementation of the Nutrition Safety Network Program (RESA) has contributed to nutritional safety, generating a change of attitude in vulnerable peasant families or in families injured by violence, promoting food production projects for self-consumption with the purpose of preventing future displacements, establishing roots, and encouraging people to return to their places of origin. Up to 2007, 188 projects had been developed in 911 municipalities, which have benefited 540,739 families.45

Work

Dynamism of the labor market, during the first Administration of President Uribe and during this part of his second Administration, has allowed a drastic unemployment reduction, thanks to the creation of 1.9 million new jobs46 in strategic sectors, and better labor conditions due to the reduction in underemployment for insufficiency of hours worked.

---

46 Information prepared by the Presidential Counsel for Women’s Equity for the theme hearing before CIDH, on October, 2008.
The annual average of unemployment rate nationwide throughout 2007 was 11.1%, four points under the highest rate found in 2002 (15.7). Regarding female unemployment, 2007 was the year that shows the lowest rate (14.6) in the last six years.\textsuperscript{47} In August, 2008 the unemployed population added up to 2,139,000, while workers with jobs added up to 17,341,000. The unemployment rate in Colombia has decreased from 11.8% between September, 2006 and August 2007, to 11.1% in the same period from 2007 to 2008 (Dane, 2008).

Concerning social security of workers in Colombia, it must be noted that the affiliation has grown between 2002 and 2007, as follows: 28% in the health care contribution regime, 88% in professional risks, and 48% in pensions. The increase has continued in 2008 and currently covers 14,240,682 affiliates of the general pension system as of May this year and 6,111,187 affiliates to the occupational health risk system, as of April (MPS, 2008).

Moreover, progress has been achieved in development of actions for the improvement of occupational health and prevention of risks in the vulnerable population of young workers in the economic informal sector. These activities consider the characterization of health and work conditions of this population, social awareness meetings and training workshops on occupational risks specific to the tasks they perform, and the implementation of simple intervention measures to improve their working conditions.

On the other hand, the National Apprenticeship Service (SENA), offered more than 5,150,000 overall professional training spaces in 2007, exceeding the initial goal of 4,500,000 spaces, which equals 115% compliance with regard to 2007 target, and 93% VIS-à-VIS the goal established for the 4-year Plan (MPS, 2008). Strategies have been promoted to develop preferential engagement of vulnerable communities, such as the displaced people, reinserted individuals, citizens and individuals with a certain degree of disability, thus achieving participation and active commitment by the entrepreneurial sector.

As a legislative progress, three new laws may be noted: Law 1210 of 2008, that overcomes one of the legislative divergences that Colombia had

\textsuperscript{47} Information prepared by the Presidential Counsel for Women’s Equity for the hearing before ICHR, on October, 2008
with the ILO – International Labor Organization concerning the faculties to declare legality or illegality of strikes and lockouts; the Cooperative Law for Associated Work, Law 1233 of 2008, which will help to control and regulate the task of such Cooperatives, and the bill that diminishes the health payments of pensioners from 12.5 to 12%, which shall be passed by the President as soon as it is approved by the Constitutional Court.

Proper shelter

In Colombia, 54% of Colombians have their own home, while 31% lease or sublease their homes. In rural areas, 62% are homeowners, 12% are tenants, and 17% live on the premises without paying anything due to an agreement with the owner/tenant. In urban areas, 37% are tenants and 52% homeowners.

In the 2002-2006 development plan one of the seven equity tools that were established was: “Colombia – a country of homeowners” having the purpose to provide incentives for the access to private property, for the development of micro, small and medium size businesses, and for the access to social interest housing (VIS). This policy regarding housing/shelter had the main purpose to promote the housing developments under business and social responsibility criteria, to efficiently face the housing deficit. Work was carried out on three strategic areas: National subsidy system and family loans for urban and rural social interest housing projects, associated financial tools and technical development.

Actions were carried out to optimize the subsidy model in the first strategic area, such as the implementation of the national housing family subsidy, the national rural housing family subsidy, either in money or through the program of subsidies in kind, which allows granting land devoted to social interest housing.

The government advanced in the optimization and expansion of the subsidy and credit offering for VIS, increasing the annual allocation of subsidies in 76%, and housing loans in 74% in the 2002-2005 period. Starting in 2007, the budget allocation increased fourfold for the social housing sector in Colombia, thanks to an Act allowing increasing it from 150 billion pesos per year (almost 65 million USD) to 410 billion pesos (over 177 million USD),
including 60 billion pesos (approx. 26 USD) for rural housing. A special resource allocation has been made for the displaced population for 250 billion pesos (approx. 110 million dollars). As of this date, 443,590 subsidies have been allocated since August 2002 (MAVDT, 2008).

In 2008, aiming at increasing the Project to build social interest housing, eight major strategies have been implemented nationwide, whereby the building of twelve housing macro-projects has been planned: the creation of an early fund for territorial efforts; the allocation of a trillion pesos in 2008 (approx. 433.2 million USD; an agreement with the financial sector for 2.2 trillion pesos (over 950 million dollars); the expedition of formalities for partial plans; the purchase of social interest housing projects by CISA-Central de Inversiones (investment central office); a mandatory contribution of land for housing and the consolidation of the National Savings Fund as a leader in popular investment portfolio allocation.

Regarding the financial instruments, included in other actions, new schemes were created to promote credit lines aiming at promoting access to housing in figures lower than 70 minimum legal wages; micro-loans for housing were promoted and insurance coverage, to manage actual value unit variation - UVR, was also promoted for credit line users to be aware of all their installment payments ahead of time. It is worth noting that the National Savings Fund has been strengthened to turn it into the most important national mortgage loan entity, recording the approval of 33,132 loans granted in 2007, which have benefitted independent workers and community mothers, just to mention a few.

On the other hand, although it is true that in Colombia, 10.4% of the population lives in unfit human lodging conditions (DANE, 2005), the

---

48 This strategy, implemented to overcome the housing deficit in Colombia, consists of increasing the size of the social interest housing projects in the major cities. That is why Law 1151 of 2007 approved the scheme to contribute to a macro-project of up to 20,000 suitable houses, expediting the financial system and the access to the subsidies and reducing the legal red tape for people wanting to purchase their own property.

49 This is an agreement of popular mortgage portfolio allocation for 2.2 billion pesos for 2008, after executing a former agreement worth 1.8 trillion pesos in 2007.
technical development strategic area conducted an effective follow up of the correct application of the family housing subsidies, aiming at allowing Colombians to access housing in decent living conditions, executing programs that seek a better quality of life through improved living conditions, and the correct use of materials with proper and fit quality standards.

To mention an example, the rural social interest housing Program coordinated by the Ministry of Agriculture intends to improve the living conditions of low income rural inhabitants; for this purpose, the intention is to provide housing solutions or housing improvement solutions to comply with satisfactory conditions such as space, salubriousness, basic sanitation and structural quality. This program had, for 2008, an allocated budget of 59.3 billion pesos (approx. 26 million USD), out of which, 11.8 billion were destined to people in a situation of displacement (slightly over 5 million USD) and 47.4 billion for the normal public in need (slightly over 20 million USD).

Included in the 2008 achievements, it is worth highlighting that, 12,399 homes in low income rural areas have received the benefits of this Program, whether it deals with an aborigine population, displaced people or victims of natural disasters.
COLOMBIA MAINTAINS A firm commitment to eliminate and punish any type of discrimination due to race, gender, religion, language, sexual orientation, economic or social condition, and in general, for any other causes and conditions. Furthermore, the Constitution orders special care in ensuring the respect for the HR of any population in an especially vulnerable condition, and to adopt positive discrimination measures.

Following are the actions carried out by the government to improve the assurance and protection of HR of boys and girls, women, and the population of gays, lesbians, bisexuals and transsexuals (LGBT), people with disabilities, those in situations of displacement, ethnic minorities, HR defenders, unionized workers, journalists and prisoners.

**Boys & Girls**

Boys & Girls,

In Colombia, there is a differentiated language for boys, girls and youngsters (NNA-acronym in Spanish).
Constitution, have been a priority in State actions and programs to prevent and protect their Human Rights.

In 2006, complying with the National and international recommendations, the new Juvenile and Infancy Code was passed, establishing the Colombian regulations and principles of the Convention of Children’s Rights. This Act recognizes children as full right-deserving subjects, and establishes the ruling principles of prevalence, superior interest, differential approach and co-responsibility by the family, society and State in the corresponding preventative measures and integral assurance of such rights; it also sets up the institutional offer to this respect and foresees a special responsibility system for juvenile criminal law offenders.

The State has underway the consolidation of a social protection system with universal coverage to guarantee the HR of boys and girls. Aiming at achieving this purpose, it has developed cross-sectional infancy and juvenile policies focusing on rights, included in which are the following:

- National policy on food security and nutrition and the National Plan for food and nutrition.
- National policy on peace building and family coexistence (Haz Paz).
- Public policy on disability.
- National policy on sexual and reproductive health.
- Public policy on the prevention and care of forced displacement.
- Strategy to overcome extreme poverty - Red Juntos.

The State has undertaken bold strategies to manage especially worrisome situations such as sexual and social abuse, child labor and children recruitment by rebels, such as it appears below.

---


52 Ley 1098 de 2006
• **Sexual Violence and Child Abuse**

  In Colombia, integral care is provided to sexually abused children, in the framework of policies and programs coordinated by the Colombian Family Welfare Institute (Instituto Colombiano de Bienestar Familiar). As of now, from 14 to 33 specialized units have been conditioned to care for child sexual crime victims,\(^{53}\) and the National Action Plan for the prevention and eradication of sexual and commercial exploitation of children (boys, girls) and juveniles-NNA has been implemented, for a period from 2006-2011, whereby the three components of prevention, detection and reporting seek to develop coordinated actions between public and private actors in the national and local environments, for the identification prevention and eradication of sexual exploitation.

  In what refers to the prevention and elimination of child abuse, a strategy called “Municipios y departamentos por la infancia, la adolescencia y la juventud hechos y derechos” (Municipalities and Departments in Defense of Childhood and Juvenile Rights and Events) is in place and the following project is underway: “Proyecto prevención de la violencia y promoción de la convivencia familiar” (Violence Prevention Project and Promotion of Peaceful Family Coexistence). The country wants to train educational institutions and community agents, children, juveniles and parents on child abuse exploitation and minor trade.

• **Children and Youth Recruited by Organized Illegal Armed Groups**

  In the framework of Law 418 of 1997, the 1990 NNA “Program for Deserters from the Organized Criminal Armed Groups began”, and it managed 3,712 cases impacting children (boys, girls & youngsters-NNA).\(^{54}\) This initiative provides technical and operational capabilities to provide care and assure victim restitution due to the violation of their rights – for all boy and girls & youngsters suffering this situation - through three action lines: prevention, care and follow up.\(^{55}\)

---

53 See: Technical Direction, Assistant Direction and Direct Intervention reports, ICBF.
54 ICBF report for UN, April 24, 2007
55 These action lines are developed as follows:
Likewise, a cross-sector Commission was created for the prevention of children and juvenile recruitment and exploitation by the organized crime,\(^6\) aiming at articulating and guiding the execution of actions to prevent juvenile recruitment. For this reason, it is promoting the assurance and enforcing the respect for children’s rights, the design and execution of public policies for integral protection, and institutional, social and family strengthening to diminish risk factors leading to the recruitment and exploitation of the juvenile population.

\* Child Labor

Colombia is outstanding in Latin America for its achievements in child prevention. It has the purpose of preventing juvenile recruitment and use by organized criminal organizations, through the implementation of the following strategies: support to the formulation of public policies for juvenile protection at a department and municipality level, and strengthening institutional responsiveness; information, awareness and institutional and community mobilization; social investment approach in municipalities with high percentage of juvenile recruitment; promoting initiatives of juvenile involvement both for the development of preventive projects and protection of rights.

Care. The objective is to contribute and provide support in the process of children's life path consolidation and that of youngsters deserting from armed organized criminal groups, in the framework of enforcing and restoring children's rights, building citizenship, democracy, with a gender perspective and an approach of social reinsertion \(^6\), and co-responsibility with emphasis on their preparation for social and productive life. With this objective in mind, there is a model of care in the institutional and socio-family environments.

Follow up and coaching. Once the youngsters are admitted to the care service, one of the following tracking strategies is implemented in each region: Juvenile Reference & Opportunity Centers and Support Units, aiming at providing specialized and integral care to boys, girls and youngsters, with a definitive family relocation measure, to conduct the processes of return to their family environments; making it possible to restore and repair the affective links.

\(^6\) Decree 4690 of 2007
labor eradication, thanks to having the cross-sector Committee’s preventative efforts; through the permanent cooperation by the ILO; by the inclusion of this abuse in the Child Code; the execution of three National plans\textsuperscript{57}; and the creation of the National Strategy for the Prevention and Eradication of the worse type of Child Labor, and the protection of juvenile workers for the 2008-2015 period. Together, these initiatives have contributed in decreasing child labor in four points, from 12.9% in 2001 to 8.9% in 2005.\textsuperscript{58}

The main purpose of the 2008-2015 National strategy to prevent and eradicate the worse type of child labor, is to focus on and coordinate the actions to be taken by State and private entities, to prevent and take care of this problem, to assure the access to this program by boys, girls and youngsters at risk, due to a lack of schooling and access by their families to social programs that may allow impeding their return or withdrawing them from forbidden child labor activities and assuring their access to the benefits granted by the social policy in general.

It is worth noting that the Colombian Family Welfare Institute - ICBF has been technically and budgetary strengthened in the last years (the investment budget has increased triple fold since 2002, going from 311 to 1 million USD in 2008), and has turned into a Latin American model to this respect.

In other public cross-sector policies in favor of boys and girls, we must highlight the policy on infancy, seeking to enforce the exercise of children’s rights for anyone below 6 years old; as a matter that is not only the State’s responsibility, but the family and the society’s responsibility as well. Although the State is directly responsible for ensuring the material, legal and insti-
tutional conditions to respect, promote, comply with and protect children's rights overall, the fundamental challenge of this policy is not only to become one of the main social policy axes, but also one of the main country development policies.

Women

The Colombian government has undertaken several actions to promote and widespread the gender approach in the country. For instance, aiming at ensuring gender equity, the National agreement was entered into in October 2003 to enforce equitable conditions between men and women thus constituting the political commitment by the National government, as well has having the legislative and judicial branches materialize and specify the objective of empowering the role of women through their participation, in equal conditions, in all the society spheres, and to eliminate all forms of discrimination against them, to reach an equitable and high quality human development.

Furthermore, in the 2006-2010 National Development Plan: “A Community State: development for everyone,” a special policy was issued: “Women builders of peace and development”, which introduces in a cross-section way the gender approach in the design, execution and assessment of public policies to achieve the elimination of all types of discrimination against women, in five areas: employment and business development; education and culture; prevention of violence against women; political participation and institutional strengthening.

The Presidential Counsel on Women’s Equity (CPeM)\(^59\) has a set of affirmative actions favoring women underway; it implements the gender cross-sectional dissemination and it carries out the tracking of the social, defense and democratic security policies from the gender perspective, through the Gender Affairs Observatory (OAG), whose work has been recognized by Cepal as a best practice.\(^60\)

---

\(^{59}\) Statistic and qualitative information relative to the tracking of the advances and results of the CPEM Management, is compiled, processed and analyzed periodically by the Gender Affairs Observatory, created as a permanent entity through Law 1009 of 2006.

\(^{60}\) In the forty-first meeting of the Regional Conference’s Board of Directors on Women
The affirmative actions that have been implemented focus on the lowest income women, especially bread-winning mothers, thus promoting ample, direct and autonomous participation of women’s organizations in different consulting and agreement spaces; and it places all promotion and protection actions under a framework of women’s HR. For instance, from the area of political and citizen participation, the Program of women’s community councils has been implemented to promote women’s political participation in municipalities and departments, as well as for citizenship building. Simultaneously, Networks of ‘women against violence’ have been consolidated. As of 2008, 327 councils have been set up and a strategy designed for their strengthening through more than 380 events, through teaching journeys and workshops held in different regions.

Facing the political participation of women, it is worth highlighting that although the desired levels of participation have not been achieved, some advances have been achieved with the implementation and tracking of Law 581 of 2000, known as the “quotas law.” This standard was set to guarantee effective participation by women, at all levels, in the branches and other public power organizations, and today, although women have ample participation in the senior levels of the national government, their participation is still very limited in popularly elected positions.61

In spite of the scarce female representation, in Congress a caucus of women has been set up by different political movements and parties, aiming in Latin America and the Caribbean held by CEPAL in Bogotá last 24-25 April, 2008, the Gender Parity Observatory of the Americas was launched, and one of the reference models was the work and results of this observatory.

61 There are currently three female ministers, a female counsel minister, two female presidential counselors, eight female vice-ministers and participation percentages in directive positions is up to 91% and 78% in the Culture & Education Ministries; and there are only thirteen ministries with results below 30% (National Defense with 29% & Trade, Industry & Tourism with 23%). However, in Congress, the representation is 12% women in the Senate and 10.3% in the House of Representatives. At a local level, the department assemblies just reach 15% of women participation in the governments and city halls, and men hold 90% of the positions.
at promoting the bills regarding the enforcement and protection of women’s rights.

On the other hand, the gender cross-sector strategy has allowed guaranteeing the incorporation of the gender approach in the policies, plans, programs, projects, strategies and budgets advanced by the National government, giving priority to the policy management of such policies as the Bank of Opportunities; the social protection network to eradicate extreme poverty—“Juntos”; the National strategy to combat white slave trade; the policy of care to the displaced population; and the policy on reinsertion and labor reincorporation.

As one of the most outstanding achievements to enforce women’s rights in Colombia, the ‘Program for female bread-winning micro-business owners’ is worth highlighting; it is integrated into the policy of the Bank of Opportunities, aimed at favoring the lowest income, female bread-winning micro-business owners in the urban and rural sectors, it is developed under the coordination of CPEM, in 24 departments, and the cities of Bogotá & Barranquilla, under an alliance with Banco Agrario, Ministry of Agriculture, National Assurance Fund, and Agriculture and Cattle-Raising Assurance Fund. From 2002 to September 2008 a total of 13,581 micro-loans have been granted (10,338 non farming & cattle-raising and 3,243 granted to this

<table>
<thead>
<tr>
<th>Phase</th>
<th>N.° of loans disbursed</th>
<th>Amount (in pesos)</th>
<th>Total loans disbursed per phase (in pesos)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>1,533</td>
<td>2,027,234,989</td>
<td>2,656</td>
</tr>
<tr>
<td>II</td>
<td>1,560</td>
<td>2,000,799,000</td>
<td>2,880</td>
</tr>
<tr>
<td>III</td>
<td>7,245</td>
<td>7,812,075,500</td>
<td>8,045</td>
</tr>
<tr>
<td>Total</td>
<td>10,338</td>
<td>11,840,109,489</td>
<td>13,581</td>
</tr>
</tbody>
</table>

TABLE 2
Loans awarded to bread-winning mothers

Source: Banco Agrario. Processed by the Gender Affairs Observatory.
*Closing date: September 30, 2008.
sector), for an approximate amount of 21.5 billion pesos (slightly over 9 million USD) (table 2).

This program is articulated with other strategies promoted by CPEM to promote employment and development of women-owned businesses, such as the National Trade Show for female entrepreneurs that has been held without interruptions for five years aiming at consolidating a social-nature window case to promote women’s entrepreneurial activities. The Expoempresaria trade shows have had 56,492 visitors and sales to the public for 2.6 billion pesos (over 1 million USD), without including the deals that were subsequently closed by the exhibitors thanks to the commercial contacts and guided visits scheduled during each tradeshow period.62

In spite of the efforts for women’s rights in other social areas, violence continues being the most worrisome situation at the time of ensuring their rights. Thus, the efforts have focused especially on preventing and punishing gender based violence.

For instance, Laws 1142 of 2007 and 1236 of 2008 were recently passed. The first, increased the sentence for intra-family violence, it eliminated criminal benefits (house arrest and parole) and it eliminated the nature of punishment due to a complaint brought by the victim, so now the investigation must be initiated and continued ex officio, and not only through the victim’s complaint. The second amended some articles of the Criminal Code relative to sexual abuse crimes.63 There is also a bill (171 of 2006) waiting to be passed

---

62 As previous activities before the 5 tradeshows, 85 workshops were held to promote entrepreneurial spirit in different capital cities, with the participation of 8,831 women and 84 selection workshops with the participation of 6,280 women. For the 5th version of Expoempresaria, held from 27 to 31 August, 2008, a supplier meeting was held as the proper scenario for the female entrepreneurs to make commercial contacts with important companies in the country. 29 companies participated and 352 female entrepreneurs had a stand at the tradeshow. Source: Gender Affairs Observatory, Presidential Council for Women’s Equity

63 This law considers as a circumstance that may end in punishment any offense against the spouse or against the couple or the person with whom offender lives or against the mother with whom a child has been conceived.
by the President, whereby the opinion of women victims of violence will be incorporated as per what was established in the Convención Belem do Para and in the action plans at the conferences held in Vienna, Cairo & Beijing.

CPEM participates in the joint program between the UN agencies and the government, funded by the AECID Fund for the period from 2008-2011 seeking to contribute in the eradication of all the forms of gender violence in Colombia, with special emphasis on matrimony violence, sexual violence, white slave trade, violence produced by illegal armed actors and traditional practices violating women's rights, whether they are aborigines, women in a situation of forced displacement or Afro-Colombians.

The program recognizes the multi-dimensional nature of gender violence, for which purpose it sets forth a strategy of multi-sector and inter-institutional intervention from the viewpoints of rights and cultural awareness, based on the critical path of the Panamerican Health Organization model. The program focuses on the development of three pillars: gender violence prevention/ detection/ recording/ and monitoring; care for surviving victims; and development of a legal framework of public policies on gender violence, according to the international instruments.

Lastly, taking into account the UN Protocol to prevent, repress and punish white slave trade - especially against women and children - the Colombian State has adopted several actions, through Law 985 of 2005 against white slave trade, and the national integral strategy to combat white slave trade 2007-2012.

Based on these regulations, the inter-institutional Committee to combat white slave trade was set up in March 2007, with fourteen State agencies working jointly against slave trade and in favor of the victims of this crime as provided for under Colombian law and international law, such as in Decision 116 issued by the Andean Community of States (CAN) Commission, that was adopted as an internal standard by Decree 309 of 1978.

Population of Lesbians, Gays, Bisexuals & Transsexuals

In Colombia, the topic of special protection for same sex couples has been included in the public agenda and has promoted important legal precedents.
The Constitutional Court has guaranteed the parity right for homosexual couples, recognizing for them in the same terms the rights provided for by law for heterosexual couples. Up to now, the inheritance rights derived from marital unions have been recognized, as well as access to the health system as a beneficiary of his/her spouse, pension rights and alimony obligations between permanent couples.64

Local initiatives have arisen in cities such as Bogotá & Medellín to adopt institutional policies for the protection of lesbians, gays, bisexuals and transsexuals’ rights (known as LGBT). In Bogotá, there is a project underway since 2007, called: Por una Bogotá sin discriminación (For a non discriminating Bogotá), that seeks “zero exclusion, 100% rights assured and respect for each one of the differences among Bogota’s inhabitants.” The main objective is to promote the reflection amongst citizens on the importance of participating in a cultural transformation of the people and the community in order to achieve respect for differences and free development of personality – factors that shall help diminish the levels of inequity and discrimination.

In Medellín a task force was set up through a decree to work for the LGBT population, aiming at opening a dialogue space and coordinating actions between the municipal administration and representatives from such populations.65 The mission of this task force is to discuss the policies and municipal administration actions aiming at the protection of LGBT groups in the city, in a framework of co-responsibility and compliance with citizens’ obligations by the members of this population. Included in other actions, workshops and seminars are aimed at this population, cultural events such as the “Rosa Movie Cycle” or academic gatherings. A special policy is being discussed currently for the LGBT community that will be launched next year.

65 In Decree 1272 of 2007, a work group was set up with the involvement of the Mayor and the Government Secretaries of Citizen Culture & Health or their deputies, with a Police officer serving as a liaison with this population and three representatives elected and validated by the social and activist organizations favoring the rights of these groups.
In spite of these achievements, Colombia faces the challenge to continue advancing in the vindication of the LGBT rights.

**Disabled People**

In Colombia there are 2,624,898 disabled people (with a certain degree of disability), which equals a disability prevalence rate of 6.4%. However, the same statistical sources reflect that the rates of care for the disabled are below the rates of care for the population in general.66

Colombia entered into the UN Convention on Rights for the Disabled in 2006, and is currently advancing its ratification process before Congress. Besides this, a regulatory framework has been developed in the country to ensure the rights of disabled persons in such a way that they may access the different services according to their interests and needs. In the fundamental part, special health, education, work and cultural provisions have been foreseen as well as other services such as security, sports, recreation and community and democratic participation.67

In fact, in recent years, disabled patients’ participation in different community scenarios has increased through the National disability consulting Committee and the local disability committees that were created as government consulting branches so the disabled community may participate in decision making and relevant policy and strategy defining.

To consolidate the process of issuing a public policy on disability, the National Government is coordinating through the Ministry of Social Protection (labor and health ministry), the National Plan for the care of disabled

---

66 See: Characterization of people with disabilities recorded as of July 2008 (DANE, 2008).

patients (PNAD) intending to transform the disability research studies, harmonize related actions, institutionalize the plan in national and territorial entities, and achieve the full exercise of their right to education and competence development, emphasizing on children during the period from 2006-2010.

In the 2003-2006 term the Ministry of Social Protection transferred 10.9 billion pesos (approx. five million dollars) to territorial entities in charge of caring for the needs of the disabled in their respective communities (National Government, 2006).

In the care for children with a disability or serious illness, at risk of having their rights violated, ICBF has adopted and developed a public policy and a National disability plan through a series of programs and projects included in which the following are worth highlighting: special care homes (grants a conditioned subsidy); substitute homes (care in a socio-family environment); educational inclusion of deaf boys and girls under 6 in day-care centers; strengthening community networks for the prevention and integral care of the disabled; hand language interpretation services for deaf and blind-deaf patients; and finally, the integral training program for productivity and work for disabled youngsters under a measure to vindicate their rights.

In the framework of the implementation of this policy, the integral protection and right recovery has been achieved for disabled children who have had their rights violated or are in imminent danger of being violated, for the training of 100 disabled youngsters/young adults for labor and a productive life, and the inclusion of deaf children under six years old.

In what refers to education, up to 2006, 5.5 billion pesos were allocated (approx. 2.4 million USD) for the expansion of the educational coverage for 7,702 new disabled students. Likewise, the Ministry of Education expanded its coverage with an investment of 7 billion pesos (slightly over 3 million USD), thus achieving that 6,139 schools (corresponding to 20%) now report the enrollment of children with “special educational needs.” There are 131,000 disabled students enrolled in these schools. Furthermore, subsidies have been granted to 980 disabled people in the amount of 468.4 million pesos (approx. 200,000 USD) from the MEN-ICETEX Fund (National Government, 2006).
The disability condition is now understood in Colombia not only from the medical viewpoint in which the functionality of the individual is considered but also from the viewpoint of a social model referring to the integration and participation of the disabled in society.

People in a Situation of Forced Displacement

Forced displacement is the largest scale of HR violation in Colombia. The single displacement recording system (RUPD) reports 2,577,402 people displaced, although estimates are that currently the displaced population exceeds three million.\(^{68}\)

However, the number of new displaced people per year has materially decreased compared against 2002 when 392,928 were reported. In 2003 the figure decreased to 220,823 and in 2007, to 265,570, that is, a reduction of 32% with respect to 2002 (graphic 2). Furthermore, the decrease in people and families massively displaced started decreasing in 2005, when 6,915 abandoned homes were reported, while in 2007 the figure was 4,245 and 2,936 as of September 2008.\(^{69}\)

The State has taken several measures to face such a situation. First, in 1997 Law 387 was enacted defining the public policy regarding displacement, and since then, the State has committed to assuring the effective enjoyment of the rights by the mentioned individuals. Then the Constitutional Court, through a sentence issued to protect fundamental rights: T-025, it declared the “unconstitutional state of affairs” regarding this matter, thereby ordering

---

\(^{68}\) The Director of the Presidential Agency for Social Action and International Cooperation estimates that there are approx. 3 million displaced people (PSD). Some NGOs state that the figure is even higher: 4,361,355 (Codhes 2008). To this respect, the Constitutional Court has stated that in spite of the official recording system having advanced significantly since 2004, it still does not reflect the reality in an accurate way (Constitutional Court, Writ 218 of 2006. M.P. Manuel José Cepeda. P.2.1). UNHCR has taken this provision as a source for its reports, in particular, the figure of “approx. three million displaced persons.”

\(^{69}\) Source: Facts and advances in the displaced population care. September 2008.
adjustment and compliance with the integral care policy for the displaced population (PAIPSD).

Currently, PAIPSD is operating in the framework of the internal displacement ruling principles\textsuperscript{70} and the parameters of case law issued by the Constitutional Court that has tracked, on an ongoing basis, the orders stated in sentence T-025\textsuperscript{71} through warrants and public technical information sessions\textsuperscript{72}. In these meetings the displaced individuals are heard directly as well as the government representatives and some NGOs, aiming at learning about the actual situation on the respect for fundamental rights; whether it deals with determined vulnerable individuals or regions affected by displacement, to thus take general and specific measures to overcome the discovered weaknesses.

\begin{table}[h]
\centering
\caption{Number of displaced people per year in Colombia (2002-2008)}
\begin{tabular}{|l|c|}
\hline
Year & Number of Displaced People \\
\hline
2002 & 392,928 \\
2003 & 220,823 \\
2004 & 200,405 \\
2005 & 238,231 \\
2006 & 246,855 \\
2007 & 265,570 \\
Sep-08 & 154,734 \\
\hline
\end{tabular}
\end{table}


\textsuperscript{71} The following agencies assist in this tracking: Ombudsman’s Office and the Prosecutor General’s Office, who permanently report on the compliance with issued court orders. See http://www.defensoria.org.co/red/?_item=0203&_secc=02&ts=1
\textsuperscript{72} The Court has held five technical sessions on specific displaced communities: children, women, aborigines, Afro-Colombians and disabled individuals in April 1, 2008. And, past March 14, the first technical regional session was held on the people displaced from the Magdalena region.
In consequence, the State has intensified its efforts to develop both the regulatory framework\(^73\), and the production of indicators, the differential care for the community and the budget resources for its effective execution, which has significantly increased in the last years: from 150.7 billion pesos (65.3 million USD) in 2002, to 1 trillion pesos (442.6 million USD) in 2008 (Facts and advances in the care of displaced individuals. Acción Social. September 2008) According to ACNUR, the Colombian government is the one exerting the greatest efforts worldwide for the situation of its own displaced individuals.

PAIPSD has reached important achievements such as improving the timeliness, quality and particularity of the care. The emergency humanitarian care has been guaranteed in 80% of the homes included in the RUPD. In 2002 there were 155,805 homes cared for while in 2007 humanitarian assistance was provided to 408,781; and as of June 2008, the homes receiving assistance were 431,056 homes abandoned out of the 536,080 recorded (Facts and advances in the care of the displaced population. Acción Social. September 2008).

Another significant advance has been achieved in the field of the DESC, particularly in the increase in the health and educational rights coverage. Approximately 918,000 health care system affiliated individuals are included in the RUPD, while in 2004 there were only 116,541. Similarly, the number

---

73 Included in the most important standards, we highlight Decree N° 250 of 2005 whereby the National Plan for Integral Care of the Violently Displaced Population was determined; Presidential Decree N° 06 of 2005, issued in compliance with Sentence T-025/04: CONPES Document 3400 defining goals and committing resources to provide care to violently displaced individuals; and the Agreements approved in the framework of the National Counsel for Integral Care to the PSD, among which we highlight: No 3 on protection against discrimination practices; No. 5 whereby the Plan to Care for the Nukak Maku community is adopted, as well as for other aborigine communities at risk (currently, eleven plans have been set up for aborigine communities at risk); and number 8, referring to the implementation of the differential approach taking into account the perspectives of gender, ethnics, age and disability.
of health care services for the displaced population increased 440 times between 2002 & 2006, going from 507 to 209,307 (Facts and advances in health care to the displaced population. Acción Social. September 2008). In 2002, 30% of the displaced individuals had health care coverage and in 2008 this percentage has increased to 81%.

In what refers to education, the coverage for displaced (boys and girls) children recorded in the educational system has increased intending to improve their competences for their insertion into the labor market or to develop any productive economic activity allowing them to generate income. In effect, in 2007 there were 213,726 beneficiaries, while in 2003 there were just 29,707. In basic education specifically, the coverage has increased from 60% to 85% between 2002 & 2008. Education resources have also increased significantly because out of 118.3 billion pesos (51.3 million USD) in 2004, there were funds for 203.2 billion pesos (approx. 88 million USD) in 2006 (Facts and advances in the care of the displaced population. Acción Social. September 2008).

In this same sense, it is worth highlighting the program called Familias en Acción that has achieved improvements in the levels of nutrition, education and health care of aborigine and displaced families belonging to the lowest income groups. This government initiative, as mentioned, consists of granting monetary support to the beneficiary mother, provided that she commits to sending her underage children to school and to taking the children to growth control and development scheduled medical checkups to guarantee their right to healthcare. As of September 2008, there are 294,386 families that equal over one million displaced individuals.74

In what refers to housing, the increase in the number of housing subsidies granted to the displaced population is also worth highlighting. In 2002 the amount of subsidies granted were merely 801, while in 2007 the amount was 82,655, and as of June 2008, the figure was 84,315 (Facts and advances in the care of the displaced population. Acción Social. September 2008). The

74 The program: Familias en Acción has more than 1,750,000 benefitting families in levels 1 and 2 of the Sisben (Facts and advances in the care of the displaced population, 2008).
challenge is to grant another 30,000 new subsidies per year starting in 2009, thanks to the administrative victim reparation decree. The subsidies having a reparation nature for families who suffered displacement are provided in special conditions: preferential fund, higher amount than ordinary subsidies, more flexibility and longer terms to make them effective, increasing resources and the possibility to purchase new or used homes in any part of the country.

This government has built 196 municipalities and more than 8,000 houses that were destroyed by guerrilla attacks and terrorist actions during a decade, events that have generated hundreds of thousands of displaced individuals. The reconstruction costs were assumed by the National Budget, the reconstruction was completed in four years and thanks to the democratic security policy, no other municipality has been destroyed.

With respect to social and economic destabilization of the displaced (PSD), different income generating programs have been set up, focusing their intervention in individual or group care for the return or relocation in urban and rural areas, according to the community’s demand. This is done using an integral work methodology that includes technical, administrative and financial components, as well as cross-section components to provide psycho-social care to the beneficiary and his/her family members.

For instance, starting in 2005, a strategy was launched to provide integral care to the participating families, in a timely way, with warmth and friendliness, providing support to them for income generation and thus contributing with their socioeconomic stabilization process and the finding of a new meaning for their lives. Since then, the benefitted homes have been 106,151, and 1,388 participants have received labor training, out of which 1,100 have been hired by companies (Facts and advances in displaced population care. Acción Social. September 2008).

Furthermore, a threefold strategy is underway (business, entrepreneur strengthening and employment) and it has benefitted 84,790 homes from 2007 to 2008 YTD. By 2009 & 2010 we expect to annually include another 70,000 homes in this program. Besides this, starting this year we are tracking and coaching in the business plans of 1,404 start-out projects by families with land and seed capital provided by Incoder and with loans by Banco Agrario.
All these advances have allowed more visibility of the situation and better communication with the victims in the design and implementation of specialized programs for their integral care. Currently, people in a situation of displacement enjoy participation spaces in the regional and national levels, both in the formulation and in the follow up of the public care policy. They thus participate in the municipal, departmental and national task forces and in the committees at these same levels; they participate in the National council for integral care to the displaced population, a body that determines the PAIPSD, and they receive technical and financial government assistance in the departmental work group in charge of the displaced population and in the national work group for the strengthening of the displaced population assisting organizations.

The favorable evolution that PAIPSD has had - recognized by the special representative of the UN Secretary General for the displaced individuals and by the ACNUR representative in Colombia - who has referred to the regulatory framework of the country as “one of the most advanced in the world.”

**Ethnical Minorities: Aborigines, Afro-Colombians, Black populations, Palenqueros, Raizales & Rom**

In Colombia there are different groups of populations that are self-named as ethnical minorities. Included in them are 1,378,884 aborigines representing 3.4% of the population; 4,261,996 Afro-Colombians, Blacks, Palenqueros and Raizales equaling 10.5% of the population, and from 5,500 & 8,000 Roms (DANE, 2005). The 84 aborigine communities occupy 710 Indian reserves in an approximate extension of 32 million hectares (27.34% of the National territory), having the characteristic that they cannot be seized, the statute of limitations does not apply and they are not assignable. On the other part, the Afro-Colombian communities occupy 159 collective territories, which cannot be seized, the statute of limitations does not apply and are non assignable.

---


76 From Jan 2002 to April 2007 deeds have been awarded for 1,311,090 hectares of
Since the 1991 Constitution, a process of recognition, promotion and visibility of the ethnical minority rights and culture has been enforced, thanks to a rich differentiated legislation and case law, as well as thanks to the government efforts to achieve the practical protection of their rights. Ethnic minorities have special political representation seats at Congress; their authorities are recognized as such, they possess deeds of collective ownership of the land they use according to their ancestral customs, and they have

aborigine communities for the establishment and expansion of reserves in 19 departments and 144 Indian reserves; % 1,218,714 hectares for black communities. With these deeds 21,962 & 22,185 families have been favored, respectively.

77 The Constitutional Court has assured as a priority the rights of ethnical minorities. Among other sentences, we highlight: T-778 of 2005 (defines the scope of fundamental rights recognized through ethnical and cultural diversity, and their collective and individual dimension), SU-039 of 1997 (recognizes the previous consultation of a fundamental right nature in itself), T-349 of 2006 (determines the degree of autonomy of the special Indian jurisdiction), T-375 of 2006 (recognizes the obligation to promote education of the Black community), T-131 of 2006 (reiterates the prohibition of racial discrimination or impeding the entry of an Afro-Colombian woman to a public place), C-058 of 1994 (establishes the exception of mandatory military service for aborigine youngsters) and T-384 of 1994 (protects the use of the mother tongue in Afro-Colombian communities).

78 The recognition and protection of the ethnical and cultural diversity of the State is a fundamental principle, according to article 7 of the political constitution. The National constitution rules on the special aborigine circumscription for the Senate and the special ethnical circumscription for the House of Representatives. Furthermore, it rules on a special circumscription for Afro-Colombian communities allowing them to reach two mandatory seats in the House of Representatives.

79 Law 60 of 1993 establishes the competencies and resource allocation for the aborigine reserves and Law 70 of 1993, establishes the mechanisms for the award of unused lands to Afro-Colombian communities that besides this, protects the cultural identity and economic & social development of the Afro-Colombian communities. Law 1152 of 2007 (Rural Development Statute), among other things, it defines the organizational scheme of aborigine reserves and the rural institutionalism for aborigine and
interlocution spaces with the government, such as: the National negotiation work group, the National HR work group, the Amazon work group and the high level consulting Afro-Colombian work group.

Ethnical minorities also have affirmative actions in their favor that seek to ensure the peaceful and effective enjoyment of their economic, social and cultural rights. For instance, in the general social security regime, ethnical minorities are provided support and partial subsidies to ensure their right to health care. For the same purpose, the members of aborigine communities are exempt from paying health care services and they may set up their own health care promoting agencies and service provider institutions according to their uses and customs.80 The Blacks, Afro-Colombian, Palenquera and Raizal communities must receive priority health care in the municipalities when in an especially vulnerable situation.

In what refers to education, the National Ministry of Education has implemented and promoted the ethnical education activity to improve and supplement the aborigine and Afro-Colombian community education. These models are built based on the formulation that each ethnic community establishes in its educational project. To rank the educational offer for aborigines, Afro-Colombian and Raizal populations, a participative and cultural effort is promoted for the flexible teaching models; technical assistance is provided to the territorial entities in the implementation of the ethno-educational ranking processes. The national bi-lingual program has been consolidated as well as for ethnical and Raizal communities, and the national program for literacy and basic education for illiterate youngsters and adults that prioritizes the intervention in aborigine and Afro-Colombian communities. Likewise, special university spaces are ensured for ethnical minorities.

Included in the affirmative actions for the promotion and protection of the minority cultural expressions, the Ministry of Culture has implemented

---

80 As of Dec. 2007, 1,082,657 aborigine individuals are covered by the health care subsidized system.

Afro-Colombian communities in Colombia. Decree 2164 of 1995 rules the granting and deed awarding of lands for the aborigine communities for the constitution, restructure, expansion and sanitation of the Indian reserves.
strategies such as the installation and consolidation of aborigine radio stations\textsuperscript{81} with cultural contents in the public channel TV Señal Colombia, projects leading to take an inventory allowing to identify the expressions constituting an intangible heritage and safeguard plans to protect an intangible heritage (for instance, San Basilio de Palenque – Oral and Intangible Heritage of Humanity by Unesco).

One of the most recent achievements is the launching this year of the TV Kankuamo channel, broadcasting its programs from the Sierra Nevada de Santa Marta, aiming at preserving the ancestor customs of one of the aborigine communities most affected by violence. This project, under the responsibility of 34 youngsters from the community with professional training in ethnical TV Management, has been supported by the National TV Commission that destined over 300 million pesos (130,000 USD) for the design thereof.

Furthermore, the Colombian government continues with the guidelines of the most recent constitutional case law must complete previous consultation processes as an essential requirement to complete projects, such as administrative acts and even legislative initiatives that are performed in their legally constituted territories or those that have an impact on ethnical minorities.\textsuperscript{82}

This year, two offices were created in the Ministry of the Interior to undertake in a specific way the promotion of policies to benefit ethnical minorities: the Direction of Aborigines, Minority and Rom Affairs and the Direction of Affairs for Blacks, Afro-Colombian, Raizal and Palenquera

\textsuperscript{81} The Program Community for Aborigine individuals was designed in favor of this ethnic Group that was funded with approx. 8 billion pesos. Three phases have been completed, with which 26 radio stations have been delivered to them in 12 departments across the National geography, benefitting over 504,000 Colombian Indians located in about 391 reserves, which represents 81.6\% of the National aborigine population.

\textsuperscript{82} For instance, the Constitutional Court recently declared invalid the forest law because it had not been consulted with the affected ethnical minorities. Sentence C-030 of 2008.
Communities. In the case of the Afro-Colombian communities, three important initiatives must be mentioned: the inter-sector Commission for the advancement of the Afro-Colombian, Palenquera and Raizal communities, the special strategies for the Colombian Pacific\(^{83}\) and the integral long term Plan for the Afro-Colombian and Raizal communities 2007-2019.\(^{84}\)

On the other hand the Defense Ministry issued instructions for Law Enforcement to take particularly ensure care and protection of ethnical minorities across the country aiming at preventing violations to their HR caused by violence.\(^{85}\) The victim protection program launched by the Ministry of the Interior protects this population with a differential approach. The Attorney

\(^{83}\) These strategies are especially dealt with in the CONPES documents on social policy, numbers 3310 of 2004 & 3491 of 2007.

\(^{84}\) The inter-sector Committee for the advancement of the Afro-Colombian, Palenquera and Raizal protection was created on Oct 29, 2007, under the successful Truman Commission model in US. It is made up by senior national government representatives, the academic sector, the economic groups and international leaders that will deliver a series of recommendations to the government aiming at the sustainable solution of the discriminatory expressions against some of the Afro-Colombian communities in the country. The government has promoted special and affirmative strategies to promote the development of the Afro-Colombian population located at the Pacific basin, as well as the regulatory tools in which these strategies are included. The most recent and specific one is CONPES 3491 of 2007 “State Policy for the Colombian Pacific.” This ambitious document intending to renew the impulse in the Afro-Colombian population, through the insertion of the Pacific region in the national and international development in the framework of a strategic program for social and economic reactivation, aims at improving the life conditions of its population and considering the natural and ethnical ecosystem conditions existing in the region. We also have the long term integral plan for the Afro-Colombian and Raizal communities 2007-2019, designed by DNP to contribute with the inputs for the formulation and implementation of a State policy on positive differentiation leading to overcome the conditions of inequity and discrimination.

\(^{85}\) Ministry of Defense. Regulations No. 16/06, No. 07/2007, No. 300-19/07 & Order No. 30313 /07.
General’s Office has exerted great efforts to drive investigations when victims are members of these communities, and special commissions have been set up to advance the investigations.86 The Ombudsman’s Office has conducted studies on the ethnical communities affected by highly vulnerable situations and has tracked the agreements between the State and aborigine authorities, included in which are the agreements with Pueblo Emberá Katio at the Alto Sinú and with aborigine and peasant communities from Teteyé & Puerto Vega, in Putumayo.

Defenders of HR, Unionized workers and Journalists

The human right defenders have performed an important role in promoting the HR culture; the vindication of victims and promotion of internal standards; demanding from the State compliance with its role of respect and assurance; the reporting of violations; and incorporation of the international community in its solution.

The State, with ongoing support from UNHCHR, has procured several interlocution and negotiation spaces with these communities,87 aiming at issuing policies through joint efforts.

---

86 During 2007, a commission was held in Buenaventura, whose Afro-Colombian community was subjected to several HR violations. 68 investigations were undertaken that resulted in 11 legal measures, 16 arrest warrants, 10 inquiries and precautionary arrest against 5 people. Furthermore, it has been foreseen to establish special advancing commissions to expedite investigations where the Wiwa & Embera Chamí communities have had their rights violated.

87 Spaces to highlight are those such as the high level consulting Commission (for Afro-Colombian communities), the National work group for the aborigine community HR, social dialogue work group (HR protection for workers), National counsel for integral care for the PSD (displaced population), national work group to strengthen the PSD, the regulation and risk assessment Committee (people from the Ministry of the Interior’s protection Program) and the work group for the follow up of the annual UNHCHR recommendations (with the participation of social organizations, involved State agencies and the international community).
Since 1997, the State created the Ministry of the Interior’s protection program resulting from a joint effort with the civil society. In the beginning, this program sought to protect the right to life, integrity, liberty and personal security of unionized and NGOs leaders defending the rights of human beings at risk. Later it expanded its coverage to other groups, such as journalists and leaders of ethnical communities.

It has a counseling body made up by State representatives and the groups of the subject matter population that analyzes the cases together and issues the recommendation to adopt the most convenient measures for the required protection. The State has exerted significant efforts to progressively strengthen the budget allocated to this program that during the present Administration was increased in 187%.88

• Human Rights Defenders

Work has been carried out during many years to issue standards and embed a culture for public servers and the society to guarantee actions corresponding to the role that HR defenders play in a democracy. The government has the policy to guarantee the exercise of all the liberties and maintain an open dialogue with all sectors in the society.

However, the topic to guarantee the exercise of the HR defenders’ role has been one of the most polemic situations the government has faced. The defenders state that violations of their HR persist, such as homicides, threats and theft of information in their premises. They indicate furthermore that they have been subjected to arrests, irregular raids and statements by some State officials that place them at risk.

State officials have publicly rejected the threats and information theft suffered by HR defenders89 and they have held meetings to review this

---

88 The program’s budget has gone from 26 billion pesos (approx. 13.6 million USD) in 2002 to 74.7 billion (approx. 39 million USD) in 2007. Out of this amount, 279.7 billion pesos (approx. 146 million USD) have been invested in the last five years.

89 On July 11, 2007 the Director of DAS publicly denounced the ongoing theft of computers at the premises of several NGOs in Bogotá, and he stated that they had all his collaboration for their peaceful performance. The Vice-president of the Republic,
situation, adopt measures to guarantee their security and request expeditious investigations. The government considers that there are some reasons for concern but the situation is better than in the past.

On September 9, 2007, in his intervention in the ceremony to sign the extension of the agreement between Colombia and the UNHCHR he stated that he thanks the involvement of the HR defenders in this act as well as their valuable contribution to the enforcement of HR in Colombia. He reiterated the National government’s decision to provide all guarantees for the exercise of their work in the country. He condemned hostile actions against these organizations represented by the threats and thefts in their premises. Those perpetrating these acts deteriorate our policy of dissenting with contrary opinions while respecting their rights; he begged the judicial authorities to exert major efforts to clarify these facts and punish the offenders. Regarding the threats received via e-mails on March 11, 2008, the Minister of the Interior firmly and publicly rejected these threatening communications and stated that the government “firmly rejects the threats made by e-mail that the criminal organization “Águilas Negras” have transmitted to the organizations or individuals who set up the march held last March 6.”

Regarding information theft against the NGO premises, several meetings were held among which it is worth mentioning those held on July 10 and September 25, 2007. National and international NGO representatives attended these meetings, the DAS Director, Police officers, representatives from the Attorney General’s office and the director of the HR Presidential Program and IHL. The actions adopted were as follows: the appointment of special agents in the investigations conducted by the Prosecutor General’s Office, the assignment of several of these research projects to the deputy attorney before the Circuit Judges of the Unit against Heritage Crimes, and the reinforcement of security measures as required by the National Police and the Ministry of the Interior. Regarding the threats received on March 11, 2008, a meeting was held on March 13 with the Attorney General’s Officers, the National Police, DAS, the Ministry of the Interior and the Presidential Program for HR and IHL, and the following actions were determined: to issue Resolution 1532 by the Attorney General’s Office, assigning the investigation to the Attorney General’s Unit of HR and instructions were given to the Police and the Ministry of the Interior to reinforce the security measures as required.
On November 10, 2008 the National government and representatives of HR defending organizations together with the International community met to review the situation. The National government reiterated its will to protect all the citizens, and especially vulnerable populations, such as the universal principle of respect and assurance for the reinforcement of their HR. Furthermore, he stated that he will maintain and strengthen all the necessary warranties so the HR defenders and social leaders may report alleged violations of HR.

On its side, the Attorney General’s Office aiming at reinforcing its actions, announced that it shall create in the next few weeks, sectional HR units devoted to investigating threats and capturing the offenders against members of those legal organizations.

In the same sense, the Prosecutor General’s Office representative reported that it shall continue cooperating with the Ministry of Defense in its work supporting the intelligence reports that the State security organizations have received by the HR defenders.

The government and HR defending organizations agreed on creating a bi-partisan commission to study a policy aiming at granting more warranties. Furthermore, these shall be extended to the regions, with emphasis on the most vulnerable ones; this same dialoguing scheme and the negotiation with the State agencies and government entities shall include the HR defenders.

Lastly, the government and HR defending organizations acknowledged the differences they have regarding important aspects of the National life, the same which they must solve through the legal and constitutional channels in an objective and cordial manner.

The government understands these discussions within a society with different criteria; it claims objectivity in the HR reports and maintains its commitment to provide all the warranties for the HR defenders’ performance. However, it considers that the strategy to elude the debate in National scenarios is not the proper strategy by alleging the lack of warranties and pretending to exert pressure on the government from the international scenario platform.
• Journalists

In Colombia the freedom of opinion and expression is a recognized constitutional right. The Constitutional Court has developed the scope of freedom of expression, indicating that this entails an individual aspect and a social aspect. And, it has expressed that:

“The first refers to the right that people have to express their thoughts and use any media to express them to others. In this sense, it includes the liberty to make statements, the liberty to think, the liberty to issue opinions, the liberty to inform and report, the freedom of press and the freedom to set up mass communication media. The second…includes the right to receive information and to learn others’ thoughts – the right to be informed.”

Likewise, emphasis has been placed on the importance of this right to strengthen democracy.

There is a great amount of media representing pluralism in society that are protected by the constitutional regulations, without prejudice of expressing diverging opinions opposing to the official actions or policies. This is made evident by the existence of 17 National newspapers and 27 at a regional level; TV coverage of approximately 100% of the national territory and a State operated, commercial and community TV channel; 1,371 radio stations in commercial, public interest and community modes, and hundreds of magazines and bulletins with an informative, political, sports, specialized and entertainment nature under the responsibility of professional associations, trade associations, NGOs and universities, organized communities and independent media.

As a conclusion, you may say that in Colombia no officer or sector in the society escapes the control and criticism by the press.

---

91 The political Constitution that in its article 20º states that “Every individual will be guaranteed the freedom of expression to disseminate and state thoughts and opinions, to inform and receive information in an accurate and unbiased way and to found mass communication media. These are free and have a social responsibility. The right to rectify in equal conditions is also guaranteed. There will be no censorship.”


93 Constitutional Court, Sentence C-650 of 2003.
The Ministry of Communications conducts training strategies to contribute in strengthening the social responsibility of the media.

However, problems persist in some regions where journalists state they are being subjected to pressures, violent reactions due to corruption reporting and lack of responsiveness in the actions to protect them.

In view of this situation the government has implemented a series of measures aiming at overcoming these situations, while seeking a free and full exercise of the right to free press. As mentioned, journalists are also subjects of the protection Program for HR defenders sponsored by the Ministry of the Interior & Justice. Out of the total number of individuals protected by the program in the first eight months in 2008, the measures adopted in favor of the journalists represent 1.36%. At a budget level it represents 3.4%, equaling 1.7 billion pesos (approx 764,000 USD) out of the total general budget for the program.

- **Unionized Workers**

  Homicides of unionized workers decreased in 87% from 2002 to 2007. In view of the increase occurring in 2008, the government entered into a joint agreement in July, together with workers’ central offices94, the Attorney General’s Office, DAS and the National Police, aiming at rejecting the attacks against unionized workers and to assume commitments to prevent, protect this group and to prosecute their offenders.95

---

94 Central Unitaria de Trabajadores (CUT), Confederación de Trabajadores de Colombia (CTC), and Confederación General del Trabajo (CGT). (the three major labor union entities)

95 Among others, the statement includes the following commitments: reinforcing the group of specialized prosecutors who investigate crimes against unionized employees; conducting a campaign in the media defending the rights of unionized workers; summoning to a meeting with businessmen, union leaders and government to establish a joint mechanism that avoids restrictions to labor union freedom and takes measures to prosecute offenders; optimizing the early alert mechanism and to reinforce the prevention protocol to identify the critical cases; create a virtual network to take care of threat alerts in real time; Police commanders in departments
We highlight the creation of a special unit at the Attorney General’s Office to investigate threats and assassinations against union leaders that as of this date has allowed issuing 46 verdicts and 75 people have been condemned, and there are 27 trials and 39 investigation processes underway. It is important to note that this work has allowed concluding that many union member murders are not motivated by their union activities.

In June 2006, a three party agreement was entered into to defend the right to become labor union members and to promote democracy, aiming at promoting the fundamental rights of workers, strengthening the social dialogue and implementing programs to fight both violence against workers and impunity. In consequence, the following are included in the measures that have been taken among others:

- Determination of a permanent representation of ILO in Colombia.
- Appointment of three judges by the Superior Council of Justice to expedite trials.
- Improvement of the social dialogue through the reactivation of the negotiation Commission on salary and work policies, the creation of the conflict-solving Commission, the inter-institutional Commission on HR and the inter-sector Commission to promote formalization of decent work in the public sector.
- Implementation of hearings for labor justice trials.
- Regulation of associated work cooperatives.
- Bill submitted by the National government whereby the competence to declare the illegal nature of strikes, is handed over to judges in charge of labor affairs.

\[\text{\textsuperscript{96} In these proceedings there are 26 persons detained and 53 with a precautionary arrest measure in force.}\]
**Persons Deprived of Liberty**

The Colombian State is carrying out important efforts to ensure the actual exercise of prisoners’ HR, and to overcome problems related to overcrowding, poor prisoner treatment and integral care. Included in which we highlight the following:

- The cross-dissemination of HR themes with support received from UNHCHR through the training of 18 members of the Custody and Control Organization, who trained 250 prison and penitentiary workers.
- The positioning of the slogan: “your human dignity and mine cannot be violated”, as part of the strategic platform of the current Administration that is supported on five fundamental pillars: health, living conditions, food, recreation and judicial brigades the purpose of which has been to guide the institutional efforts towards improving the incarceration conditions of prisoners.
- Strengthening the HR Committee as a legitimate body for inmate participation, whereby the weaknesses of the prison system may be identified; with the participation of control organizations.
- Implementing legal brigades every eight days in the national penitentiary system in the framework of the harmony cooperation Convention, entered into between the control organizations, Inpec (Bureau of Prisons) and the Ministry of the Interior & Justice.
- The process to implement Law 1122 of 2007 seeking the assurance of access to health care services for the incarcerated population.
- The identification of the population in exceptional conditions with the census applied in 2006 & 2007.
- In August 2009, repairs and expansion work was completed in eight jails, out of which three are operating with a capacity for 4,000 inmates (MIJ-Ministry of the Interior & Justice, 2008).
- The electronic bracelet was implemented for minor offenders or for home arrest that benefit 4,112 people by 2009 end (MI, 2008).
- A new educational model shall be implemented in 24 jails, focusing education in self-training and the implementation of prevention and promotion campaigns. There was a 28.6% increase in 2007 compared
against 2006, in terms of inmates participating in the superior education Program.

- Likewise, Inpec entered into a cooperation agreement with the Ministry of Culture to support the execution of a Project to create and start up library services, reading and writing promotion and cultural development in six jails under Inpec, one per regional site.

- Actions are being carried out to set up the Latin American network of prisoner education, led by the Eurososia-Educación program in prisons, in the environment of international cooperation between the European Union and Latin America.

- In 2007, Inpec held the prison and jail games in 73 reclusion sites, with the participation of a high number of inmates. This event had an increase of 32.7% facing the immediately preceding year when only 55 jails participated.

- Besides this in the Program: sports, recreation and culture, the participating inmates grew 3.7% compared against the third quarter in 2006 when 60,696 participated, and in the same period in 2007 62,264 was the participation.

Immigrants

According to the Colombian justice system, any individual immigrating for any reason whatsoever to Colombian territory acquires the legal condition of a foreigner.

According to the last population census, carried out in 2005, the number of foreigners from different States residing in Colombia is 90,469, out of which 46,833 are men and 43,479, women. On the other hand, according to DANE, the number of Colombians living abroad (as of May 2006) is 3,337,107.

It is worth noting that foreigners residing in Colombian territory enjoy the same rights granted to nationals, with few exceptions applicable in a reasonable and proportionate manner according to law. The outstanding limitation is on political rights, specifically the right to vote stipulated in Law 1070 of July 3, 2006. According to this law, foreigners residing in Colombia may only vote in popular consultations and elections with a municipal and district nature at the last place where they had settled down to live.
Facing civil rights, the free circulation is conditioned to the legal nature of the demands of their stay. Furthermore, Law 141 of 1961, aimed at protecting jobs in the country, according to the employment policy, the economic and social development and the transfer of technology, establishes limits to the jobs held by foreigners aiming at avoiding the displacement of local workers replaced by foreign workers.

In 2004, when Decree 4000 was issued, it was identified as the current Colombian Immigration Statute that together with ministry resolutions: Nos. 0255 of Jan 26, 2005 and 0273 of January 27, 2005, rule the entry and permanence of foreigners in Colombian territory. Furthermore, Colombia has entered into several bilateral, regional and multilateral agreements with countries all over the world in the field of immigration and it unilaterally decided to expedite the entry without national visas for tourists or visitors from countries mentioned in Resolution 273 of 2005.

Such standards, aimed at guaranteeing the rights for locals and foreigners in equal conditions, except for the mentioned limitations, develop the commitments acquired in the international environment, in particular with the Convention on the protection of the rights of all the migrating workers and their families that was ratified and started ruling in Colombia on May 24, 2005.

The Inter-sector Immigration Commissions was founded in 200397 with the purpose of strictly following the equal, decent and legal conditions that must exist for Immigrants. This Commission is in charge of supervising the care for international working immigrants and their families, the authorized operations and organizations responsible for hiring working immigrants, the measures relative to the orderly return of migrants, their re-settlement and cultural integration, as well as the rights that may guarantee their living conditions according to the principles of human dignity.

97 Created through Decree Law 1239 of May 19, 2003.
IN THE NEWSWEEK issue dated July 14, 2008, Colombia was recognized as global leader in environmental affairs among the countries with the same level of income, and as the country that has been able to position the environmental agenda as a national priority.

Colombia has defined clear rules facing the mining, hydrocarbon, agriculture, cattle raising, port and industrial sectors. From the sustainable development perspective inter-minister agendas have been agreed on amongst all the ministries. Likewise, a joint work group has been consolidated with the private sector and the communities with concrete expressions of the corporate environmental responsibility.

In spite of the above, it is essential to face environmental problems such as the reduction of the extension of rain forests, the loss of vegetable cover, the deregulation of the recharge of aquifers, the quality and access to river resources and the loss of biodiversity.

To face these problems, the Ministry of Environment, Housing and Territorial Development, as indicated in Law 99 of 1993 and Decree 216 of 2003, identifies an important role in safeguarding the national ecosystem by designing and executing a series of public policies aiming at preserving, protecting and restoring the environment by promoting sustainable development. One of the main environmental management strategies led by this ministry is the National Environmental System (SINA).

SINA, according to the national development Plan 2006-2010, covers
six strategic environmental lines: environmental planning in land use management; integral management of the river resources; knowledge, preservation and sustainable use of the biodiversity; promotion of competitive and sustainable productive processes; prevention and control of environmental degradation, and strengthening of SINA for environmental governance.

The State has policies designed to guarantee the in situ conservation in several protected areas: 51 belonging to the natural park system; 52 protecting reserves; 217 natural reserves of the civil society; 50 integral management districts; 3 biological corridors; 91 natural regional parks; 2 soil conservation districts; 443 municipal rain forest reserves and 60 regional rain forest reserves.

This year, the National park System is executing a higher budget allocation and has triple folded its resources compared against the immediately preceding year. More than 170,000 new hectares have been incorporated into three new parks.

Aiming at building a culture of respect for the environment, in the last year, the Ministry of the Environment has designed and implemented campaigns in mass media supplemented by the education and participation strategies.

Colombia ratified the Climate Change Framework Convention through Law 164 of 1995 and the Kyoto protocol through Law 629 of December 27, 2000. Under this protocol, the Climate Change Office at the Ministry of the Environment has identified 95 projects recorded in Colombia in the forest, transportation, industrial, waste management and energy fields.

Regarding the right to water, a constitutional reform has been driven, two laws and two decrees have been issued and caused a revolution in the sector and defined a modern, efficient and transparent institution to execute the line items for over 8 trillion pesos (approx 3.5 billion USD), in four years to provide drinking water and basic sanitation to all Colombians, to work harmoniously with the departments and municipalities and to guarantee the integral management of river resources.

It is worth highlighting that one of the problems that most affects the Colombian ecosystem is the production of illegal crops destined to narcotraf- ficking. Therefore, the government in its double commitment of fighting
against narcotrafficking while safeguarding the State’s environment, has designed a series of programs aiming at the eradication of illegal crops with a lower environmental impact.

In this sense, the Program against illegal crops (PCI) led by the Presidential Agency for Social Action and International Cooperation (Acción Social), has the purpose to prevent illegal crops and eradicate existing ones while promoting legal and sustainable crops.

One of the most effective mechanisms to protect biodiversity of the Colombian forests that are threatened by illegal crops is the Forest Ranger Program including aborigine communities, Afro-Colombians and peasant families who voluntarily have replaced the planting of illegal crops for environmental productive projects favoring Colombian forest preservation. As of December 2007, 94,536 families were reported from 2,104 provinces in different places in the country as beneficiaries of such program.98

In a supplemental way, there is a mobile group working in eradication; it is made up by people who, with the Armed Forces’ protection, go to areas where illegal crops are detected and carry out manual and mechanical eradication avoiding more propagation, especially in peasant economy areas or natural reserves/parks.

AIMING AT CONTRIBUTING in the construction of a more efficient, transparent, participative State that provides better services to its citizens, the National Online Government Project was created to seek the use of IT following the imperative to work in an integral way among the State agencies. 100% of the public institutions that operate nationwide have a Webpage (information phase) and advance in all phases, where we highlight the freedom of opinion and expression, the offer of mechanisms approaching citizens to the Administration and making it possible to have interaction with the government (interaction phase), and the incentive for citizens to contribute in the instruction and follow up of policies, plans, programs and legislative themes, as well as to actively participate in decision making (democracy phase).

A clear example is the electronic platform for collective building of the national Ten-year Plan (PNDE) 2006-2015, recognized by OAS as the best governmental electronic solution in Latin America and the Caribbean for citizen participation. The main challenge in developing this strategy is to promote the knowledge, use and advantage of information and services that the Colombian State provides through electronic media.

With the same purpose of promoting transparency and efficiency, the Single Sourcing Portal (PUC) was created\(^9\) that is the integral point of information and services of the Colombian State.

---

\(^9\) www.contratos.gov.co
mation querying on contractual processes that public entities manage. With its implementation the intention is to seek better ways of information access in what refers to what the State purchases and hires. Its use expedites social control of contracting processes initiated by the entities, undertaken by the citizens in general and the citizen overseeing entities.
Voluntary commitments assumed by the State due to the Universal Periodic Review

In this section, we mention the voluntary commitments assumed by Colombia in its report for UPR on September 1, 2008.

In the framework of the fight against violence and maintenance of public order, Colombia will continue exerting major efforts to:

- Protect the population against the actions of armed groups (illegal)
- Summon international solidarity to combat narcotrafficking that feeds rebels’ existence and deny all spaces of logistic movements, and money to people involved in such violations.
- Particular care will be given to the development of strategies to avoid the recruitment and effects of such actions in women, boys and girls.

For the prevention and punishment of crimes such as torture, forced disappearance and homicide, the State commits to:

- Strengthening the information systems and databases consolidated and inter-connected on such crimes, for which purpose, Colombia considers that it is important to have international technical assistance.
- Seek the effective prosecution of all offenders.
- Consolidate an integral care policy for the victims and family members.
• Strengthen the role of the Prosecutor General’s Office in the
disciplinary investigations to members of the Armed Forces (Law
Enforcement).
• Consolidate CBPD and strengthen its capacity for the
tracking of the forced disappearance crime and to write
up policy proposals.
• Start the process of Convention ratification in Congress for the
protection of individuals against forced disappearance.

Regarding land mines, Colombia assumes the following commit-
ments:
• Improve care for victims.
• Train and graduate each year one thousand community instructors in
actions against land mines.
• Form ten new teams of humanitarian de-mining experts with forty
team members each.
• Set up a contingency management team.
• Adjust the policy to new challenges.
• Destroy the 26 remaining mined fields before March 1, 2011.

To overcome the difficulties that are faced regarding the war against
impunity and the access to justice, the State commits to:
• Enhancing coverage of rural and remote areas.
• Strengthen protection programs for third-parties intervening in
criminal proceedings.
• Implement the information system and design a solution for the
inter-operability among State information systems associated to the
violation of HR.
• Strengthen the technical investigation capacity.
• Strengthen the trust in the judicial power.

In view of the challenges in the framework of implementation of the
law of justice and peace, the following commitments were assumed:
• Accelerate the process to clarify the truth.
• Accelerate the process to identify discovered remains to be delivered to family members.
• Question and investigate crimes committed by demobilized guerrillas against women and children (especially sexual violence and child recruitment by rebels).
• Conduct the National reparation program.
• Strengthen the Program for the protection of victims and witnesses cooperating with justice.
• Strengthen the dissemination of victims’ Rights and adopt measures to promote activities being conducted by CNRR.
• Start up regional commissions for property restitution.
• Complete the document of the historical memoires entrusted by law to CNRR.

With respect to the difficulties that exist in terms of economic, social and cultural rights, the State commits to:
• Decreasing the rate of poverty to 28% and the rate of homeless individuals to 8.8% by 2015, as provided for by the first of the eight Millennium Development Goals.
• Achieve the full coverage of basic education.
• Lower the rate of illiteracy to 1% for individuals between 15 and 24.
• Reach a rate of gross coverage of 100% for basic education (pre-school, elementary, high school and 93% for medium level education.
• Reach an average of 10.6 years of education for individuals between 15 & 24 years.
• Decrease repetition to 2.3% in basic and medium level education.
• Reach universal health coverage in 2010.
• Achieve 90 points of tele-medicine for remote areas.
• Unify the Mandatory Health Plan (POS) for all children from all socio-economic levels as the first step to comply with Sentence T-760 of 2008, issued by the Constitutional Court ruling the unification of benefits for children, the elderly and citizens in general.
• Reduce mother and child mortality according to the MDGs.
• Apply the national public health plan and the program for sexual and reproductive health.
• Enhance the nutritional condition of boy and girls.
• Fight against HIV/AIDS, yellow fever and other severe diseases.

Vulnerable populations require special care, in view of this reality and the particular difficulties that such groups face, the State commits to:

• Strengthening aborigine and Afro-Colombian authorities.
• End the process of building public policy together with aborigine authorities.
• Reinforce prior consultation processes, according to the most recent constitutional case law.
• Strengthen the interlocution spaces created between the government and ethnical authorities, as well as improve relationships at all levels.
• Effectively guarantee territorial Rights for the aborigine and Afro-Colombian communities.
• Combat poverty affecting aborigine and Afro-Colombian communities.
• Define the coordination mechanisms between ordinary jurisdiction and aborigine jurisdiction.
• Agree on indicators for effective enjoyment of rights for the population in a displacement situation.
• Consolidate income generation, reinsertion, return programs and the time for displaced population-PSD (people in a forced displacement situation) to have access to them.
• Reinforce the differential approach for PSD.
• Apply the policy on reparation to the displaced population.
• Guarantee full access to justice by women, victims of such violence.
• Strengthen the investigation in sexual and intra-family sexual violence.
• Guarantee a safe environment for women aiming at creating a proper environment for the rights enjoyment.
• Guarantee the rights of women affected by the violence perpetrated by illegal armed groups.
• Apply the gender perspective in the policies on care for victims and generate awareness by officers to this respect.
• Strengthen the social protection system to guarantee children’s HR (boys and girls).
• Thoroughly implement the provisions of the new Child & Juvenile Code in all its aspects.
• Reinforce public policies on integral, social and family protection to prevent underage recruitment.
• Achieve the reduction of child work rates to 5.1% by 2015.
• Continue advancing in rights and guarantees for the LGTB population.
• Perfect the assurance for the exercise of freedom by HR defenders, union leaders and journalists.
• Maintain dialogues with HR defenders, union leaders and journalists.
• Execute the commitments in the three-party case with ILO.
• Drive the investigations of crimes against these sectors.
• Promote a culture allowing expediting the work of HR defenders, journalists and union leaders.
• Expand the national offer of jail space to 24,331 through the building of ten jail facilities.
• Design and implement new mechanisms for inmate training, such as electronic security as an alternative for the punishment; the program of urban agriculture in order to train inmates to guarantee their food security when leaving the jail.
Conclusions

**Colombia has exerted** major efforts to comply with its obligations in what refers to HR, and to elevate the responsibility for institutions and officers, who must guarantee and protect them. There are important advances in many fields.

The theme of HR is a fundamental part of the public agenda (the State, the media, the civil society, the academia), and the recent experience has shown that security is a full condition for their enforcement.

There are however problems to guarantee them fully, which become difficult due to territory complexity, the violent actions of some groups and the weaknesses of the institutions. The narcotrafficking business has allowed invaluable resources that allow the survival of the illegal armed groups.

In the framework of the UPR, the State commits to a list of voluntary actions in which it expects the assistance of other States.

The government seeks a constructive relationship with them and requests civil society representatives to actively and positively participate given that they accept their critiques and recognize its valuable work. Furthermore, it encourages the international community to make a major contribution to unblock the dialoguing intention with confronted NGOs.

Lastly, the Colombian State expects the UPR to contribute in promoting a more profound, clear and full vision on the situation of HR in Colombia, in which it may have the State’s efforts and advances to protect and guarantee that the HR are recognized.


Ministerio del Interior y de Justicia (MJJ) 2008. Rendición de cuentas


[Translation]


National Planning Department (DNP). 2008 Social policy advances and challenges in Colombia. February.


Ministry of the Interior & Justice (MIJ) 2008. Accountability

