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**Report of the United Nations High Commissioner for Human Rights  
on the situation of human rights in Colombia\***

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\* The annexes are circulated in the language of submission and English only.

## Summary

The Human Rights Council, by decision 2/102 of 6 October 2006, requested the United Nations High Commissioner for Human Rights to “continue with the fulfilment of [her] activities, in accordance with all previous decisions adopted by the Commission on Human Rights, and to update the relevant reports and studies”. In connection with the current question of the report of the High Commissioner on the situation of human rights in Colombia, a comprehensive annual report (E/CN.4/2006/9) was submitted to the sixty-second session of the Commission on Human Rights pursuant to the President’s statement. The Office of the High Commissioner understands decision 2/102 to preserve the previous annual reporting cycle in respect of this question until otherwise decided by the Council. The present report to the Council accordingly addresses relevant developments in the situation of human rights in Colombia over the past year, and is based on Council decision 2/102.

The report contains a general description of the main developments, the evolution of the armed conflict and prospects for peace. It outlines the major advances and challenges of public policies relating to human rights, and gives information on the implementation of some of the recommendations made by the High Commissioner in her previous report. Likewise, it outlines the most significant developments relating to the demobilization and reintegration of members of paramilitary groups.

The report presents a general picture of the human rights situation in Colombia. In terms of civil and political rights, it includes information on violations of the rights to life, integrity, freedom, security, due process and judicial guarantees that affected, among other persons, members of the indigenous and Afro-Colombian communities, social leaders, human rights defenders, peasants, women, children, trade union members, journalists and displaced persons. Regarding economic, social and cultural rights, it contains general information on the situation of poverty, inequity, unemployment and malnutrition.

The international humanitarian law (IHL) situation comprises information based on complaints received about breaches attributed to members of guerrilla groups, paramilitaries and new illegal armed groups, and also members of the security forces.

Finally, the report contains information relating to some of the observation, public policy follow-up, advisory, technical cooperation and dissemination activities carried out by the OHCHR Office in Colombia in 2006.

With the intention of continuing to contribute to the strengthening of the human rights situation, the observance of IHL and the development of the institutional capacity of the Colombian State, the High Commissioner makes 18 recommendations. They are addressed to the Government, Congress, the Attorney-General’s Office, other State organs, civil society, the international community and the illegal armed groups.

The report has three annexes relating to: representative cases of human rights violations and breaches of IHL; situation of groups in a condition of particular vulnerability and discrimination; and activities of the OHCHR Office in Colombia.

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## **Introduction**

1. The agreement signed in 1996 by the Colombian Government and the United Nations High Commissioner for Human Rights to set up an Office in Colombia was extended by President Uribe until October 2007, while the Office's mandate of observation, advice, cooperation and dissemination was fully maintained.<sup>1</sup>
2. The present report, based on Human Rights Council decision 2/102, covers the year 2006 and is accompanied by three annexes: representative cases of human rights violations and breaches of international humanitarian law; situation of groups in a condition of particular vulnerability and discrimination; and activities of the OHCHR Office in Colombia.
3. During 2006, the Colombian Government and the OHCHR Office agreed to establish permanent mechanisms for dialogue in order to strengthen collaboration on the various dimensions of the mandate, particularly prevention, protection of human rights and the eradication of the factors that give rise to violations.

### **I. GENERAL CONTEXT OF THE COUNTRY, EVOLUTION OF THE INTERNAL ARMED CONFLICT, AND PROSPECTS OF PEACE**

4. During 2006, the internal armed conflict, together with drug trafficking and organized crime, continued to be among the main factors affecting the lives of Colombians, disrupting democratic institutions and hindering socio-economic development. The conflict also continued to be one of the most important causes of human rights violations and breaches of international humanitarian law (IHL). It was also noted that the State continues to show weaknesses in the reduction of the existing impunity concerning human rights violations, although new commitments were made to overcome this situation.
5. In 2006, the Government's military offensive against the illegal armed groups continued, aimed primarily against the Revolutionary Armed Forces of Colombia - People's Army (FARC-EP), and to a lesser extent against the National Liberation Army (ELN) and the new illegal armed groups formed by demobilized or rearmed paramilitaries. The FARC-EP focused

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<sup>1</sup> In 1996 the Commission on Human Rights requested that the United Nations High Commissioner for Human Rights establish an Office in Colombia, considering the invitation extended by the country's Government. The Office was established on 29 November 1996, through an agreement signed by the Government and the United Nations High Commissioner for Human Rights. Within the framework of this instrument, the Office in Colombia must observe the human rights and international humanitarian law situation in the context of violence and armed conflict present in the country, with the purpose of advising the authorities in the formulation and implementation of policies, programmes and measures for the promotion and protection of human rights. On the initiative of President Uribe, this agreement was extended in September 2002 for an additional period of four years, until October 2006. Based on the observation by the Office in Colombia, between 1998 and 2005 the High Commissioner submitted analytical reports on the situation in the country to the Commission on Human Rights.

their actions on attacks against local authorities, armed strikes during the pre-electoral period, massacres and attacks against mobile units of the security forces and eradicators of coca crops. Although guerrilla attacks against fixed bases of the security forces decreased, a few did occur, such as the attack on a police station in the centre of Tierradentro (Córdoba) in November.

6. According to information provided by the Presidential Programme for Human Rights and International Humanitarian Law, the implementation of the Democratic Security and Defence Policy allowed the Government to maintain the downward trend in the general indicators of violence, particularly the rates for murders and abductions.<sup>2</sup> The security policies pursued by the mayor's offices in Bogotá and Medellín stand out in this context. The increase in security forces personnel was maintained, and greater control of certain rural areas traditionally under the domination of illegal armed groups was achieved. In other regions, such as Urabá in the Department of Antioquia, the security forces were unable to prevent infiltration by the FARC-EP or to fully control territory previously held by paramilitary groups. Likewise, important challenges remain regarding the full restoration of the rule of law throughout the country. There are still difficulties in ensuring that military gains are accompanied by a simultaneous strengthening of civilian authority, the presence of other State institutions, the implementation of social investment and rural development projects, and total respect for human rights and IHL.

7. In 2006, there were investigations involving several military officers charged with organizing terrorist attacks falsely attributed to the FARC-EP and committing intentional murders that were at first presented as deaths in combat caused by error or "friendly fire". Some present and former public servants - among them members of Congress, governors, members of departmental assemblies and the former director of the Administrative Department of Security (DAS) - were investigated by the Attorney-General's Office and the Supreme Court. In these investigations, the accused were charged with having political and economic links with paramilitary organizations, and/or participating in violent acts perpetrated by members of such organizations. These legal proceedings contribute to the strengthening of the rule of law and democratic institutions.

8. Preliminary talks continued between the ELN and the Government. It is hoped that in 2007 these talks will lead to the establishment of an agenda for negotiations and to the initiation of formal peace dialogues.

9. Important progress was made regarding the demobilization of paramilitary groups and the enforcement of Act No. 975 of 2005 ("Justice and Peace Law"). In August, the latest collective demobilization of paramilitaries took place, and in December, in Barranquilla (Atlántico) and Medellín (Antioquia), the first legal proceedings began within the framework of that law. The Government established the Office of the High Presidential Adviser for the social and economic reintegration of insurgent groups and individuals.

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<sup>2</sup> In 2006, the murder rate was the lowest in the last 15 years. The downward trend began to become more pronounced in 2002. The taking of hostages by illegal armed groups and organized crime activities were also reduced. While in 2002 the Government recorded 1,676 abductions, between January and November 2006, 243 persons were abducted.

10. Drug trafficking continued to aggravate the internal armed conflict, particularly the actions of illegal armed groups. Drug trafficking also became the driving force behind the new illegal armed groups, whose existence presents important challenges for the success of the paramilitary demobilization and reintegration process and future peace processes.<sup>3</sup>

11. In contrast with 2002, the Congressional and Presidential elections of March and May 2006 took place in a calmer atmosphere, although in some more remote areas the FARC-EP disrupted preparations for the elections. The paramilitary groups tried to influence the electoral process in order to promote the election to Congress of candidates sympathetic to their interests. Also during the pre-electoral period, in several regions of the country there was an increase in threats against journalists and human rights defenders. President Uribe was re-elected in the first round and his coalition won majorities in both legislative chambers. The presidential candidate of the leftist opposition party, the Alternative Democratic Pole, won 22 per cent of votes. Although the authorities tried to guarantee the free exercise of political rights, the two electoral rounds were characterized by high levels of abstention.

12. During 2006 serious questions were raised regarding acts of corruption by high-level public servants. In several regions, there were reports about the financial influence of illegal armed groups and drug trafficking in local governments.

13. The Constitutional Court continued to play an important role in the defence of human rights. The Procurator General's Office and the municipal councillors (*personeros*) also stood out in this regard, and the Ombudsman's Office made important contributions, in spite of its limitations in terms of budget and personnel.

14. Economic growth reached 6 per cent in 2006. This stands out as an important macroeconomic variable in reducing the country's significant poverty rates. The census held in 2005 provided information on achievements and important challenges in the areas of poverty reduction and overcoming inequity.

## **II. MAIN ACHIEVEMENTS AND CHALLENGES IN PUBLIC POLICIES AND FOLLOW-UP OF RECOMMENDATIONS**

15. The High Commissioner has observed a greater commitment on the part of the Colombian authorities in seeking to achieve the objectives of the recommendations made in her previous reports on the situation of human rights and IHL in Colombia, and also greater efforts to assess their practical impact. At the end of the year, the picture regarding their implementation was still mixed, particularly in the case of the recommendations on the review of intelligence files, the reduction of impunity, the cutting of links between public servants and members of paramilitary groups, and the improvement of the quality of statistics on human rights and IHL.

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<sup>3</sup> With the aim of strengthening the policy of combating drug trafficking, the Vice-President, while travelling abroad, launched a "campaign for shared responsibility", highlighting the importance of eradicating the consumption of drugs in receiving countries.

16. The Office of the Vice-President, in a joint exercise with the OHCHR Office in Colombia, took the lead in work with State institutions aimed at progress in following up the recommendations made by the High Commissioner in her previous reports. As a result of this process, a methodology was established defining institutional responsibilities, actions and a timetable with indicators of progress, thus laying the foundation for a joint evaluation of achievements and difficulties, and adopting the appropriate measures for strengthening these institutions. This will allow the OHCHR Office in Colombia to establish relevant courses of technical cooperation.
17. The Colombian State has taken a fundamental step in the area of human rights by initiating the development of a National Plan of Action on Human Rights and International Humanitarian Law, in conjunction with civil society, with the technical support and cooperation of the OHCHR Office in Colombia, and with the support of the Governments of Sweden and Spain. In September, a coordination body was established, comprising representatives of the Government, the control organs and civil society, and adopted its rules of procedure.
18. In 2006, 651 municipalities prepared plans of action on human rights and IHL. Of these, 516 are incorporated in the municipal development plans. Likewise, 31 departments adopted human rights plans, which form part of their respective development plans.
19. The Government, in accordance with the recommendations of the High Commissioner, has announced its decision to work towards a reform of the provisions currently in force regarding the intelligence services, including the review of the relevant files, in order to ensure that they are fully compatible with the principles of the rule of law and to check that the names of human rights defenders and institutions active in this area are not included without justification. The Procurator General's Office presented a proposal for setting up clear legal parameters to prevent any unjustified inclusion of information in military, police or security files and guaranteeing timely rectification of any inaccurate information these may contain.
20. In the area of the administration of justice, worthy of note are the adoption of a policy for fighting impunity,<sup>4</sup> and the announcement by the Government of a substantial reform of the military criminal justice system. With the support of the European Union and the OHCHR Office, a programme is being implemented to strengthen the judicial branch, particularly the Attorney-General's Office, thereby helping to reduce levels of impunity.
21. Substantial efforts are still needed in order to overcome impunity. Some judicial decisions stand out as important steps in preventing it, such as the opening of investigations by the Supreme Court of members of Congress for their alleged links with paramilitaries, and the prosecution by the Attorney-General's Office of a former governor and a former Congresswoman on the same charge. That Office also made progress in the prosecution of seven members of the Unified Action Group for Personal Liberty (GAULA) of the army's Second Brigade, based in Barranquilla, for the killing of six people in a false anti-kidnapping operation, and of five members of La Popa de Valledupar army battalion for the execution of an indigenous

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<sup>4</sup> CONPES (National Council for Economic and Social Policy) document No. 3411, March 2006.

Kankuamo, reported as having died in combat in 2003. The Office also initiated proceedings against an army NCO and six soldiers for the death of five peasants in Cajamarca (Tolima) in 2004. The report of the Truth Commission, set up by the Supreme Court to shed light on the events of 1985 in the central court in Bogotá, was published, and revealed that serious crimes had been committed by the guerrillas and members of the security forces who clashed there. Likewise, a former colonel was arrested and charged with the enforced disappearance of two persons who had left the court alive. In April 2006, the Procurator General's Office suspended a retired army general and a colonel for 90 days for failing to provide due security for the inhabitants of the peace community in San José de Apartadó. These are positive steps in the fight to combat impunity. It is essential to proceed with the investigation of all reports of human rights violations that have yet to be investigated and to sanction all violations.

22. The Ministry of Defence, with the support of the OHCHR Office, initiated the implementation phase of the recommendations that emerged from the study carried out by independent experts to strengthen the training of members of the security forces in human rights and IHL. These recommendations refer particularly to orders for operations, analysis of lessons learned, training methodologies, control mechanisms and rules of engagement. Likewise, substantial progress has been made in the training of operational legal advisers, and the appointment of high-ranking officers as inspectors in each division. It is hoped that these efforts will directly result in the substantial reduction of serious violations and breaches by members of the security forces.

23. In spite of the progress achieved and the increase in resources allocated, the situation of persons displaced for reasons relating to the armed conflict is a continuing source of concern. According to the Constitutional Court, the unconstitutional state of affairs has not been overcome, and the grave humanitarian crisis affecting these persons persists.<sup>5</sup> The downward trend in the number of displaced persons observed since 2002 continued in 2006. The underreporting of cases of displacement continues to be very common; however, a positive factor is that the High Presidential Advisory Office on Social Action has recognized that the total figure for displaced persons between 1985 and 2005 amounted to 3 million. It is essential that progress be made in the implementation of lasting solutions with a differentiated and gender-sensitive approach, and that special attention be paid to the right of displaced persons to reparation and, in particular, the restitution of their property.

24. The State outlined a strategy for investigating cases of human rights violations and breaches of IHL involving trade union members. This initiative is based on the "Tripartite agreement on the right of association and democracy", signed by the Colombian delegation to the 95th ILO Conference, made up of representatives of Government, workers and employers. The Government undertook to make a contribution of 5 million dollars. Worthy of mention too is the assignment of 13 specialized prosecutors to these investigations, and the significant increase in the budget allocation for the Government's protection programme.<sup>6</sup>

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<sup>5</sup> Constitutional Court decision No. 218, August 2006, regarding the implementation of ruling T-025.

<sup>6</sup> In 2006, the budget allocated to the Protection Programme increased by about 30 per cent, and the total amount was paid with resources from the national budget.

25. The Ombudsman's Early Warning System continued to contribute to the prevention of violations and breaches. At the same time, its impact continued to be limited by the absence of timely and efficient responses by the Inter-institutional Committee on Early Warnings. It is also essential that the responses to the warnings place more emphasis on the humanitarian aspects than on military aspects. The community defenders continued to represent another valuable prevention mechanism of the Ombudsman's Office.

26. In accordance with the recommendations regarding statistics on human rights and IHL, a redoubling of efforts is needed in order to improve the assessment of this situation and thus create a more adequate basis for the formulation of public policies for strengthening human rights.

27. Regarding legislative advances, it is worth mentioning the promulgation of the Statutory Law on Habeas Corpus and the Code on Childhood and Adolescence. Still going through Congress are various bills on issues relating to the protection and guarantee of human rights. They relate to: violence against women; punishment of acts of discrimination based on race, nationality, culture or ethnicity; and social security benefits for same-sex couples. The OHCHR Office acknowledges the political value of the Committee of Women Parliamentarians, set up for the purpose of promoting legislative initiatives to further the fulfilment of women's rights.

### **III. DEMOBILIZATION AND REINTEGRATION PROCESS**

28. The Constitutional Court reviewed the constitutionality of Act No. 975 of 2005, the "Justice and Peace Law", by means of a decision consistent with several of the observations on this law expressed by the High Commissioner and the OHCHR Office in Colombia. In its decision, the Court decreed that, as a prerequisite for judicial benefits, confession must be complete and truthful; the accused must declare, jointly or severally, all their legally or illegally acquired assets; and classification as a victim must be broader than that originally established in the law. However, with regard to the legal framework applicable to demobilization and reintegration, concerns persist regarding actual guarantees of the rights of the victims to truth, justice and reparation, the cumulative nature of penalties, and the determination of an alternative penalty. Effective implementation of the law would require greater resources and mechanisms that guaranteed the rights of victims. The institutional commitment and political will of the authorities are of fundamental importance in order to prevent the application of transitional justice mechanisms from generating situations of impunity.

29. According to the Office of the High Commissioner for Peace, the total number of collectively demobilized paramilitaries reached 31,671. However, a high percentage of demobilized persons were not participating directly in the hostilities, and some paramilitaries continue to shun demobilization, such as the Casanare Rural Self-Defence Group and the Cacique Pipintá Front. Most of the paramilitary leaders are detained in a high-security jail. Particularly disturbing is the fact that many middle-level paramilitary cadres did not demobilize, or rearmed, and are now leading the new illegal armed groups that have been emerging in various parts of the country. These are characterized by close identification with organized crime and drug trafficking. It is a source of concern to the High Commissioner that political and economic structures created by paramilitaries in various areas and sectors of society remain in existence.

30. An institutional response to the victims, with a differentiated and gender-sensitive approach, remains a significant challenge for the authorities. The legal procedures initiated against the demobilized fighters showed that the mechanisms for guaranteeing the rights of the victims of paramilitary crimes are insufficient. The Attorney-General's Office has stated that it is essential for the Government to regulate the participation of the victims in such procedures. The National Unit for Justice and Peace, set up by that Office, reported having received information from approximately 25,000 victims relating to an estimated 100,000 criminal acts attributed to paramilitary groups.

31. The National Commission on Reparation and Reconciliation, established in the context of the Justice and Peace Law for a period of eight years, has made progress in setting up regional commissions and a regional care network for victims. With the support of the international community, a register of victims and their organizations is being compiled. A working group was set up to prepare a public report on the rise and development of the illegal armed groups, and it was determined that the gender and population approaches will be cross-cutting components of all of the Commission's areas of work.

32. It will be necessary to strengthen the mechanisms for giving information to victims, and to take measures to ensure their effective participation in legal proceedings against the perpetrators.

33. In view of the need to consolidate a reintegration policy that will make it possible to give demobilized persons effective possibilities of taking part in civilian life, at the end of 2006 the High Presidential Advisory Office for the social and economic reintegration of insurgent persons and groups made progress in reformulating a long-term strategy that is not paternalistic in nature, takes into consideration collaboration with the communities, and has a differentiated approach according to region, age and gender. Some local authorities, in particular those of Medellín and Bogotá, made more systematic efforts to respond to the reintegration needs of demobilized persons.

#### **IV. HUMAN RIGHTS SITUATION<sup>7</sup>**

34. The context of violence and armed conflict in Colombia continued to affect the enjoyment of fundamental rights and freedoms, and to hinder the activities of the authorities in the areas of prevention and protection. The human rights situation remains critical in several regions of the country and is characterized by numerous and frequent violations of the rights to life and personal integrity, freedom and security, and the right to due process and judicial guarantees. The Ombudsman's Office recorded an increase in complaints of human rights violations attributed to members of the security forces, especially the army and the police. This situation particularly affected members of indigenous and Afro-Colombian communities, social leaders, human rights defenders, peasants, women, children, union members, journalists and

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<sup>7</sup> Human rights violations are understood to be actions and omissions that affect rights contained in international instruments when they are committed by public servants or by private individuals with the acquiescence of the authorities.

displaced persons. High levels of impunity also persist. In this context, the OHCHR Office stepped up its work aimed at supporting the efforts of the authorities to deal with the various problems. Annex II describes the situation of these groups in greater detail.

### **Civil and political rights**

35. Annex I contains a selection of cases of violations of civil and political rights brought to the attention of the OHCHR Office in Colombia in 2006.

36. The right to life was affected by the persistence of murders, with characteristics of extrajudicial executions, attributed to members of the security forces, particularly the army. The Office noted an increase in the number of complaints received compared with 2005. Such acts were recorded in 21 departments, particularly in Antioquia, Nariño, Valle, Putumayo, Cesar, Atlántico, Tolima and Guajira. In many of the cases reported, three common elements were identified: the presentation of civilian victims as having died in combat, the alteration of the scene of the crime by its perpetrators, and the investigation of the facts by the military criminal justice system.

37. Investigations by the Attorney-General's Office established that a number of deaths initially presented as "mistakes" or "the consequence of friendly fire" were the result of extrajudicial executions.

38. This very serious violation of human rights is not limited to a single military unit; it occurs in various units over a large area of the country. This situation demands far-reaching measures. Because of their number and widespread occurrence, murders with characteristics of extrajudicial executions do not appear to be isolated incidents but acts that are tending to become increasingly common.

39. In the face of this situation, a particularly important development was the signing in June of a joint directive by the Minister of Defence and the Attorney-General with instructions for the promotion of the observance of constitutional jurisprudence on the restrictive interpretation of the military criminal justice jurisdiction and its application in exceptional circumstances. This and other measures, such as the presentation of the issue in the media, contributed to a perceptible decrease in complaints of extrajudicial executions in Antioquia, even though this department continues to be among those most affected by this pattern of activity. However, in other departments there was no decrease in the number of extrajudicial executions after the publication of the joint directive. In some areas, the instructions contained in the document were ignored or misinterpreted by those responsible for their implementation, while in others the practice of removing the bodies of victims before the arrival of the Technical Investigation Corps (CTI) (subordinate to the Attorney-General's Office), continued among members of the army.

40. In the dialogue between the authorities and the OHCHR Office, it became evident that there was a need to reflect on the implementation mechanisms of the Defence and Democratic Security Policy that might be having negative effects on the behaviour of some members of the security forces. Inadequate interpretation of the requirement of showing results in the struggle against the illegal groups could be one of the factors influencing the commission of criminal acts by certain members. The Government expressed interest in working on a proposal to review the parameters now used to measure operational results.

41. As to the responsibility of public servants for links with paramilitary groups, the OHCHR Office highlights as positive the fact that the Supreme Court and the Attorney-General's Office are carrying out investigations, and trusts that progress will be made in shedding light on the great majority of cases that remain unpunished.

42. In this area, the challenges continue to be significant, as was demonstrated by the information disclosed after the Attorney-General's Office had confiscated a computer belonging to a former paramilitary of the Northern Bloc. This revealed the perpetration by paramilitaries of hundreds of murders in the department of Atlántico, the systematic nature of the crimes and the impunity with which they were carried out, occasionally with the tolerance or complicity of members of the security forces.

43. The OHCHR Office also received complaints of extrajudicial executions perpetrated by paramilitaries before their demobilization, thus contravening their commitment to cease hostilities, and in connivance with the authorities. Such cases occurred in Norte de Santander, Meta, Guajira and Cesar.

44. In 2006, there was an increase in murders of trade union members and teachers. According to the Foundation for Freedom of the Press (FLIP) and data compiled by the OHCHR Office, three journalists were killed for reasons relating to their profession.

45. Threats against union members, journalists,<sup>8</sup> teachers and human rights defenders persisted.<sup>9</sup> In some regions of the country, human rights defenders and their organizations have faced restrictions on their work as a result of threats against them, with particularly disquieting situations in the departments of Atlántico and Arauca. The High Commissioner welcomes the press release by the Minister of Defence, published in October, rejecting the threats against human rights organizations and announcing the opening of investigations to identify those making the threats.

46. Other reports referred to violations of the right to personal freedom and security through arbitrary arrests and enforced disappearances. The OHCHR Office received information regarding illegal or arbitrary arrests, both individual and large-scale, in the departments of Arauca, Norte de Santander, Putumayo, Santander, Nariño and Valle. In some cases, these arrests were based on irresponsible statements by demobilized fighters, on photographs of the detainees recognized by former members of illegal armed groups, or on non-objective reports by military intelligence or judicial police units. In other cases, the arrests were made without legal warrants. The Office also received information regarding illegal or arbitrary arrests of human

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<sup>8</sup> The FLIP recorded 86 journalists who received threats, and 10 of them had to leave the country.

<sup>9</sup> According to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, human rights defenders are persons who, individually and in association with others, promote and strive for the protection and realization of human rights and fundamental freedoms without regarding their post, function or duty in society.

rights defenders and social leaders charged, without sufficient evidence, with the crime of contempt of authority. Such cases occurred in Arauca, Norte de Santander and Bogotá. According to the FLIP, eight journalists were arbitrarily arrested in 2006.

47. The Ombudsman's Office reported that children having no links with illegal armed groups were kept for unauthorized periods in police stations, army battalions or Judicial Police premises.

48. Enforced disappearance is often inadequately and inaccurately recorded, since it frequently leads to investigations of other crimes, such as ordinary abduction or murder, and generally becomes known long after the event. Many of the disappearances which occurred in previous years and were revealed in 2006 were attributed to members of paramilitary groups; the victims were mostly peasants, although two trade union members and a political adviser in Bogotá were also among the victims. The departments most affected by this practice were Antioquia, Meta and Putumayo, as well as the city of Bogotá.

49. The exhumation of remains in clandestine individual or mass graves is an important step forward that has revealed the systematic practice of enforced disappearance by paramilitary groups active in Sucre, Magdalena, Guajira, Norte de Santander and Putumayo, among other areas. Because of the delays in handing over the remains to the families of the victims and the firm conviction that new graves will be discovered, there is a need to reinforce the identification teams with new human and material resources. Likewise, it is essential that investigations prior to exhumations be strengthened, in order to increase the possibility of identifying the bodies and punishing the perpetrators.

50. The High Commissioner considers it encouraging that the entities making up the National Commission on the Search for Missing Persons have now completed the National Search Plan, which will be published in 2007. Similarly, the State initiative to create a single system for recording information on missing persons and corpses is a positive development that must be strengthened through an adequate methodology that includes the commitment to keep rigorous records of unidentified corpses, and the development of provisions and procedures for the handling and storage of such corpses.

51. The right to personal integrity was affected by torture, ill-treatment and excessive use of force attributed to public servants.

52. According to the complaints received, in some cases torture was associated with extrajudicial execution, and in others it was inflicted on detainees in prisons or police stations. Information was also received about the torture of soldiers by their superiors.

53. The Office continued to receive complaints about the excessive use of force. Some of them referred to acts by members of the Police Mobile Anti-riot Squad in Nariño and Valle. The Office also recorded ill-treatment of lesbians, gays, bisexuals and transgender persons by the police and prison officers in Bogotá, Cali and Bucaramanga. In the cities of Bogotá and Medellín and in the Department of Valle, progress was made in the policy for the protection of the rights of these persons.

54. Complaints were received about cases in which freedom of opinion and expression was affected by the risk involved in the work of those who report or express opinions on issues relating to the process of demobilization of paramilitaries, the actions of public servants involved in acts of violence or corruption, or paramilitarism itself. Cases of this sort occurred in Bogotá, Atlántico, Bolívar, Santander, Sucre, Córdoba, Magdalena, Arauca, Antioquia, Cauca and Valle.

55. The OHCHR Office received information regarding cases of violation of the right to due process and situations of impunity. These cases related to the undue application of military justice in cases of violations of human rights and breaches of IHL, and the non-observance of the presumption of innocence and judicial guarantees. The administration of justice continued to suffer the effects of persistent non-reporting, delays in proceedings and decision-making, and various situations that compromised judicial independence.

### **Economic, social, and cultural rights**

56. For the purposes of this report and the analysis of subjects such as poverty, inequity, education, health and labour, the OHCHR Office refers to the work and reports of Colombian State entities and the United Nations System in Colombia.<sup>10</sup>

57. Forty-nine point two per cent of the population live below the poverty line, and 14.7 per cent in conditions of extreme poverty. Rural poverty is 68.2 per cent. Poverty affects women, children, ethnic groups and displaced persons disproportionately. There are also marked inequalities between regions.

58. Inequity is one of the main problems facing the country in terms of economic, social and cultural rights. The gap between social strata is extremely wide and is reflected both in incomes and in access to and availability, sustainability and quality of economic, social and cultural rights. Colombia has a Gini coefficient of 0.553, among the highest in Latin America. Inequities also exist between men and women, ethnic groups and geographic zones.

59. The Government has formulated a policy for eradicating poverty and inequality. Through this policy it aims to implement a system of social protection for 1.5 million vulnerable families, including 300,000 displaced families. Attainment of the objectives set would mean a significant step forward in the field of economic, social and cultural rights and in the achievement of the Millennium Development Goals.

60. It is important for the Government to consider increasing the resources needed to expand coverage and thus bring benefits to the greatest number of families in extreme poverty through this policy.

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<sup>10</sup> See in particular, Departamento Nacional de Planeación (National Department of Planning), *Visión Colombia II Centenario 2019* (Bogotá, 2005); ECLAC, *Panorama Social de América Latina 2006* (Santiago, 2006); Ministerio de Educación (Ministry of Education), *Balance del Plan Decenal de Educación 1996-2005* (Bogotá, 2006); UNDP, Human Development Report; Ministerio de Protección Social (Social Protection Ministry), *Informe de actividades 2005-2006* (Bogotá, 2006).

61. Also worthy of mention is the approval by Congress of a reform of the social security system to ensure universal health-service coverage by 2009. The achievement of universal coverage is an opportunity to progress towards a significant reduction in the high levels of maternal mortality. Complementing the increase in school places achieved in 2006, it is hoped that the Colombian State will be able to guarantee universal and free primary education. Unemployment remains constant at approximately 12 per cent, affecting primarily women. The underemployment rate is 33.3 per cent. Malnutrition, linked to poverty, is greatest in rural areas. Of particular importance are the adoption and implementation of a public food security policy.

## V. SITUATION OF INTERNATIONAL HUMANITARIAN LAW<sup>11</sup>

62. The OHCHR Office in Colombia received numerous complaints of conduct through which persons directly participating in the hostilities infringed the humanitarian principles and standards applicable to the internal armed conflict. Most of these breaches were attributed to illegal armed groups; in other cases, responsibility was attributed to members of the security forces. The Ombudsman's Office recorded an increase in complaints of breaches of international humanitarian law (IHL) attributed to guerrilla groups, particularly the FARC-EP.

63. The armed conflict continues to have a harmful effect on the entire Colombian population, particularly peasants, women, children, and members of indigenous and Afro-Colombian communities. The illegal armed groups continued to ignore the recommendations on IHL addressed to them by the High Commissioner in previous years.

64. The conservation of the cultural identity of the indigenous and Afro-Colombian communities, the integrity of their territories, and the stability of their forms of social organization have been jeopardized. Their members have been victims of murders, threats, and stigmatization attributed to members of the illegal armed groups, and of extrajudicial executions, arbitrary arrests and accusations ascribed to members of the security forces. Among the indigenous communities most affected are those in Nariño, Cauca, Sierra Nevada de Santa Marta, Chocó and the Amazonia. In Putumayo, Caquetá and Guaviare, several indigenous peoples remain at risk of extinction. The Constitutional Court emphasized the need for greater efforts to prevent the displacement of indigenous and Afro-Colombian peoples especially affected by this phenomenon during the past year.<sup>12</sup>

65. In 2006, the armed conflict continued to generate forced displacements and isolation of communities.

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<sup>11</sup> Breaches of international humanitarian law in the Colombian context are understood to be actions or omissions contrary to common article 3 of the Geneva Conventions of 1949, its Additional Protocol II and relevant customary international law, when they are committed by persons directly participating in hostilities. Some of the violations and breaches constitute crimes against humanity or war crimes that could be judged by the International Criminal Court.

<sup>12</sup> Constitutional Court decision No. 218, 2006.

66. The Vice-President's Office recorded 25 murders of trade union members, which represents a 79 per cent increase over 2005.<sup>13</sup> Many of these murders were committed by unidentified persons, the FARC-EP and the ELN. The Ministry of Social Protection recorded 30 murders of unionized teachers and 18 of non-unionized teachers, attributed in many cases to the FARC-EP.

67. Annex I contains a selection of cases of breaches of IHL brought to the attention of the Office in the course of 2006.

### **Guerrillas**

68. The guerrilla groups have continued to commit serious and systematic breaches of IHL. Talks between the Government and the ELN and the prospect of a "humanitarian exchange" with the FARC-EP did not positively affect the attitudes of these groups in terms of their observance of IHL. Members of these two guerrilla groups were accused of murders, death threats, massacres, attacks against the civilian population, indiscriminate attacks, taking of hostages, acts of sexual violence, acts of terrorism, recruitment of children, use of anti-personnel mines, forced displacement, isolation of communities, and attacks against medical and humanitarian teams.

69. The ELN and the FARC-EP confronted each other in Arauca and other border departments, leading to murders, threats and forced displacements of protected persons, particularly among the rural population, community leaders, social activists, teachers and public officials.

70. Of the 17 massacres recorded by the OHCHR Office, 12 were attributed to members of the FARC-EP.

71. Numerous murders of civilians, particularly in Antioquia, Arauca, Bolívar, Caquetá, Norte de Santander, Santander, Risaralda and Valle, were attributed to members of guerrilla groups.

72. There were continuing reports of cases in which members of the FARC-EP and the ELN murdered municipal public servants, among them councillors and mayors. Such cases occurred, inter alia, in Huila and Caldas.

73. Threats by the FARC-EP against the civilian population were recorded, inter alia, in Caquetá, Nariño and Putumayo.

74. Direct attacks against the civilian population in Arauca, and indiscriminate attacks in Caquetá and Nariño, were attributed to the FARC-EP. One indiscriminate attack in Nariño was attributed to members of the ELN.

75. There were continuing reports of acts of terrorism attributed to members of the FARC-EP, among them, attacks with explosives in public places in Nariño and Valle.

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<sup>13</sup> Office of the Vice-President, Human Rights Observatory, "Situation indicators and results of operations by the security forces, December 2006".

76. The FARC-EP, and to a lesser extent the ELN and the People's Liberation Army (EPL), persisted in taking hostages, particularly in Antioquia, Arauca, Chocó, Nariño, Norte de Santander, Putumayo and Caldas, and continued to keep a very large number of people in captivity.

77. The FARC-EP continued to flout the obligation to accord the treatment prescribed by IHL to persons deprived of their freedom for reasons relating to the conflict, such as military and police personnel who have been held captive for several years. In 2006, a National Police captain died in captivity, having been taken hostage by the FARC-EP in Mitú in 1998. His body has not been handed over to his family by the guerrillas.

78. There were reports of acts of sexual violence attributed to members of the FARC-EP in Arauca, Cauca and Nariño, and to members of the ELN in Norte de Santander and Valle.

79. Forced displacements were reported in Antioquia, Arauca, Chocó, Nariño and Putumayo, resulting from threats and acts of violence attributed to the FARC-EP and ELN, clashes between these two groups, fighting between guerrillas and paramilitaries, and armed clashes between the security forces and subversive groups.

80. The FARC-EP and the ELN persisted in the practice of planting anti-personnel mines. The OHCHR Office recorded such cases, inter alia, in Putumayo, Arauca, Cauca, Caldas, Antioquia, Magdalena and Nariño; they affected numerous civilians, particularly peasants, children, and older and indigenous people. In this context, it is to be hoped that the ELN will as soon as possible fulfil its declared intention of demining several villages in Samaniego (Nariño).

81. The FARC-EP, the ELN and the EPL continued their practice of recruiting children, particularly in Arauca, Putumayo, Guaviare, Meta, Antioquia, Cauca, Valle and Risaralda. In July, the media published a report by the Attorney-General's Office on abuses committed by members of the FARC-EP against young girls in their ranks, such as forced abortions, sexual violence, threats, and cruel and degrading treatment.<sup>14</sup>

82. There were reports of attacks by the FARC-EP in Putumayo and Chocó against members of medical teams and health units.

83. The armed strike declared by the FARC-EP during the first months of 2006 particularly affected the departments of Guaviare, Arauca, Meta, Caquetá, Chocó and Putumayo, isolating large numbers of people and preventing the civilian population from travelling freely by land or river. This situation caused a humanitarian crisis due to the lack of food, transportation and communication. People who did not obey the armed strike order were under constant threat of death, which in some cases became a reality, as in the massacre of nine people travelling on a bus in Caquetá.

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<sup>14</sup> *Semana* magazine, "Infamia", 2 July 2006.

## Paramilitaries

84. In spite of the commitment to cease hostilities, declared at the end of 2002, violent actions by members of paramilitary groups against the civilian population continued to be reported up until the conclusion of the demobilization process, particularly murders, threats and forced displacements in Norte de Santander, Chocó, Cesar, Santander and Guajira.

85. According to the Ombudsman's Office, in 2006 the demobilized paramilitary groups failed to fulfil their obligation to hand over the children in their ranks. Also, no record exists of children recruited by such groups.<sup>15</sup> Information was received about children demobilized from the different groups who were not handed over to the Colombian Family Welfare Institute (ICBF).<sup>16</sup>

86. The country faces a process of transition from the phenomenon of paramilitarism, which is passing from a context of armed conflict to a situation of criminality involving illicit activities such as drug trafficking, fuel theft and extortion. At present, the structures of the old paramilitarism appear less visible and more fragmented, which makes it more difficult to combat them. Many demobilized and non-demobilized paramilitaries, led by middle-ranking cadres, seem to have decided to continue committing crimes. The most visible results of this phenomenon are the emergence of new illegal armed groups, the increase in crime rates in many cities, and the continuing pervasiveness of drug trafficking and its structures.

87. The emergence and activity of these new groups reflect a failure to fulfil the commitment to demobilize and dismantle their armed structures. In regions such as Cesar, Meta and Córdoba, there have been reports of the presence of strongholds of fronts or groups that are officially demobilized but continue to engage in the same criminal activities as before.

88. In Nariño, the presence of a new group, the "New Generation Peasant Self-Defence Organization" - well-armed, militarily well-organized, with responsible leaders and the capability of exercising territorial control and carrying out military actions against other armed groups - is a source of great concern. Members of this group are allegedly responsible for, inter alia, two massacres of peasants.

89. New groups of an ambiguous character have also been identified; they are made up of demobilized and non-demobilized fighters, linked to drug trafficking and involved in social control activities, delinquency and profiteering from illicit economies; they have been held responsible for numerous murders and threats. A massacre in Antioquia and several murders in Cesar and Córdoba were attributed to demobilized paramilitaries.

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<sup>15</sup> Ombudsman's Office, UNICEF, *Caracterización de los niños, niñas y adolescentes desvinculados de los grupos armados ilegales: Inserción social y productiva desde un enfoque de derechos humanos*, pp. 61 and 62, November 2006.

<sup>16</sup> According to ICBF, until 31 October 2006 there were 349 children and adolescents in their programme. The majority had been demobilized from the FARC-EP.

90. Although the security forces have arrested more than 900 demobilized fighters for engaging in criminal activities, the growth in the size of these new illegal armed groups, the steady increase in their economic and military power, and their growing control over certain regions of the country demand drastic enforcement of the law against them.<sup>17</sup> In some regions, such as Nariño or southern Cesar, situations have arisen that indicate clear links between members of the security forces and the new illegal groups. In spite of the evidence of such links, no preventive suspensions, investigations or sanctions are known to have been ordered.

91. In the face of this situation, the security forces are making efforts to cover the rural areas that the paramilitary groups have left. However, the increase in numbers, the transfer of units from other regions and the installation of 139 rural police stations in areas formerly under paramilitary influence<sup>18</sup> have failed to prevent the incursion of the FARC-EP into such regions, where they have been held responsible for murders, threats and displacements.

### **Security forces**

92. All military and police units continued to make substantial efforts to train their members in human rights and IHL. However, these initiatives did not prevent some members of the security forces from stigmatizing the rural civilian population as willing collaborators with the subversive groups. This attitude gave rise to serious breaches of IHL, which helped to create a climate of risk and extreme vulnerability for civilians.

93. There were several reports of murders of protected persons, responsibility for which was attributed to army personnel, particularly Antioquia, Nariño, Norte de Santander, Putumayo, Cesar and Guajira. There were also reports of threats against civilians attributed to army personnel in Norte de Santander, Antioquia, Putumayo and Bolívar.

94. The OHCHR Office obtained information regarding attacks by army personnel against civilians in clashes in Cauca.

95. There were also reports of acts of sexual violence attributed to members of the security forces in Antioquia, Arauca, Bolívar, Valle and Nariño.

96. The Office received reports of cases of failure to observe the humanitarian principle of differentiation by members of the security forces, particularly the army, in Cauca, Chocó, Putumayo and Valle.

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<sup>17</sup> By way of example, the decisive actions by the security forces against the new group operating in Montelíbano (Córdoba) are worthy of note.

<sup>18</sup> Speech by the Minister of Defence on the occasion of the first 100 days of Uribe's second term, 15 November 2006.

97. Demobilized children from illegal armed groups reported to the Ombudsman's Office that they had been put under pressure by the security forces to provide information, participate in operations and identify members of the groups to which they belonged, all of which is incompatible with the prohibition of the use of children in military and intelligence activities.<sup>19</sup>

98. The Procurator General's Office and the Ombudsman's Office have reiterated the need to include measures to prevent displacement in operations by the security forces such as combat activity or spraying of illegal crops.<sup>20</sup>

99. The OHCHR office noted substantial efforts by the air force and the marines to take into account the risks to protected persons in the planning and execution of military operations.

## VI. ACTIVITIES OF THE OFFICE IN COLOMBIA

100. The OHCHR through its regional branches in Bogotá, Cali, Medellín and Bucaramanga, continued to carry out its mandate of observing the situation of human rights and IHL in Colombia; monitoring public policies; providing advice and technical cooperation, working jointly with the authorities, civil society and the international community; and disseminating the relevant international norms and principles. Annex III contains a more detailed description of these activities.

101. In 2006, 2,138 complaints were received, of which 1,772 were selected for follow-up. The Office informed the authorities of several of these complaints. During the same period, 259 observation missions were carried out, for a total of 633 days of field visits.

102. The Office intensified its dialogue with the authorities and established two mechanisms for joint work at the highest government and state level, for the purpose of exchanging information and contributing to the strengthening of capacities to improve the human rights situation and work on the causes that generate the main violations and thus eradicate them. In carrying out its advisory function, the Office worked permanently with the Government, the judicial branch, the control organs and members of the legislature. It also worked with representatives of NGOs and other sectors of civil society, the international community and the United Nations system in Colombia.

103. The advisory and technical cooperation activities were geared, in particular, towards strengthening the capacity of Colombian institutions, both public institutions and those of civil society. Noteworthy in 2006 was the work carried out by the Vice-President's office to follow up the recommendations made by the High Commissioner in her most recent report. By means of a cooperation project, the OHCHR Office monitored the formulation of the National Plan of

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<sup>19</sup> Op. cit., footnote 15 above, p. 64.

<sup>20</sup> Constitutional Court decision No. 218, and sixth report of the Procurator General on the observance of the rulings of the Constitutional Court (judgement T-025 and orders 176-178, 218 and 266).

Action on Human Rights and IHL. With the Ministry of Education, the Vice-President's Office and the Ombudsman's Office, activities were carried out to prepare the National Human Rights Education Plan, and a pilot plan was implemented in five departments. With the Ministry of Defence, and in the framework of a cooperation agreement between that Ministry and the OHCHR Office, advisory and technical cooperation activities were carried out in support of the implementation of a series of recommendations aimed at the systematic incorporation of the human rights and IHL approach in operations by the security forces.

104. The OHCHR Office signed an advisory services and cooperation agreement with the Ministry of the Interior and the Vice-President's Office (co-financed by the European Commission), on promoting the incorporation of the human rights approach in the development plans of approximately 20 municipalities and 10 Bogotá districts.

105. With the Attorney-General's Office, under another project co-financed by the European Commission, progress was made in implementing the recommendations of the diagnosis of the Human Rights and IHL Unit prepared jointly by the Vice-President's Office and the OHCHR Office, and incorporating the gender approach in the work of the Unit. Also with the Attorney-General's Office, advisory activities were carried out in support of the Special Investigation Group's work on links between public servants and illegal armed groups; the bill to strengthen the Victim and Witness Protection Programme; the implementation of the career system; and the incorporation of human rights and IHL contents in institutional training plans.

106. The OHCHR Office completed the project (co-financed by the European Commission) on the human rights situation of detainees and continues to provide advice on public policies in this regard.

107. Together with the Middle Magdalena Development and Peace Programme, the diocese of Barrancabermeja, the High Public Administration School and UNHCR, the OHCHR Office signed an agreement to train the mayors and councillors of 20 municipalities in the Middle Magdalena region in public policy, displacement and human rights.

108. Human rights and IHL training activities by the Office continued, and were aimed, inter alia, at the ICBF network of trainers, 30 members of the Huila Development and Peace Programme (with the support of UNDP), and 188 United Nations system staff members in Colombia.

109. Advisory, support and exchange activities with representatives of civil society and NGOs were primarily oriented towards: the protection of the work of human rights defenders, trade union members, teachers and journalists; the rights of victims to truth, justice and reparation; the National Plan of Action on Human Rights and IHL; the rights of women; discrimination, in particular discrimination motivated by race, gender and sexual orientation; and the rights of gays, lesbians, bisexuals and transgender persons.

110. The Office has continued to support the follow-up to the London-Cartagena process, working closely with the international community, and especially the G-24, the Colombian State and civil society organizations.

111. As to the United Nations system, worthy of mention is the work on the Common Country Assessment with a human rights focus, the Working Group on Gender, and the technical team responsible for the incorporation of the human rights approach within the United Nations system. The Office participates in the formulation of the United Nations Development Assistance Framework.

112. With regard to dissemination activities, in 2006 the Office prepared 46 press releases and held 10 press conferences. Sixteen reports were presented on subjects such as the rights of victims to truth, justice, and reparation; the rights of women; the rights of indigenous peoples; the prevention of torture; and the relation between human rights, the fight against terrorism and peace. In all 70,617 copies of Office publications were distributed, and the Office participated in nine workshops for journalists. The web page of the Office recorded 292,011 hits. A photographic exhibition on human rights was organized. Ten thousand diaries and 10,000 calendars were made, with art work by recognized Colombia artists; they were distributed among State authorities, NGOs, and representatives of the United Nations system and the international community.

## VII. RECOMMENDATIONS

**113. With the intention of continuing to contribute to the strengthening of the human rights situation, the observance of international humanitarian law and the development of the institutional capacity of the Colombian State, the United Nations High Commissioner for Human Rights presents the following recommendations. For their implementation, she hopes to continue working jointly with the national authorities, civil society and the international community.**

**114. The High Commissioner reiterates the importance of continuing to implement all the recommendations made in previous years; whose contents remain relevant, and encourages the continuation of joint and systematic work on their implementation. The High Commissioner hopes that the mechanisms established in 2006 will be maintained, so that the Government and the OHCHR Office in Colombia will work together in assessing and addressing the causes of the main challenges existing in the area of human rights and international humanitarian law.**

**115. The High Commissioner reaffirms that the achievement of peace is imperative for Colombian society, because of its inherent value and as a means of increasing respect for, and the strength of, all human rights. For this reason, she again urges that progress be made in dialogues and negotiations between the Government and the illegal armed groups, in order to overcome the internal armed conflict and achieve lasting peace. She reiterates the need for priority to be given in such dialogues to human rights and international humanitarian law, and particularly the rights of victims.**

**116. The High Commissioner again urges the members of the illegal armed groups to observe the norms of international humanitarian law that prohibit murders of protected persons, attacks against civilians, indiscriminate attacks, sexual violence, recruitment of children, acts of terrorism, the use of mines and forced displacement.**

117. The High Commissioner urges the illegal armed groups to free their hostages immediately and unconditionally. She also urges them, in compliance with the principles of humanity and the requirements of public conscience, to terminate the captivity of persons held for reasons relating to the conflict.

118. The High Commissioner encourages the Government to develop an effective policy for the total extinction of paramilitarism, aimed at dismantling the political and economic structures of demobilized paramilitary groups, the cessation of criminal activities by the new illegal armed groups that have emerged following the demobilization process, and the punishment of public servants having links of any kind with either of these groups. The High Commissioner encourages the judiciary to continue investigating public servants and political leaders who have links with paramilitaries.

119. The High Commissioner encourages the Government to review the parameters used for assessing the results of military and police operations, in the framework of the reforms effected by the Ministry of Defence to eradicate human rights violations by members of the security forces, and in particular extrajudicial executions. She also encourages it to continue, with the support of the OHCHR Office in Colombia, to implement the recommendations made in the study by independent experts to strengthen the results of the training of members of the security forces in human rights and international humanitarian law.

120. The High Commissioner recommends that the Coordinating Body of the National Human Rights and International Humanitarian Law Plan of Action should adopt a methodology for the coordination of that Plan, with the effective participation of broad sectors of civil society and the State at the national, regional and local levels. Likewise, she urges those responsible to prepare the Plan within a reasonable time frame, and the authorities to take it into account in the National Development Plan and in national, regional and local budgets.

121. The High Commissioner, considering the decisive role of the Ombudsman's Office in safeguarding human rights, encourages the Ombudsman to redouble his efforts to strengthen the authority of his Office. In this context, she encourages him to increase his contribution to the analysis of the human rights situation in the country through his reports and opinions, and to implement the provisions regarding the career system. She also urges Congress and the Government to take all necessary legal and financial measures to enable the Ombudsman to carry out, with optimum efficiency, his task of promoting the exercise and dissemination of human rights, controlling the actions of the authorities, and managing the service he provides.

122. The High Commissioner urges the authorities responsible for enforcing Act No. 975 of 2005, the "Justice and Peace Law", to take all necessary measures to guarantee victims' effective access to reparation mechanisms and the full exercise of their rights to truth and justice.

123. The High Commissioner strongly hopes that the implementation of the policy of combating impunity will lead to concrete results in the investigation and punishment of

**human rights violations or war crimes, and that this policy will include a gender perspective. Likewise, she trusts that substantial progress will be made in the State organs' systems of information and statistics in the areas of human rights and international humanitarian law.**

**124. The High Commissioner encourages the Attorney-General's Office to clarify, within the framework of the strategy and measures adopted, responsibilities for the murders of union leaders and members. She also urges it to make a similar effort with regard to the threats to, and murders of, journalists, teachers and human rights defenders.**

**125. The High Commissioner recommends that Congress approve a statutory law on the right of habeas data regulating the rights of private individuals and corporations to rectify any information on them held in the intelligence files of the State organs. Likewise, she encourages the authorities to proceed with the announced review of the criteria applicable to the information contained in intelligence files.**

**126. The High Commissioner recommends that Congress introduce into national legislation all reforms necessary to ensure that the administration of military criminal justice is consistent with the criteria of independence, impartiality and exceptionality required by the international human rights instruments and by national jurisprudence itself. She reiterates that human rights violations and breaches of international humanitarian law must be investigated and judged by the ordinary courts.**

**127. The High Commissioner, considering the substantial growth of the gross domestic product in recent years, encourages the Government to advance further in the implementation of the public policies contained in the Strategy, in order to reduce inequality and combat poverty and destitution, giving priority to the displaced population and other victims of the armed conflict. Likewise, she recommends that the technical strengthening of national statistical studies be continued, with an effort to disaggregate all data by geographical region, ethnic origin, sex and age; this would make it possible to construct indicators for the Millennium Development Goals and Human Development Indexes at the departmental and municipal levels.**

**128. The High Commissioner urges the Government, the National Registrar and the National Electoral Council to ensure that in the scheduled 2007 elections candidates and voters are able to act in freedom, security and other conditions that strengthen the democratic system.**

**129. The High Commissioner encourages civil society to continue working in a constructive spirit towards the realization of human rights in Colombia. She reiterates that it is important for the various State authorities to provide their protection, collaboration and support to civil society, and in particular human rights defenders, and to work with her towards the achievement of their common values and objectives.**

**130. The High Commissioner, considering the positive relations that exist between her Office in Colombia and the various organs of the Colombian State, and in order to give**

**continuity to their renewed and strengthened collaboration, recommends that the present mandate of the Office be extended well in advance of its expiration in October 2007 until the end of the present Government's term of office.**

**131. The High Commissioner reiterates her appreciation and gratitude to the international community, and in particular to the Group of 24, and invites it to continue providing political support, technical cooperation, and financial assistance so that the various State institutions, NGOs and her Office in Colombia can contribute effectively to the implementation of the recommendations made and to the positive transformation of the human rights situation, taking into consideration the importance of human rights for the achievement of peace.**

## ANNEXES

### Annex I

#### REPRESENTATIVE CASES OF HUMAN RIGHTS VIOLATIONS AND BREACHES OF INTERNATIONAL HUMANITARIAN LAW<sup>a</sup>

##### I. HUMAN RIGHTS

###### Civil and political rights

###### A. Right to life

1. During 2006, the OHCHR Office in Colombia received reports of multiple cases of violation of the right to life through extrajudicial executions. Throughout the year there was a significant increase in reports of crimes of this kind attributed to members of the security forces, especially members of the army and the police. In the majority of these cases, repeating the pattern of previous years, the murder victims were presented as members of guerrilla groups or other illegal armed groups who had been shot in combat.
2. Although in Antioquia, as from May, there were fewer cases of extrajudicial executions attributable to military personnel, this department continues to show some of the highest figures for executions at the national level. Among the executions recorded there was that of four peasant farmers in the municipality of Yarumal on 14 March; this was attributed to members of the army's Fourth Brigade.
3. Departments which recorded an increase in the number of extrajudicial executions attributed to army and police personnel were Atlántico, Caquetá, Cesar, Guajira, Nariño, Putumayo, Tolima and Valle del Cauca. On 12 January, in Augustín Codazzi (Department of Cesar), the deaths of two farmers were attributed to soldiers from No. 2 Artillery Battalion "La Popa". Likewise, on 15 February in San Vicente del Caguán (Caquetá), the deaths of two people were attributed to members of the "Cazadores" Battalion. On 23 April in Ipiales (Nariño), the death of a 19-year-old man was attributed to soldiers from the Mechanized Infantry Battalion "José María Cabal". On 18 May in Puerto Asís (Putumayo), the disappearance and subsequent extrajudicial execution of an indigenous Awá were attributed to members of the Energy and Transport Plan Battalion.

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<sup>a</sup> Due to restrictions of space, the most serious violations of human rights and the most serious breaches of international humanitarian law have been included in Annex I. Nevertheless, the right to freedom of movement and residence and the right to privacy and inviolability of the home, as well as attacks against medical missions and health units and looting, are considered within the observation work and recorded in the Office's database.

4. On 2 August in La Jagua del Pilar (Guajira), the death of an indigenous Wiwa was attributed to members of “Rondón” Group of the Tenth Brigade. On 11 June in Pasca (Cundinamarca), four peasant farmers were killed in an action attributed to members of the army’s No. 39 Battalion. On 24 July in El Dovio (Valle), members of No. 14 Mobile Brigade allegedly carried out the extrajudicial execution of a peasant whom they had forced to alight from a bus.
5. In several cases of extrajudicial execution, the scene of the crime was allegedly tampered with or justice was obstructed. In some cases the soldiers dressed their victims in clothing which made them appear to be guerrillas. In others, they engaged in activities at the scene of the crime which should have been left to the judicial authorities. On 14 February in Nechí (Antioquia), the body of one of two peasants killed in extrajudicial executions attributed to men from Special Highways Plan No. 5 was found dressed in military uniform. However, the clothing had no bullet holes corresponding to the dead man’s wounds.
6. In other cases, army personnel allegedly carried out extrajudicial executions which had all the characteristics of “social cleansing” operations against persons in marginal situations or with manifest weaknesses. On 9 March in Bello (Antioquia), the extrajudicial execution of a young man addicted to marijuana was attributed to members of the Fourth Brigade.
7. On 22 May in Jamundí (Valle), 10 Judicial Police (SIJIN) officers and 1 civilian who were carrying out an operation against drug-traffickers were shot and killed by members of the “Rodrigo Lloreda” No. 3 High Mountain Battalion.
8. The Office also received reports of extrajudicial executions attributed to National Police officers. On 10 March in Bogotá, in the course of a police operation, a young man whose body showed signs of torture was killed. On 14 March on a road in Florida (Valle), it was alleged that a person was wounded by police officers and died without receiving any assistance from them.
9. Other murders with characteristics of extrajudicial executions were committed against human rights defenders, trade unionists and political leaders. Among the victims of such crimes were Edgar Fajardo Marulanda, a university professor and member of the Colombian Communist Party and *Polo Democrático Alternativo*, who died in Bogotá on 1 September, and Alejandro Uribe, a miners’ leader, who died in Santa Rosa (Magdalena Medio) on 19 September.
10. Human rights defenders, unionists and political leaders also received death threats. In Bogotá on 8 May, the Lawyers’ Collective “José Alvear Restrepo” received a threatening message by electronic mail, the threat also being directed against the members of other civilian organizations such as the Latin American Institute for Alternative Legal Services (ILSA), the Central Workers’ Organization (CUT), the Colombian National Indigenous Organization (ONIC) and the Colombian Platform for Human Rights, Democracy and Development. The message discredited the work of members of these organizations and invited them to align themselves with government policy.
11. In El Valle, several officials and political activists were victims of death threats and murder. On 26 May in Calima Darién, a *Polo Democrático* councillor was threatened and gave

up his post immediately, joining the ranks of displaced persons. On 17 January in Cali, a mayoral candidate in Yumbo was murdered, and in Riofrío on 14 July, in the course of an attack in a rural area, a sanitation official was killed and a councillor from the same municipality was seriously wounded.

### **B. Right to personal integrity**

12. In 2006, the Office received reports of public officials who had perpetrated torture, cruel, inhuman or degrading treatment, or excessive use of force.

13. In February in Honda (Tolima), 21 soldiers of the “Patriotas” Infantry Battalion were subjected by their superiors to serious acts of torture, including sexual abuse, on the pretext of punishing them during a training exercise.

14. Cases were also reported of torture preceding extrajudicial executions. On 26 March in Medellín (Antioquia), the corpses of two men showing signs of torture were presented by the army as those of ELN militia fighters who had been killed in combat.

15. In Ricaurte (Nariño) on 10 July, it was alleged that military intelligence personnel had tortured, both physically and psychologically, a boy whom they accused of belonging to the FARC-EP militia. The Office also learned that, in Medellín on 10 December, four young men, who had been detained by unidentified army personnel on charges of having attempted to rape a girl, were beaten up by the soldiers.

16. The Office was informed of cases of torture in police stations. In Tibú (Norte de Santander) on the night of 31 December 2005-1 January 2006, five persons who had been arrested were forced to lie on the ground, punched, kicked, struck with rifle butts and hammers, and made to commit degrading acts with rag dolls. In San Agustín (Huila) on 6 August, several policemen allegedly beat up a person who was being arbitrarily detained at the station. He was nearly suffocated by a bag placed over his head and threatened with death.

17. Cases were also reported of the excessive use of force by National Police officers. In Taminango (Nariño) on 17 and 18 May, members of the Mobile Anti-riot Squad (ESMAD) dispersed demonstrators using firearms in an unlawful manner and making disproportionate use of tear gas and truncheons.

### **C. Right to individual freedom and personal security**

18. In 2006, the Office was informed of several cases of violation of the right to individual freedom and personal security in the form of enforced disappearances and illegal or arbitrary arrests.

19. The Office received several complaints of enforced disappearances attributed to army personnel. In Bello (Antioquia) on 1 June, a shopkeeper disappeared after being arrested by members of the 4th Brigade’s United Action Group for Personal Freedom (GAULA) who intercepted his vehicle and seized several of his belongings. An officer from the same unit intervened repeatedly to obstruct a police search-and-rescue operation to save the victim, whose whereabouts remain unknown.

20. In Bogotá on 21 March, a university professor who also acted as a political adviser was taking exercise in the National Park when he disappeared. Although the police carried out a lengthy search in the area where he had last been seen, nothing was found until his decomposed corpse was finally located on 23 April. While the authorities claimed that his death was the result of an accident, his relatives and some human rights NGOs pointed out that the remains bore evidence of violent assault. Prosecutor No. 25 of the Human Rights and International Humanitarian Law Unit is investigating this incident as a case of enforced disappearance and murder.
21. In Bogotá on 20 April, a well-known trade union and civic leader disappeared with another person when they were both in San Francisco market place in Ciudad Bolívar. In this case, an NGO and the victim's family activated the urgent search mechanism for missing persons.
22. Paramilitaries were allegedly responsible, in January 2006, for the deaths of four peasants and the disappearance of another eight in the municipality of Vista Hermosa (Meta). Several of the victims had been arrested a few days earlier by the army, the Attorney-General's Office and the DAS, but they were set free shortly before their disappearance, attributed to a paramilitary group which demobilized three months later.
23. The Office received information about cases of illegal or arbitrary detention, of both individuals and groups, in the departments of Arauca, Norte de Santander and Putumayo. According to a study carried out by the Office, in six cases which occurred between October 2005 and June 2006 in the departments of Arauca and Norte de Santander, at least 92 persons were arrested and accused of contempt of authority. Of those, 78 were released after periods of detention of between one and nine months. In Puerto Leguízamo (Putumayo) on 11 February, in an operation by the Attorney-General's Office, nine persons were illegally arrested by army personnel and police officers.
24. The Office also learned of cases of illegal and arbitrary arrest of human rights workers and social leaders, who were accused, without sufficient evidence, of the offence of contempt of authority. In Pamplona (Norte de Santander) on 6 January, members of the CTI from the Attorney-General's Office and a number of police officers arrested an activist from the Committee for Solidarity with Political Prisoners, which operates under the Protection Programme run by the Ministry of the Interior.
25. In several cases known to the Office, army personnel were involved in arrests carried out without a judicial warrant. In El Tarra (Norte de Santander) on 22 June, members of No. 10 Energy and Transport Plan Battalion arrested a community leader whom they accused of collaborating with the guerrillas. In Barbacoas (Nariño) on 15 October, soldiers from No. 3 Infantry Battalion "José María Cabal" arrested the brother and nephew of a union leader from the village of Guayacana.
26. In some cases, judicial proceedings against people charged with contempt of authority and terrorism were carried out on military premises, from the start and up to the examination stage. This occurred in proceedings initiated by the Attorney-General's Office in Arauca and Norte de Santander.

#### **D. Right to due process**

27. As in previous years, in 2006 the OHCHR Office learned of cases of violation of the right to due process through non-observance of the principles and standards of judicial independence and the presumption of innocence, and through the obstruction of justice.

28. In several of the cases reported to the Office, the authorities in charge of the military criminal courts undertook the task of investigating punishable conduct when in fact this investigation should have been undertaken by the ordinary courts.

29. On 14 June, the Ministry of Defence and the Attorney-General published a joint instruction in which they ordered that investigations should only be undertaken by the military criminal courts when the Attorney-General's Office has determined that there are in the case factors of a subjective and functional nature which warrant recognition of the jurisdiction prescribed by the Constitution for members of the security forces on active service.

30. However, the Office has obtained evidence to show that this instruction has not always been complied with, in some cases out of ignorance of its provisions and in others out of a deliberate refusal to observe its requirements. On a date later than 14 June, the military courts assumed jurisdiction for acts which, in the light of international principles and their own constitutional jurisprudence, cannot be considered as "offences committed in the course of duty". Such a case occurred on 19 August in Saravena (Arauca), when a murder was attributed to members of No. 18 Mechanized Cavalry Group. Similarly, on 18 June in San Vicente de Caguán (Caquetá), another murder was attributed to members of No. 6 Mobile Brigade.

31. On some occasions the Attorney-General's Office began an immediate investigation of acts which constituted extrajudicial executions attributed to members of the security forces. This occurred in the case of executions perpetrated in Saravena (Arauca) on 6 March, and in Barbacoas (Nariño) on 7 November. In Putumayo, the Attorney-General's Office handled all proceedings for extrajudicial execution perpetrated in that department during 2006.

32. The Attorney-General's Office also brought conflicts of competence before the Higher Council of the Judiciary to ensure that it handled proceedings initiated by the military courts. It did this in the case of a civilian who, on 11 March in the rural area of Cali, was killed by soldiers from the "Rodrigo Lloreda" Battalion, and in that of a 19-year-old man whose death in Ipiales on 23 April occurred as a result of actions attributed to members of the "José María Cabal" Battalion.

33. However, the OHCHR Office learned of other cases where prosecutors transmitted to the military criminal courts proceedings already initiated for murders amounting to extrajudicial executions. This happened in the case of a person killed by soldiers in Copacabana (Antioquia) on 16 January who was later reported as shot in combat, and a person killed in El Dovio (Valle) on 24 July.

34. The Office also learned of cases in which the course of justice was obstructed through pressure, threats or attacks against witnesses and judicial officials. In Argelia (Antioquia) on 15 February, a person who witnessed an extrajudicial execution was allegedly forced to sign a

statement in which he said that the victim had died because he had been hit by a stray bullet during fighting between the FARC-EP and the army. In Cucutá (Norte de Santander) on 24 June, a CTI official was shot dead while investigating drug trafficking activities by members of a new illegal group.

35. Finally, the Office received reports of several cases in which the right of presumption of innocence was violated by publicly presenting detainees as members of subversive organizations. An example of this was the detention in Fortul (Arauca) on 12 August of 13 persons whose pictures were widely disseminated by the media.

### **E. Right to freedom of opinion and expression**

36. The Foundation for Freedom of the Press (FLIP) recorded 86 cases of threats against journalists. The same organization and the OHCHR Office recorded three murders of journalists up to the month of November.

37. For its part, the Office learned that in Barranquilla (Atlántico) between 3 and 6 June, three packages containing death notices and apparatus simulating explosives were received at the homes of the editor of *El Herald* newspaper and two of its columnists. In Bogotá on 30 April, Iván Cepeda, a columnist and human rights defender, received a threatening message from what was assumed to be a paramilitary group. Likewise, the Office was informed that members of “Medios para la Paz”, a recognized organization of journalists, received death threats throughout 2006.

38. It was also learned that, in Piendamó (Cauca) on 17 May, four journalists covering disturbances in the area of La María were illegally arrested by members of ESMAD who destroyed their equipment. In Caldono (Cauca) on 19 September, members of the SIJIN arrested two broadcasters from the indigenous radio station Uxwal-Nasa Yuwe Stereo. They were released on the 26th of the same month as there was no reason for their detention.

## **II. INTERNATIONAL HUMANITARIAN LAW**

### **A. Murders and death threats against protected persons**

39. During 2006, members of the illegal armed groups, especially the FARC-EP, continued to perpetrate murders and massacres. Their victims were often people who were not taking a direct part in hostilities.

40. The OHCHR Office recorded 17 massacres of civilians, 12 of which were attributed to members of the FARC-EP. Among the latter were the massacre at Riosucio (Chocó) on 12 July, when 12 sawmill workers were killed with machetes, and that at Puerto Rico (Caquetá) on 5 February, in which 9 people travelling in a bus were killed.

41. It was reported that members of a new group calling itself the New Generation Farmers Self-Defence Organization (AC-ONG) perpetrated massacres of civilians. For example, in

Policarpa (Nariño) on 25 or 26 May, they murdered 11 peasants who were returning from Remolinos after having taken part in a demonstration. Nine coca-leaf pickers were also massacred in Olaya Herrera (Nariño) on 9 June.

42. Among the murders of individuals attributed to members of the FARC-EP are those of several shopkeepers in San Vicente del Caguán (Caquetá) in May and June, and those in Tibú (Norte de Santander) on 29 March of two community leaders of the Presidential Programme for Forest Wardens and their Families. They were also assumed to be responsible for the murder of a schoolteacher who was shot in front of her pupils in Tuluá (Valle) on 23 January.

43. The Office received several reports of cases in which members of the FARC-EP murdered municipal public servants. They included the massacre of nine councillors from Rivera (Huila) on 27 February, the murder of the mayor of Marulanda (Caldas) on 14 October, the murder of a councillor at Sevilla (Valle) on 20 January and the murder of the president of the council in Arauquita (Arauca) on 3 April. Members of the ELN are thought to be responsible for the death of a councillor in Coromoro (Santander) on 3 April.

44. The Office received reports of several murders of members of indigenous communities attributed to the FARC-EP. Among them were the murder of the ex-governor of the Caño Claro reserve of the Makaguan ethnic group, which occurred in Tame (Arauca) on 5 March, and that of his wife, an ethno-educator, killed the following day, and a leader of the Wayúu ethnic group killed in Riohacha (Guajira) on 12 May.

45. Among individual murders attributed to members of the AC-ONG group was that of the community leader of the village of Cartagena, Samaniego (Nariño), on 5 November, and that of the leader of the teachers' union in San Pablo (Nariño) on 10 July.

46. The Office also received reports of murders of protected persons attributed to security forces personnel, especially members of the army. In Argelia (Antioquia) on 15 February, a 17-year-old girl was murdered in an action attributed to members of the Fourth Brigade. In Tumaco (Nariño) on 30 July, men from No. 3 Motorized Infantry Battalion "José María Cabal" were said to have caused the death of a boy from the Awá ethnic group whom they had accused of being a member of the FARC-EP guerrillas. In Puerto Asís (Putumayo) on 31 May, soldiers from No. 11 Energy and Transport Plan Battalion were allegedly responsible for the deaths of a man and a woman whom they accused of being guerrilla fighters. In Barbacoas (Nariño) on 16 August, the death of an Afro-Colombian leader of the community council was attributed to members of No. 3 Mechanized Cavalry Group "José María Cabal".

47. In Ricaurte (Nariño) on 9 August, a group of men wearing military uniforms killed five Awá Indians, two of them women, after having accused them of belonging to the "militia".

48. Members of the new AC-ONG group were accused of having made death threats against social and union leaders. In the village of La Guayacana de Tumaco (Nariño) on 9 September, paramilitaries threatened a leader of the Calarcá Pig-Breeders' Association, causing him to move and become a displaced person.

49. In the course of clashes between the FARC-EP and the ELN in Arauca, members of one or other of these armed groups threatened peasants, local officials and other public servants. In Arauquita, teachers serving in urban and rural areas were threatened.

### **B. Attacks against the civilian population and indiscriminate attacks**

50. Members of the illegal groups continued to flout the humanitarian principles of limitation, differentiation and proportionality by launching attacks on the civilian population and indiscriminate attacks.

51. In Tame (Arauca) on 28 November, guerrillas from the FARC-EP fired on four people who were travelling in a vehicle in a rural area. The incident led to the serious wounding of one of the passengers and his 10-month-old son.

52. In Montebonito (Caldas) on 4 March, members of the FARC-EP attacked the police station, launching cylinder-bombs, throwing grenades and firing rifles and machine guns without making any attempt to protect civilians. The attack left 3 civilians dead, including one 6-month-old baby, and another 11 people wounded.

53. The Office received reports of attacks by army personnel against civilians. In Jambaló (Cauca) on 16 September, members of the “Pichincha” Battalion allegedly launched a grenade that exploded 40 metres from the place where over 2,500 members of indigenous communities were celebrating the “Day of Love and Friendship”. According to the Office’s investigation, in the attack a 5-year-old boy was killed and several other people seriously wounded. There was also a report that, in Hoyos del Patía (Cauca) on 25 September, after a bomb had gone off killing two soldiers, the military fired on a group of young men playing football, killing one of them.

54. Several indiscriminate attacks were recorded, all attributed to members of the FARC-EP. In San Vicente del Caguán (Caquetá) on 6 March, when guerrillas attacked an army patrol with explosives, they killed three civilians, including one child, and wounded seven others.

55. The Office also learned that, during the run-up to the elections in March, several indiscriminate attacks were attributed to members of the FARC-EP. In the village of Ospina Pérez, Ricaurte (Nariño), on 12 March, guerrillas harassing the security forces caused damage to the school, the chapel and 12 private homes.

56. Responsibility for indiscriminate attacks was also attributed to members of the ELN. In Pasto (Nariño) on 14 January, guerrillas from this group used gas cylinders loaded with scrap metal to attack “Boyacá” Battalion installations in the centre of the city, damaging the homes of approximately 80 civilian families.

### **C. Acts of terrorism**

57. During the period covered by the present report, the OHCHR Office recorded several acts of terrorism attributed to members of illegal armed groups, especially the FARC-EP.

58. On 16 February in Cali (Valle), militias from this subversive group managed to hide a bomb among demolition debris being transported in a truck. When it exploded, it killed two drivers and wounded six other civilians. In Arauquita (Arauca) on 17 and 19 February, explosions which killed one civilian and wounded others were attributed by the authorities to members of the FARC-EP. In Pasto (Nariño) on 20 July, two bombs were detonated by members of the FARC-EP in public buildings, killing one person and wounding another.

#### **D. Torture and other infringements against personal dignity**

59. During 2006, the Office learned of cases of torture attributed to the FARC-EP. In Riosucio (Chocó) in July, the corpses of 12 sawmill workers who had been killed by members of this armed group bore signs of having been tortured with machete blows before they died. In Mocoa (Putumayo) on 11 September, FARC-EP guerrillas arrested a cameraman who was covering the demobilization of a paramilitary group and accused him of collaborating with the paramilitaries. They then made him dig a grave and kneel down beside it.

60. The OHCHR Office also learned of cases of torture attributed to army personnel. According to the Attorney-General's Office, the body of a person killed at Copacabana (Antioquia) on 13 February by members of the Fourth Brigade showed signs of having been tortured.

#### **E. Hostage-taking**

61. The taking of hostages continues to be a common practice among the illegal armed groups, especially the FARC-EP. On 12 July in Riosucio (Chocó), members of this guerrilla group kidnapped 112 Afro-Colombian sawmill workers. In Santa Fe de Antioquia on 26 June, FARC-EP guerrillas took three people hostage and fired at short range at two of them, killing one, when they found themselves surrounded by soldiers. In Ricaurte (Nariño) on 24 September, men from the FARC-EP seized the governor of the Magui indigenous reserve and his nephew; their whereabouts remain unknown.

62. In Dosquebradas (Risaralda) on 27 April, the authorities attributed to FARC-EP guerrillas the interception of a vehicle in which Ms. Liliana Gaviria Trujillo, the sister of ex-President César Gaviria Trujillo, was travelling. They intended to take her hostage, but both she and her escort were shot and killed by the attackers.

63. The Office received information that, near Teteyé in Puerto Asís (Putumayo) on 21 June, members of the FARC-EP took hostage members of a mission comprising doctors, nurses and auxiliary workers from the First-Level Hospital in that municipality. Later 12 of those seized were released, but the guerrillas continued to hold 1 of them whose whereabouts are unknown.

64. Further taking of hostages was attributed to the ELN and the EPL. On 2 May in Salahonda (Nariño), ELN guerrillas took hostage Sectional Prosecutor No. 48, who was later rescued by the army. On 15 January in Anserma (Caldas), members of the ELN took hostage a university student, whose body was found by the authorities on 16 September in an open grave in the countryside.

## **F. Forced displacements**

65. During 2006, there were reports of cases of forced displacement, both individual and collective. Some of these were precipitated by armed conflicts. Others were due to death threats, fear of reprisals, abuses committed by persons directly participating in hostilities and the use of aerial spraying of areas where illicit crops were grown.

66. From April onwards, in the municipalities of Fortul, Tame and Saravena (Arauca), as a result of armed clashes between FARC-EP and ELN guerrillas, a number of forced displacements occurred. One particularly serious displacement took place in early August, affecting over 330 families.

67. On 27 April in Puerto Asís (Putumayo), nine families of the Siona ethnic group were forced to leave their homes, fleeing attacks by FARC-EP guerrillas against ships belonging to the Southern Naval Force anchored near that indigenous community.

68. In the municipality of Itsmina (Chocó) on 30 or 31 March, the FARC-EP murdered two teachers. This development caused the displacement of 1,748 persons from different indigenous communities in the Medio San Juan region.

69. In Cumbitara and Policarpa (Nariño) on 17 April, fighting between the army and the FARC-EP caused the massive displacement of 1,455 Afro-Colombians. In Ricaurte (Nariño) on 12 July, as a result of fighting between guerrillas and army personnel carrying out Operation Jupiter II, 1,816 members of the Awá indigenous community were forced to leave their land.

70. In January, in several villages in the municipalities of San Juan de Arama and Vista Hermosa (Meta), FARC-EP guerrillas trying to prevent the manual eradication of illegal crops forced the displacement of over 1,500 inhabitants from the area. During August, in Nariño and Argelia (Antioquia), members of this same group forced over 2,400 peasants off their land in order to put pressure on the authorities to stop spraying illegal crops.

71. The Office also learned of cases of forced displacement motivated by abuses by army personnel. One such displacement, involving 1,228 peasants, occurred in the municipality of Samaná (Caldas).

## **G. Boy and girl victims of the armed conflict**

72. Young boys and girls and adolescents continued to suffer the impact of the armed conflict. The OHCHR Office was informed of a number of murders of boys and girls. On 29 April in Trinidad (Casanare), two children were allegedly arrested illegally at their school by army personnel. Next day, the Brigade XVI military authorities produced their bodies, identifying them as guerrillas killed in combat.

73. Cases of recruitment of children continued to occur in several parts of the country, especially in Arauca, Putumayo, Guaviare, Meta, Antioquia, Cauca and Valle. In Arauca, in connection with the fighting between the FARC-EP and ELN, several boys and girls were recruited by members of both these illegal groups.

74. According to complaints received by the Office, members of the EPL have been using children in military engagements. In Quinchía (Risaralda) on 14 March, during a clash between the GAULA and this guerrilla group, a girl of 13 was killed while fighting in the ranks of the insurgents.

75. There was also information about a child being employed in activities carried out by the army and the DAS to help identify presumed guerrilla collaborators.

76. Cases were also reported of boys and girls wounded by anti-personnel mines. In Vista Hermosa (Meta) on 15 January, three young brothers were victims of such a mine planted by members of the FARC-EP in the patio of their house. One of the children died instantly, while his brothers were seriously wounded. In Araquita (Arauca) on 2 October, a mine blew up under a 15-year-old who was walking beside his stepfather. The explosion killed the stepfather and left the teenager with very serious permanent injuries.

77. There were cases of people participating directly in the hostilities who used schools. In Puerto Asís (Putumayo) on 7 March, army troops took up positions inside the Ecological School at Cuembí. When the FARC-EP announced that they intended to attack this site, over 30 families from the village of La Carmelita had to leave their homes.

#### **H. Women victims of the armed conflict**

78. Women's rights were also affected by the armed conflict. Women and girls have been victims of different forms of violence perpetrated by persons participating directly in the hostilities.

79. The OHCHR Office recorded several murders of women, responsibility for which was attributed to members of illegal armed groups. It was reported that, in Toribío (Cauca) on 29 August, members of the FARC-EP abducted and murdered a 15-year-old girl whom they accused of having emotional ties to a police officer. In Ricaurte (Nariño) on 21 October, FARC-EP members shot the sister of the administrator of La Planada National Park, accusing her of being an army informer. On 10 January in Quinchía (Risaralda), EPL guerrillas killed a nurse whom they accused of collaborating with the army.

80. In other cases, a number of murders of women were attributed to members of the security forces. In Villanueva (Guajira) on 7 March, a woman from the Wiwa ethnic group was killed in an action carried out by members of the Special Diversionary Forces. In the same action, the woman's 2-year-old daughter was shot in the right foot.

81. The Office received several complaints about women who were victims of sexual violence attributed both to members of illegal armed groups and to members of the security forces. On 29 August in Policarpa (Nariño), men from the AC-ONG group raped several women during an attack on territories controlled by the FARC-EP. On 20 March in Nariño, a woman was declared a "military objective" by the FARC-EP for having refused to go to a camp to attend to men wounded in combat. The woman said that she had previously been sexually abused by several guerrillas.

82. It was reported that, in Samaniego (Nariño) on 25 September, troops of No. 14 Mobile Brigade from 92 Battalion had sexually abused women whom they were searching on the pretext of looking for money. A complaint was also received that on 19 November a soldier from the San Mateo Battalion had sexually abused two girls, aged 11 and 7, from the Nasa-Paes ethnic group. This occurred in the rural area of Florida (Valle del Cauca).

### **I. Use of anti-personnel mines**

83. The Office received reports of the continuing use of anti-personnel mines by illegal armed groups, especially the FARC-EP and the ELN.

84. In Orito (Putumayo) towards the end of December 2005 and in early January 2006, members of the FARC-EP planted mines in the vicinity of a school. In Fortul (Arauca) on 6 February, a 77-year-old peasant was killed by a mine planted by members of the same group in the village of Caño Flores. In Samaná (Caldas) on 22 July, a 16-year-old boy trod on a mine near his house; he died from his wounds on 30 August.

85. Several cases were also reported of members of the ELN engaged in planting anti-personnel mines. On 27 and 28 October, mines planted by members of this guerrilla group caused the death of one girl and wounded seven other people in Cumbitara, Los Andes, and Samaniego (Nariño).

86. Members of ethnic groups were also among the victims of anti-personnel mines. For example, in the Sierra Nevada de Santa Marta (Magdalena) on 6 March, two members of the Kogui indigenous community died after wandering into a field that had been mined, probably by the FARC-EP.

### **J. Restrictions on freedom of movement and on the supply of food and medicines to the civilian population**

87. Complaints were also received by the Office regarding arbitrary restrictions imposed by army personnel on individual freedom. On 12 July in Ricaurte (Nariño), members of No. 3 Mechanized Cavalry Group "José María Cabal" allegedly seized over 100 people from the village of Cumbas. They were held in a school for three days, during which they were supplied with only a limited amount of food.

88. The civilian population has been seriously affected by clashes between illegal armed groups. In February, in several villages within the municipality of Los Andes (Nariño), fighting between FARC-EP guerrillas and AC-ONG paramilitaries led to the complete isolation of the inhabitants, since for several days the warring groups did not allow them access to medicines or food. In the same fighting, six civilians were wounded, and several houses and a school were damaged.

89. In the course of armed strikes organized by the FARC-EP in the departments of Arauca, Caquetá and Putumayo as from February, the guerrillas prohibited the entry of basic products required for survival.

## **Annex II**

### **SITUATION OF GROUPS IN A CONDITION OF PARTICULAR VULNERABILITY OR DISCRIMINATION**

#### **Human rights defenders, trade union members and other social leaders**

1. In 2006, the OHCHR Office recorded an increase in threats against human rights defenders, including trade union members, members of victims' and women's organizations, and community leaders - groups that also continue to be victims of murder, arbitrary or illegal arrest and violations of due process. This situation affected in particular grass-roots leaders, especially those working in rural areas. The work of human rights defenders was particularly affected in the departments of Arauca, Atlántico and Norte de Santander, in the Magdalena Medio region and in the city of Bogotá.
2. The acts of violence against human rights defenders have limited their ability to organize and to report violations in some regions of the country. Such acts are attributed to members of new illegal armed groups, paramilitaries and guerrillas. In other cases, members of the security forces and judicial employees have been accused of responsibility for these actions.
3. During May and June, human rights defenders, trade union members, journalists, university professors and students were victims of threats through intimidating e-mails signed by groups identifying themselves as "Commandos for a Colombia free of communists" or the "New Generation United Self-Defence Groups". When these acts took place, the majority of the victims were beneficiaries of protective measures because of the high risk they were under. Some of them are also beneficiaries of precautionary measures ordered by the Inter-American Commission on Human Rights.
4. The security and integrity of some members of the Patriotic Union were seriously compromised in 2006. In June the amicable negotiations between the Unión Patriótica and the Colombian State in the framework of the Inter-American System came to an end with no positive results.
5. The risks which human rights defenders face in their work have caused many to give up their work or practise self-censorship. In a great number of the cases that have affected human rights defenders, high levels of impunity persist. In spite of the efforts made, many of the investigations carried out by the authorities have not resulted in the identification, prosecution or charging of those responsible.
6. The High Commissioner acknowledges the efforts made by the Government to strengthen and give continuity to the Protection Programme for Human Rights Defenders and Union Members set up by the Ministry of the Interior and Justice. The Government has implemented a new protection model in which the active participation of the beneficiaries is explicitly sought, with the aim of agreeing consensual measures. Likewise, the national Government has recognized that the Administrative Department of Security (DAS) is not competent to assume responsibility for the protection measures provided for in the Programme and that other mechanisms must accordingly be found.

7. The State still faces the challenge of taking effective action on the risk factors that endanger not only the lives and security of human rights defenders, but also the performance of their legitimate work.

### **Communities at risk**

8. In 2006, both individual and collective displacements continued to be recorded; they were attributed to the FARC-EP, the ELN and fighting between members of the illegal armed groups and the army. Information was received about acts of violence and intimidation against displaced persons and members of communities who have returned to their lands, a situation that has generated new displacements. However, the number of displacements continued to fall in relation to previous years. The underreporting of cases of displacement remains very high. Furthermore, cases of displacement attributable to demobilized paramilitaries or members of new illegal armed groups have not been included in the Single Registration System.

9. With respect to the displacement prevention policy, a positive development is the presentation of a draft decree to regulate the functions of the Inter-Institutional Committee on Early Warnings (CIAT). However, shortcomings in risk evaluation continue to exist, and CIAT's responses have been ineffective; also, no specific penalties have been established for cases of non-observance of early warnings. For its part, the Early Warning System (SAT) set up by the Ombudsman's Office continues to depend almost entirely on international cooperation. The absence of a preventive approach stands out in policy vis-à-vis the displaced population in the context of the operations carried out by the security forces. It is important that the State should make greater efforts to prevent displacement of indigenous and Afro-Colombian communities, particularly in Chocó, Guaviare and Nariño.

10. Given the goal of socio-economic stabilization, effective alternatives in matters such as housing, land and income generation remain insufficient.<sup>a</sup> State aid has continued to focus on emergency humanitarian assistance. The Constitutional Court too has stressed the lack of specific programmes to address the particular needs of children and women heads of household who are victims of forced displacement.<sup>b</sup> Furthermore, it is essential to establish a public policy of reparation for the victims of displacement.

### **Ethnic groups**

11. The ethnic groups, particularly the indigenous and Afro-Colombian populations, are in a situation of great vulnerability as a result of the internal armed conflict. The FARC-EP, paramilitary groups and demobilized paramilitaries are believed to be responsible for the murder of protected persons, threats, stigmatization, forced displacement, hostage-taking, forced

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<sup>a</sup> This was acknowledged by the Government itself in CONPES document 3,400 of 2005 and in the joint compliance report presented to the Court on 13 September 2006.

<sup>b</sup> Constitutional Court decision 218 of August 2006.

recruitment, attacks against the civilian population, restrictions on the movement of food, medicines, fuel and people, and accidents and deaths resulting from anti-personnel mines. For their part, the security forces have been held responsible for extrajudicial executions, arbitrary arrests and identifying members of indigenous and Afro-Colombian communities as guerrillas. There were complaints of the security forces imposing restrictions on the movement of goods and persons and occupying civilian premises such as houses and schools. Information was received about cases of indigenous persons being arrested and not being allowed to perform their traditional practices.

12. The ethnic rights of the Afro-Colombian and indigenous populations and the biodiversity of the Chocó, Nariño and Putumayo regions have been seriously affected by the private exploitation of collective lands. Some communities have stated that no previous consultation took place as required before the start of productive exploitation on their territories.

13. Furthermore, the ethnic groups are seriously affected by high levels of poverty and the inferior quality of the education and health services they receive in comparison with the national averages.

14. Important progress took place in 2006 with regard to measures to protect the rights of ethnic groups, such as efforts by the Government to establish guidelines for a public policy vis-à-vis the Afro-Colombian population. Also noteworthy are the efforts to consolidate public policy vis-à-vis the indigenous population. However, these efforts have not translated into a significant improvement in the situation of these populations. It is essential that the Government should develop a systematic approach regarding the indigenous and Afro-Colombian communities in a situation of isolation, and fill the existing gaps in terms of disaggregated statistical information.

15. Likewise worthy of mention is the formulation by the Government of a Comprehensive Plan for the Care of Indigenous Communities at Risk of Extinction. It is hoped that this plan can be extended to other departments such as Amazonas, Guaviare and Vaupés. Furthermore, this Plan needs to include a human rights approach.

16. A positive development is the fact that the Rom ethnic group has for the first time been incorporated in the official statistics in the 2005 census. However, lacunae continue to exist in information on the original populations of San Andrés, Providencia and Santa Catalina.

### **Situation of detained persons**

17. On the question of overcrowding in prisons, the statistics obtained by the OHCHR Office indicate a substantial decline in the overall percentage. However, 7 out of 10 prisons show some level of overpopulation. Overcrowding was substantially reduced in prisons in Quibdó as a result of the reopening of a cell block in Istmina, and in the women's prisons in Bogotá and Pereira after new facilities were opened. Nonetheless, worrying levels of overcrowding persist in the cities of Cali, Riohacha and Popayán.

18. Concerning prison maintenance and repairs and the supply and quality of water, some shortcomings were noticed. Some prisons are located in remote and inaccessible places, restricting family visits. The high-security facilities (“new prison culture”) do not provide an adequate infrastructure for rehabilitation and resocialization.

19. During 2006, the National Penitentiary and Prison Institute (INPEC) worked on the establishment of general guidelines and actions in support of members of vulnerable groups. Such efforts must be increased in order to improve the situation in areas such as health care, food, infrastructure for disabled people, care for older people and people with HIV/AIDS, medical care for women and children, and infrastructure for mothers living with their children. Furthermore, policies must be established to ensure that prisoners belonging to indigenous groups can practise their customs and traditions and have access to interpreters and to special training and work programmes.

20. With the support of UNAIDS, the INPEC has made considerable efforts to gather data on the prison population living with the AIDS virus or suffering from AIDS and requiring medical care and anti-retroviral drugs.

21. It is essential to promote a review of the prison regime in accordance with national and international standards relating to the protection of detainees’ rights. Likewise, the implementation of the recommendations regarding prison overcrowding submitted by the Procurator General to the State in August 2004 remains an unmet challenge. It is also important that the Government convene the High Council on Criminal Policy.

### **Children**

22. The illegal armed groups continued to commit murders and acts of sexual violence against boys and girls. Furthermore, children continue to be among the main victims of anti-personnel mines. The recruitment of children by illegal armed groups, especially the FARC-EP, continues to be practised and is particularly blatant in the departments of Arauca and Putumayo. Reports were received of extrajudicial executions and sexual violence against boys and girls attributed to the security forces. Information was also received on the occupation of schools by members of the State armed forces, and on the use of children in military and intelligence activities. Approximately 50 per cent of the displaced population is made up of children.

23. In 2006, the new Code on Childhood and Adolescence was enacted. This instrument includes a gender perspective and provisions aimed at protecting children from the internal armed conflict. One of the more serious challenges inherent in the implementation of the Code is the design, implementation and evaluation of public policies on childhood and adolescence at the national, departmental and municipal levels.

### **Women**

24. The situation of violence, the conflict and the demobilization process continue to have specific effects on women. In the departments of Arauca, Cauca, Nariño, Norte de Santander, Putumayo and Valle, cases of murder, threats, and sexual violence continued to be reported.

These cases were attributed to members of the FARC-EP, ELN and paramilitary groups. Information was also received on women victims of extrajudicial executions, enforced disappearances, torture, ill-treatment and threats, attributed to members of the security forces in Antioquia, Arauca, Bolívar, Guajira, Nariño and Putumayo. Especially noteworthy is the fact that the figures for teenage pregnancy and family violence are higher among displaced women than the national average.

25. The women who are most often the victims of such acts are those who play leadership roles or are emotionally involved with members of the security forces or illegal armed groups. Among the victims of sexual violence are young women and girls.

26. With regard to the mechanisms established to guarantee the rights of victims to truth, justice and reparation, it is important to point out that a high percentage of the victims are women, whose specific circumstances and needs must be taken into account. In this sense, important steps have been taken by the National Commission for Reparation and Reconciliation to incorporate a gender approach in its work; but there is still a need to expand such efforts when regulating the participation of the victims in judicial proceedings.

27. As to the demobilization process, the Government's programmes for reintegration into civilian life have yet to implement mechanisms to respond to the specific needs of women, not only in view of their sex, but also in the light of their age, regional origin, educational level and background.

28. Progress was made in enactments relating to the rights of women. A law was passed on harassment in the workplace; the Observatory on Gender Issues, subordinate to the Presidential Office on Equity for Women, was formally constituted; and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women was approved.

29. The Constitutional Court decided in favour of decriminalizing abortion in three specific cases: (a) when continuation of pregnancy endangers the life or health of the woman; (b) when a serious malformation of the foetus exists, making life unviable; (c) when the pregnancy is the result of a sexual act, duly reported, constituting rape, non-consensual sex or sexual abuse, non-consensual artificial insemination, non-consensual transfer of a fertilized egg or incest. This decision is in keeping with the recommendations to the Colombian State on the need to review the criminalization of abortion without exceptions, formulated by human rights treaty bodies.<sup>c</sup>

## **Journalists**

30. During 2006 there was an increase, by comparison with 2005, in the number of complaints regarding threats to journalists in different areas of the country. One of the media denounced the harassment of its directors and reporters by State security organs.

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<sup>c</sup> Concluding observations of the Human Rights Committee on the fifth periodic report of Colombia (CCPR/CO/80/COL, para. 13), and of the Committee on the Elimination of Discrimination against Women on the fourth periodic report of Colombia (A/54/38, paras. 337-401 and para. 393 in particular).

31. The majority of death threats against journalists were made during the run-up to the elections. In the course of the year, journalists were threatened after having published criticism of the demobilization process, and reports on the criminal activities of the paramilitaries or the links between politicians and public servants with paramilitary groups.

32. The violence against journalists was in many cases attributed to members of paramilitary and guerrilla groups. Acts of violence against journalists by public servants were also reported.

### **Lesbians, gays, bisexuals and transgender persons**

33. In 2006, there were reported cases of lesbians, gays, bisexuals and transgender persons who were murdered, injured or threatened. The perpetrators of these acts are unknown. Also reported were cases of violence in the security forces, police abuse (especially against transgender sex-workers) and ill-treatment in prisons. On the other hand, cases still exist of discrimination in educational institutions, in access to employment and in health services.

34. As to the rights of lesbians, gays, bisexuals and transgender persons, there have been some noteworthy local initiatives<sup>d</sup> aimed at the adoption of institutional policies to safeguard their rights.

### **Other groups in a situation of vulnerability**

35. Judicial officials, victims, witnesses and other participants in criminal and disciplinary proceedings have been the targets of acts of violence attributed to members of illegal armed groups in particular.

36. The OHCHR Office has also received complaints of threats, intimidation and acts of discrimination against persons with HIV/AIDS and against members of organizations that provide assistance to this population group.

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<sup>d</sup> Particularly in the cities of Bogotá and Medellín and in the Department of Valle.

### **Annex III**

#### **REVIEW OF OBSERVATION, DISSEMINATION, ADVISORY AND TECHNICAL COOPERATION ACTIVITIES OF THE OFFICE IN COLOMBIA**

1. The OHCHR Office in Colombia pursues its work within the framework of its comprehensive mandate of observation, advisory services, technical cooperation, and promotion and dissemination. To this end, in 2006 it received substantial financial support from various countries. The main office is in Bogotá, and there are three regional offices in Bucaramanga, Cali and Medellín.
2. The work done in the area of observation serves as a basis for activities in the areas of assistance and technical cooperation. The aim of the latter is to strengthen the capacities of the State and civil society for the development of their work on the protection and promotion of human rights. In the context of its mandate, the Office maintains a permanent dialogue with the State authorities, civil society organizations, international non-governmental organizations (NGOs), churches, the media and diplomatic representatives.

#### **Observation**

3. Through its permanent presence in Bogotá, Bucaramanga, Cali and Medellín, the Office conducts field visits and dialogue with different sectors, continuously and systematically analysing the situation of human rights and international humanitarian law around the country. The in-depth knowledge of the various regions and their situation enables the High Commissioner to identify priority areas that should receive attention from the State and civil society. The Office's advisory and technical cooperation work is also based on this prioritization.
4. The field presence of the Office enables support to be given to the formulation and implementation of local public policies in the areas of human rights and international humanitarian law. Likewise, this presence facilitates areas for dialogue and consultation between local authorities and civil society organizations in the various regions. This work has a positive influence in preventing acts of violence and protecting people in a condition of vulnerability or risk, such as the indigenous communities, Afro-Colombians, local human rights organizations, trade union members and journalists.

#### **Advisory services**

5. The OHCHR Office offers advice to State institutions and civil society through its ongoing dialogue on the application and interpretation of the international instruments on human rights and international humanitarian law (IHL). The High Commissioner has worked with officials from the Vice-President's Office, Ministries, Congress, the judicial branch and control bodies to ensure that State actions, programmes and policies are consistent with the international commitments signed by Colombia, in accordance with a rights-based approach which includes differential and gender perspectives. Within this framework, Congress's legislative agenda was monitored, national jurisprudence was analysed, State policies on matters germane to the

Office's mandate were evaluated, and analytical documents were produced. The active participation of the Office in seminars, workshops, discussions and analytical activities contributed to a greater in-depth knowledge and understanding of human rights, human rights instruments, international protection mechanisms, international jurisprudence and recommendations of international bodies, particularly those formulated by the High Commissioner.

6. The Office continued its work with different sectors of civil society, which includes providing support and advice and keeping open areas for the exchange of information. In addition to work with human rights defenders and NGOs, during 2006 the Office also worked with representatives and organizations of indigenous and Afro-Colombian communities, journalists, women, children, lesbians, gays, bisexuals and transgender persons, among others.

## **Technical cooperation**

### **A. National Human Rights Action Plan**

7. Given the establishment of the Plan's coordination body, the Vice-President's Human Rights Programme and the OHCHR Office are implementing a project, financed by the international agency ASDI, to support the agreed formulation of the Plan. The project seeks to provide support to the coordination body with relevant information and methodologies based on experience with the development of action plans in other Latin American countries. The first event that took place in this context was the analysis of experience with Mexico.

### **B. National Human Rights Education Plan**

8. Since 2004, the OHCHR Office has been advising the Technical Committee of the National Human Rights Education Plan, composed of representatives of the Ministry of Education, the Ombudsman's Office and the Vice-President's Human Rights Programme. Within this framework, the Ministry of Education has received support for the implementation of a pilot project set up in furtherance of the Plan. Five technical territorial teams have been formed as an outcome of this project in order to support the process of human rights training, which the pilot project will promote in eight teacher-training centres and two schools.

### **C. Framework cooperation agreement with the Ministry of Defence**

9. During 2006, the first phase of the framework cooperation agreement signed on 30 November 2005 with the Ministry of Defence was implemented. This phase consisted of an analytical study of training in human rights and IHL within the security forces. This led to the formulation of recommendations aimed primarily at the application of knowledge of human rights and IHL to field operations.

### **D. Strengthening of the Attorney-General's Office**

10. During 2006, the implementation of the project, "Strengthening of the Attorney-General's Office", co-financed by the European Commission, continued with four components: (a) advice to the National Human Rights and IHL Unit; (b) assistance

for the Victim and Witness Protection Programme; (c) implementation of training for prosecutors; and (d) assistance to the School of Studies, Criminal Research and Forensic Sciences.

11. The OHCHR Office advised the National Human Rights and International Humanitarian Law Unit, which started to implement recommendations based on the analysis carried out by the Office and the Vice-President's "Fight against Impunity" programme in 2004 and 2005. The project also provided advice for the establishment and activities of the Special Group for Investigation of Links between Public Servants and Illegal Armed Groups.

12. The Office participated in the institutional round tables that formulated the draft law on protection of and assistance to victims, witnesses and other persons involved in criminal proceedings. It also gave advice on the development of a permanent training plan for public servants under this programme, and a victim assistance strategy.

13. The National Commission on Career Administration received technical assistance from the OHCHR Office in the following areas: drafting of regulations for the selection of prosecutors and public examinations; drafting and dissemination of the "Functions, competencies and requirements manual"; draft general rules on the grading of job performance and forms to be used for evaluation; and supplementary regulations relating to a public competitive examination for the recruitment of prosecutors.

14. In terms of training, the Office provided assistance and follow-up for 29 basic human rights and IHL courses, developed and conducted by the Attorney-General's trainers network in various cities around the country. Each participant received a set of nine books on human rights and IHL produced by the OHCHR Office. So far 950 public servants have been trained; of these 147 are members of the National Human Rights and IHL Unit. Advice has been provided as needed for the development of a comprehensive training programme for that Unit, the Protection Programme and the linking of the School to careers for prosecutors.

#### **E. Strengthening of institutions: Law on detained persons**

15. In April 2006, the "Strengthening of Institutions: Law on detained persons" project, co-financed by the European Commission and implemented in conjunction with the National Penitentiary and Prison Institute (INPEC), the Procurator General's Office and the Ombudsman's Office, was completed.

16. The project strengthened the Prosecution Service's performance of its supervisory role vis-à-vis prisons and penitentiaries through the joint formulation of guidance and training tools.

17. Under the project the INPEC received advice on the modification of certain penitentiary practices so as to bring them into line with international standards for the protection of fundamental rights. In addition, the project left the INPEC with installed capacity for human rights training.

18. The OHCHR Office promotes the sustainability of this project through institutional agreements with the Procurator General's Office and the Ombudsman's Office, and a series of recommendations addressed to the INPEC and the Ministry of the Interior and Justice, which are followed up through further technical assistance and cooperation.

#### **F. "Municipal development plans and human rights" project**

19. September 2006 saw the initiation of the "municipal development plans and human rights" project, which is co-financed by the European Commission. Its aim is to integrate a human rights perspective into the development plans of several municipalities throughout the country and 10 districts within Bogotá, and to facilitate the participation of civil society. This project has supported the Vice-President's Human Rights Programme and the programme implemented by the Ministry of the Interior and Justice since 2003.

#### **G. Training in human rights and international humanitarian law**

20. Given that the Ministry of the Interior and Justice is responsible for the formulation of the Government's policy on harmonious civil coexistence and human rights, and for contributing to the development of the governmental peace policy and promoting and ensuring the fundamental rights and freedoms of citizens, the OHCHR Office signed a framework agreement with the Ministry at the end of 2006. Technical assistance will be provided for human rights training and the joint preparation of didactic and bibliographic materials.

21. A letter of understanding was signed with the Magdalena Medio Development and Peace Programme, the diocese of Barrancabermeja, the School of Public Administration and UNHCR on training in human rights and displacement, targeting mayors and councillors in 30 municipalities in the region. Execution of this project will begin in 2007.

22. The OHCHR Office participated in two international events organized by the Ibero-American Federation of Ombudsmen, conducting a Latin American course on human rights education in Cartagena and an international seminar on ombudsmen and the right to water in Guatemala.

23. The OHCHR Office in Mexico requested two basic human rights courses and one on a human rights-based approach in programming for officials from various United Nations agencies in Mexico. In addition, two 40-hour courses were conducted for some 70 judges and magistrates in the States of Guerrero and Queretaro. The OHCHR Office in Colombia also collaborated with the Regional Office in Chile on the subject "Construction of subjectivities and human rights education" as a component of a human rights course for United Nations agency officials in Southern Cone countries.

24. The Colombian Family Welfare Institute's network of human rights trainers was expanded; an 80-hour training course was held for 21 Institute staff members.

25. The OHCHR Office provided training for 30 members of the Development and Peace Programme in Huila. This activity was carried out with the support of the UNDP Reconciliation and Development Programme.

## **Activities within the United Nations system**

### **A. Common Country Assessment (CCA) - United Nations Development Assistance Framework (UNDAF)**

26. Within the framework of the CCA process the OHCHR Office supported the United Nations country team and the thematic groups to ensure the integration of a human rights approach in the document. In this context, the Office participated actively in the thematic groups, which focused on the following three main areas: poverty, equity and social development; peace and security; rule of law and governance. In the UNDAF process, the Office acts as coordinator of the thematic group on the rule of law and governance.

### **B. Technical team on human rights, and “Action 2” Plan of the Secretary-General’s Reform Programme**

27. The technical team<sup>a</sup> on human rights, coordinated by the OHCHR Office in Colombia, continued to work within the framework of the Plan of Action for integrating the human rights dimension into the United Nations system (“Action 2”). During 2006, 147 United Nations system officials participated in basic workshops on human rights and international humanitarian law. In addition, 41 officials participated in in-depth workshops on programme development with a human rights-based approach. Two of the basic workshops were supported by the Resident Coordinator’s Office. All the workshops included a gender component and a gender perspective. The Resident Coordinator’s Office, together with the technical team on human rights, developed a project proposal for Action Plan 2, which was approved for 2007.

28. The OHCHR Office, as part of a United Nations inter-agency team from different Latin American countries, provided support to the Resident Coordinator’s Office in Peru, in the establishment of a technical team for the implementation of Action 2 in that country. The work done by the technical team in Colombia was showcased as an example of “best practices”.

### **C. Gender Round Table**

29. The Office participates actively in the Gender Round Table comprising representatives of United Nations agencies, funds and programmes in Colombia. Its main objective is to promote a gender perspective in the work carried out by the United Nations system. Pursuant to the recommendation made by the High Commissioner, a review of existing legislation relating to gender-based violence was started in 2006. The review culminated in the presentation in Congress of a bill promoted by the Committee of Women Parliamentarians. Through the Gender Round Table, the Office participated actively in this process. Together with other

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<sup>a</sup> The technical team is composed of representatives of UNHCR, PAHO/WHO, IOM, UNICEF, UNFPA, UNAIDS, UNIFEM, UNODC, Office of the Resident Coordinator, UNDP and WFP; it is coordinated by the OHCHR Office in Columbia.

representatives of the international community,<sup>b</sup> the Gender Round Table supported the working group composed of government entities and representatives of civil society who presented proposals before Congress, and is also supporting the activities of the Committee of Women Parliamentarians aimed at boosting the political participation of women.

30. In addition, the Round Table prepared information material on the gender perspective and the situation of women with the aim of supporting the work of all United Nations system staff. To commemorate the International Day for the Elimination of Violence Against Women, the Round Table presented and widely distributed the in-depth study of all forms of violence against women submitted by the Secretary-General of the United Nations to the General Assembly in 2006.

#### **D. Joint Working Group on HIV/AIDS**

31. The OHCHR Office has been participating in the United Nations system's joint working group on HIV/AIDS, organized by UNAIDS, and supporting the integration of a human rights approach in matters relating to HIV/AIDS. The document "Inter-sectoral plan of response to HIV/AIDS, Colombia 2007-2010" was drafted and input for the new area "Support and social protection" was incorporated, in accordance with the international guidelines on HIV/AIDS and human rights.

#### **Information and dissemination**

32. The Office continued its public information activities, focusing particularly on the media and the victims of violations of human rights and international humanitarian law (IHL).

33. It continued to support production of the United Nations system's radio programme in Colombia, which is aired by 700 community broadcasting stations throughout the country. It contributes to the programme both financially and through support for the review and coordination of information relating to human rights and IHL. The Office's publications were sent to the country's main libraries and the distribution cycle for all public libraries in Bogotá was completed.

34. The Office continued its partnership with the private sector, through Newell Sanford, and with *personeros* (municipal councillors) and indigenous teachers throughout the country. The aim was to jointly deliver art workshops for children on the theme of the Universal Declaration of Human Rights. In all, 2,300 boys and girls from all regions of the country - many of them from indigenous and Afro-Colombian communities - participated in this publicity work. The boys and girls received booklets on human rights, and 23,994 coloured pencils. The Office also continued the strategy of forming partnerships with different artists who agreed to publicize human rights through the medium in which they perform: painting, music, literature and the plastic arts in general.

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<sup>b</sup> Mainly the Governments of Spain, Sweden and Canada, and the European Commission.