

## **VI. RECOMMENDATIONS**

103. On the basis of his detailed analysis, the High Commissioner puts forward a series of concrete priority recommendations for 2004. These recommendations, which are not exhaustive, are grouped under six headings: prevention and protection; internal armed conflict; the rule of law and impunity; economic and social policies; promotion of a human rights culture; and technical cooperation and advice on the part of his office in Colombia.

104. The recommendations are addressed to the national authorities in the three branches of government as well as to the supervisory bodies responsible for protecting and promoting human rights, to all of the parties to the internal armed conflict, and to civil society. The High Commissioner is firmly convinced that the situation regarding human rights and international humanitarian law would improve notably if the following recommendations were to be applied during the year 2004 by those to whom they are addressed.

### **(a) Prevention and protection**

105. The High Commissioner encourages the Government to strengthen coordination between the Early Warning System (SAT), established in the Office of the Ombudsman, and the Inter-Institutional Early Warning Committee (CIAT), following up on the actions taken by authorities in areas identified by risk reports. The Committee ought also to include the Office of the Ombudsman, the Social Solidarity Network and the Ministry of Justice and the Interior's Programme for protection of human rights defenders.

106. The High Commissioner encourages the Government to ensure that the programmes for the protection of human rights defenders and other groups, for which the Ministry of the Interior's Human Rights Department is responsible, operate with the necessary coverage and effectiveness. The Ministry, together with other State institutions, ought to search for new mechanisms aimed at reducing risk factors and at acting preventively against them.

107. The High Commissioner encourages the Social Solidarity Network, together with other government and State institutions, to put into practice, as soon as possible, preventive and protective actions and programmes that have been agreed upon with the communities at risk. With respect to displacement, the United Nations Guiding Principles should be strictly applied.

108. The High Commissioner exhorts the Government and Congress to ensure inclusion in the national budget of funds required to provide the Procurator General's Office and the Office of the Ombudsman with the necessary means to establish themselves in localities in which they are currently absent, especially in areas with a high proportion of indigenous, Afro-Colombian and displaced persons. The High Commissioner also recommends that the Procurator General's Office and the Office of the Ombudsman comprehensively include Municipal Ombudsmen in their activities and programmes related to human rights protection and promotion.

109. The High Commissioner encourages the Procurator General to carry out, during the first semester of 2004, the pending review of military intelligence records concerning human rights defenders and organizations. This review ought to be carried out at least once a year.

110. The High Commissioner recommends the State Procurator's institutions (*Ministerio Público*) and senior public service officials to comply with their duty to take disciplinary action against any State employees who through their declarations, actions or omissions in any way discredit or jeopardize the work of human rights defenders.

111. The High Commissioner encourages the Minister of Defense to develop, on the basis of the results of an independent study, in a comprehensive, systematic and operational way, the training in human rights and international humanitarian law of all members of the security forces.

**(b) Internal armed conflict**

112. The High Commissioner urges FARC-EP, ELN, AUC and other guerrilla and paramilitary groups to respect the right to life of all civilians. The High Commissioner urges them in particular to refrain at all times from attacks on the civilian population, indiscriminate attacks, the unacceptable practice of kidnapping, recruitment of minors, and acts of terrorism.

113. The High Commissioner urges FARC-EP, ELN, AUC and all other illegal armed groups to immediately and unconditionally release everyone they have taken hostage and anyone who has laid down their arms or has ceased to take part in hostilities.

114. The High Commissioner urges FARC-EP, ELN, AUC and all other illegal armed groups to refrain from any action that may affect the civilian population's enjoyment of human rights and diminish the ability of the Colombian State to fulfil its obligation to protect and safeguard those rights.

115. The High Commissioner urges the illegal armed groups, in particular FARC-EP and ELN, to comply with the obligations imposed on them by international rules that prohibit the employment, storage, production and transfer of anti-personnel mines.

116. The High Commissioner urges all those directly involved in the hostilities in the context of the internal armed conflict to observe, without restriction, the humanitarian principles of limitation, distinction, and proportionality and the general obligation to protect the civilian population, as well as to guarantee humanitarian access to vulnerable populations.

117. The High Commissioner recommends that the Government, the illegal armed groups and representative sectors of civil society spare no effort to establish contacts for dialogue and negotiation in order to resolve the internal armed conflict and achieve a lasting peace. The dialogues and negotiations should from the outset take human rights and international humanitarian law into account. The High Commissioner exhorts the Government and Congress to

**fully honour the fundamental principles of truth, justice and reparation for victims, in all dialogues and negotiations with illegal armed groups.**

**(c) The rule of law and impunity**

**118. The High Commissioner exhorts the Government and Congress to pay due attention to the obligations assumed by Colombia as a State party to international human rights, international humanitarian law and international labour law instruments. The**

**High Commissioner recommends the Government to carry out the ratification of international treaties relating to such matters and to deposit the ratification instruments of treaties that have been internally approved. The High Commissioner urges that no rule incompatible with such instruments should be introduced or maintained in Colombian legislation. He further recommends that greater use be made of the advisory services of the office in Colombia of the High Commissioner.**

**119. The High Commissioner calls upon the Special Committee on the conduct of investigations into human rights violations and breaches of international humanitarian law to present concrete results concerning the selected cases and to present quarterly reports to the President of the Republic on the progress achieved in the investigation of these cases.**

**120. The High Commissioner exhorts the Attorney-General to guarantee, pursuant to the letter of understanding signed in November 2003 with his office in Colombia, compliance with the recommendations of 2002 during the first half of 2004. These recommendations relate to the programme for the protection of witnesses and victims, the bill on a career structure for officials and employees of his office, the strengthening of the Unit of Human Rights and International Humanitarian Law, and the creation of a group specializing in the investigation of possible links between members of the security forces and paramilitary groups.**

**121. The High Commissioner exhorts the Attorney-General to safeguard and respect the independence of prosecutors in the performance of all of their duties and to guarantee that procedures involving detentions and searches are supported by sufficient evidence and carried out with respect for due process.**

**122. The High Commissioner calls on the Procurator General and the Ombudsman to promote and instil respect for procedural guarantees for those deprived of liberty whose legal situation has not yet been defined. The High Commissioner invites the Procurator General and the Ombudsman to present public reports on this matter. The High Commissioner exhorts the National Prison and Penitentiary Institute (INPEC) to guarantee and respect the rights of all inmates.**

**123. The High Commissioner recommends the Minister of Defense to ensure the effectiveness of all disciplinary investigations into serious human rights violations or war crimes attributed to members of the security forces, and to suspend them from duty as a preventive measure. The High Commissioner also exhorts that the military criminal jurisdiction be limited to crimes related to service.**

**124. The High Commissioner recommends the President of the Republic, in his capacity as Head of State and Commander-in-Chief of the security forces, to take all necessary steps to ensure that, independently of any dialogue conducted between the Government and the paramilitary groups, all links between public officials and members of such groups be severed. The High Commissioner also recommends the President to present a report to the State Prosecutor's**

institutions (*Ministerio Público*) every six months on the measures adopted and the results of their application.

**(d) Economic and social policies**

125. The High Commissioner exhorts the Government to develop a consistent policy, based on updated statistics, to reduce inequality, confront the extreme poverty that exists in the country and ensure that all necessary steps are taken to decrease illiteracy and unemployment rates and improve access to health care, education and housing. Primary education should be free and health services and housing subsidies ought to be guaranteed for the most disadvantaged sectors of the population.

**(e) Promotion of a human rights culture**

126. The High Commissioner recommends that the Government and the organizations of human rights defenders develop and institutionalize stable communication channels, both at the national as well as the regional levels, in order to achieve a greater degree of understanding and improve the promotion and protection of human rights throughout the country.

127. The High Commissioner recommends that the Government, through the Standing Intersectorial Commission on Human Rights and International Humanitarian Law, prepare a concerted plan of action on human rights and international humanitarian law, to be created in collaboration with broad sectors of society and which includes an integral gender approach. Within the first semester of 2004, a timetable ought to be agreed upon in order to enable that the action plan be concluded by the end of the year.

128. The High Commissioner recommends that the Minister of Education adopt, in 2004, a working plan that effectively makes comprehensive teaching of human rights part of the primary and secondary school education.

129. The High Commissioner encourages Congress, the High Council of the Judiciary, the Attorney-General, the Higher School of Public Administration and the associations of Governors and Mayors to make arrangements with the Procurator General's Office and the Office of the Ombudsman for continuous training in human rights and international humanitarian law. The High Commissioner also recommends that the Office of the Ombudsman and other institutions make use of the network of human rights educators trained by his office in Colombia.

**(f) Advisory services and technical assistance by the office**

130. The High Commissioner urges the State to implement in a coherent and efficient manner the international recommendations, including those made in this report, and exhorts the Vice-President of the Republic, the relevant Ministers, the High Commissioner for Peace and all other State institutions to adequately coordinate among themselves. The aforementioned institutions ought to prepare, within the first semester of 2004, a timetable for the implementation

**of these recommendations. In this respect, the High Commissioner invites them to make use of the advisory capacity of his office in Colombia.**

**131. The High Commissioner invites the Government, the Congress, the Attorney-General's Office, the Procurator General's Office, the Office of the Ombudsman and the organizations of civil society to enhance their interlocution with his office in Colombia, taking full advantage of its mandate regarding advisory services and technical cooperation. The High Commissioner also invites the international community to provide financial and technical support to the different State institutions, to the organizations of civil society and to his office in Colombia in order to contribute towards the effective implementation of the recommendations.**