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人权理事会
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会议工作安排

联合国人权事务高级专员关于哥伦比亚 人权状况的报告*

* 附件仅以提交语文和英文分发。

内 容 提 要

人权理事会根据 2006 年 10 月 6 日第 2/102 号决定，请联合国人权事务高级专员“继续按照人权理事会以前通过的所有决定开展活动，并更新有关报告和研究报告”。针对目前高级专员有关哥伦比亚境内人权状况报告的问题，已经根据主席的声明向人权委员会第六十二届会议提交了综合的年度报告(E/CN.4/2006/9)。高级专员办事处根据第 2/102 号决定的要求，在人权理事会尚未作出其他决定之前维持以前有关这一问题的年度报告周期。向理事会提交的本报告阐述了过去一年里在哥伦比亚境内的人权状况相关动向，其依据就是理事会第 2/102 号决定。

报告包含了对主要事态动向、武装冲突的发展历史以及和平前景的概述。报告指出了涉及人权的公共政策所取得的主要进展和面临的障碍，并阐述了对高级专员在前次报告中所作的一些建议之实施情况。同样，报告并说明了涉及到准军事集团成员解除武装、重归社会方面的一些最重大的事态。

报告总体叙述了哥伦比亚境内的人权状况。在公民权利和政治权利方面，报告提供资料介绍了有关侵犯生命权、人格完整、自由、人身安全、适当程序以及司法保障的行为，而这些侵权行为的主要对象包括土著和非裔哥伦比亚社区成员、社会领袖、人权维护者、农民、妇女、儿童、工会成员、记者和流离失所者。关于经济、社会、文化权利，报告总体介绍了贫困、不平等、失业和营养不良的状况。

国际人道主义法方面的情况包括根据有关游击队团体成员、准军事人员和新的非法武装集团成员，以及保安部队成员的侵权行为指控而收集的资料。

最后，报告提到了涉及人权高专办于 2006 年在哥伦比亚开展的一些考察、公共政策的后续行动、咨询、技术合作及宣传活动等方面的资料。

为了继续帮助巩固人权状况，遵循国际人道主义法并培养哥伦比亚国家的机构体制能力，高级专员提出了 18 项建议。这些建议是向政府、议会、检察总长办公室、其他国家机关、民间社会、国际社会和非法武装集团提出的。

报告有三个附件，分别涉及：侵犯人权和违反国际人道主义法行为的具代表性案例、处于特别弱势和受歧视状态的群体之境况、以及人权高专办驻哥伦比亚办事处的活动。

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导 言

1. 乌里韦总统决定将哥伦比亚政府同联合国人权事务高级专员 1996 年签署的有关在哥伦比亚设立办事处的协议延长到 2007 年 10 月，在此期间，将全面保持办事处的考察、咨询、合作与信息传播任务。¹

2. 本报告是根据人权理事会第 2/102 号决定编写的，报告介绍 2006 年的情况，有三个附件：侵犯人权和违反国际人道主义法行为的代表性案例、处于特别弱势和受歧视状态的群体之境况、以及人权高专办驻哥伦比亚办事处的活动。

3. 2006 年期间，哥伦比亚政府和人权高专办哥伦比亚办事处商定建立一个永久的对话机制，以便加强涉及上述任务各方面的合作，特别是防范工作、保护人权和消除导致侵权行为的因素。

一、国家的总体情况、国内武装冲突的发展史 以及和平的前景

4. 2006 年期间，内部武装冲突加上贩运毒品及有组织的犯罪，继续严重影响着哥伦比亚人民生活，破坏了民主体制，阻碍了社会经济的发展。冲突依然是侵犯人权和违反国际人道主义法的最重要根源之一。此外，该国在减少放任侵犯人权行为、有罪不罚方面仍然表现得很软弱，但是已经作出新的承诺，要克服这种局面。

¹ 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.

5. 2006 年，政府对非法武装集团的军事攻击行动仍在继续，其主要目标是哥伦比亚革命武装力量——人民军(FARC-EP)，同时对民族解放军(ELN)以及由已经遣散或重新武装的准军事集团所组成的新的非法武装集团也开展规模较小的攻击。哥伦比亚革命武装力量——人民军将行动集中在对地方政府当局的袭击、选举前阶段的武装行动、大规模屠杀以及对保安武装力量机动部队和古柯作物铲除者的袭击。尽管游击队减少了对治安部队固定基地的袭击，但是袭击行动仍有发生，例如 11 月对 Tierradentro (Córdoba)市中心警察站的袭击就是一例。

6. 根据总统的人权和国际人道主义法方案所提供的资料，民主安全和防务政策的实施使政府得以维持暴力总体指标减退的趋势，尤其是在谋杀和绑架案例方面。² 波哥大和麦德林的市长办公室所推行的治安政策在这方面尤为突出。治安人员的人数持续增加，同时对于传统上受到非法武装集团掌控的某些农村地区取得了更大的控制。在其他地区，例如在安提奥基亚省，治安部队无法阻止哥伦比亚革命武装力量——人民军的进犯，也无法完全控制过去由准军事集团掌握的领地。同样，全国完全恢复法制的目标也仍然面临重大障碍。仍然很难保证在军事上取得胜利的同时也能加强文职政府体制、也有其他的国家机构、社会投资和农村发展项目得以实施，并使人权和国际人道主义法得到完全尊重。

7. 2006 年，几名军官组织了几次恐怖袭击，但将罪责推在哥伦比亚革命武装力量——人民军头上，同时还从事了蓄意谋杀(但起初却将死亡称为是作战中的误杀或“友军误击”)，对此，这些军官受到了调查。检察总长办公室和最高法院对于现任和前任的政府人员(其中有议会议员、省长、省级议会成员以及前安全管理部(DAS)部长)进行了调查。在这些调查中，被告的罪名是与准军事集团有政治和经济联系，和/或参与了这些集团人员所从事的暴力行为。这些法律程序有助于加强加强法制和民主体制。

8. 民族解放军与政府继续开展了初步对话。希望这些对话将能在 2007 年导致谈判议程的确立，并导致正式和平对话的开始。

² 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.

9. 准军事集团的遣散以及 2005 年第 975 号法律(“正义与和平法”)的实施方面,已经取得了重要进展。8 月,进行了最新一次准军事集团的集体遣散,12 月,在 Barranquilla (大西洋省)和梅德林(安提奥基亚省)第一次在该项法律的基础上开展了司法程序。政府设立了处理暴动集团和个人在社会和经济上重新融入社会问题的总统高级顾问办事处。

10. 毒品贩运继续加剧了国内武装冲突,尤其是非法武装集团的行动。贩运毒品并成为新的非法武装集团之策动力,这些集团的存在对于准军事集团的遣散以及重新融入社会进程和今后的和平进程都造成了严重的障碍。³

11. 与 2002 年的情况不同的是,2006 年 3 月和 5 月的国会和总统选举是在相对平静的气氛中进行的,尽管在一些比较偏远的地区,哥伦比亚革命武装力量——人民军破坏了选举的准备工作。准军事集团力图影响选举过程,以便促使那些同情其利益的候选人被选入国会。同样在选举前阶段里,在该国的一些地区对记者和人权维护者的恫吓有所增加。乌里韦总统在第一轮中再次当选,而他的联合政府在国会两院中都获得了多数票。左翼反对党民主变革中心党的总统候选人获得 22% 的选票。尽管政府当局力图保障政治权利的自由行使,但是两轮选举的特点是弃权比率很高。

12. 2006 年期间,对于高级政府公职人员的腐败行为提出了严正的质疑。据报告,一些地方政府涉嫌在财政上与非法武装集团有瓜葛以及贩运毒品。

13. 宪法法院在捍卫人权方面继续发挥重要作用。首席检察官办公室以及市政理事在这方面也很突出,而监察员办公室在经费和人员有限的情况下作出了重要贡献。

14. 2006 年的经济增长达到 6%。这在减少该国严重的贫困率方面成为一项重要的宏观经济参量。2005 年普查结果表明了在减贫和克服不平等领域内的成就和重大难题。

³ 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.

二、公共政策的主要成就和障碍，以及 执行建议的情况

15. 高级专员注意到哥伦比亚政府当局已经更加坚决争取落实高级专员在前次有关哥伦比亚人权和国际人道主义法状况报告中所作的建议，而且还为评估其实际影响作了更大努力。到年底，这些目标的实现情况仍然错综复杂、参差不齐，尤其是关于审查情报档案、减少有罪不罚、切断政府公职人员与准军事集团人员之间的联系、提高人权和国际人道主义法方面统计数据质量等方面的建议，仍难以一言以蔽之。

16. 副总统办公室与人权高专办驻哥伦比亚办事处协作，率先同国家机构一起开展工作，以图推进高级专员在以前的报告建议的落实工作。由于这一进程，确定了一种方式，对机构责任、行动和时间安排作了明确规定，并制定了进展的指标，从而为联合评估现有成就和障碍、并采取适当措施加强这些体制而奠定了基础。这将使人权高专办驻哥伦比亚办事处得以确定技术合作的方向。

17. 哥伦比亚国家政府在人权高专办驻哥伦比亚办事处的技术援助与合作下，并且在瑞典和西班牙政府的支持下，与民间社会协作着手推行了一项《关于人权和国际人道主义法的国家行动计划》，从而在人权方面走出了根本的一步。9 月，建立了协调机构，机构的成员包括政府代表、掌管机构和民间社会，并通过了其程序规则。

18. 2006 年，有 651 个市政府拟定了有关人权和国际人道主义法的行动计划。其中，516 项计划已被纳入市政开发计划。同样，有 31 个省通过了人权计划，构成了其各自开发计划的一部分内容。

19. 政府根据高级专员的建议，宣布将力争改革目前对情报部门的规定，其中包括审查相关的档案，以便保证其充分符合法制原则，并查明和保证在这方面积极开展活动的人权维护者和机构的姓名和名称如果没有理由就不被纳入。首席检察官办公室提出了一项建议，设置明确的法律标准，以便防止在军队、警方和治安部门的档案中没有理由却照样纳入相关资料，并保证及时纠正这些档案中可能包含的不准确资料。

20. 在执法方面，值得指出的是通过了制止有罪不罚现象的一项政策，⁴ 另外政府还宣布了对军事刑法系统的深刻改革。在欧洲联盟和人权高专办办事处的支持下，

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

目前正在实施一项方案，以便加强司法部门，尤其是加强检察总长办公室，从而进一步减少有罪不罚现象。

21. 仍需要作出大量的努力来克服有罪不罚现象。一些司法决定成为防止这种现象的主要步骤而受人瞩目，例如最高法院对指称议会成员与准军事集团的关系问题开始调查，检察总长办公室也就同样的指控而对一名前省长和前女议员提出了起诉。该办公室对于驻 Barranquilla 的军队第二旅“个人自由联合行动队”(GAULA)的七名成员在一次捏造的反绑架行动中杀死了六个人、以及对 La Popa de Valledupar 军营的五个成员处决一名 Kankuamo 土著人却将死因谎报为在 2003 年作战致死等案例开展了审讯，并取得了进展。办公室就 2004 年在 Cajamarca (托利马省)五个农民的死亡对一名军士以及六名士兵展开了司法申诉程序。最高法院为调查波哥大中央法院 1985 年事件设立的真相委员会的报告也得到了发表，报告透露了在法院内发生冲突的游击队和报刊部队成员所犯的严重罪行。同样，一名前任上校也因为曾有两人活生生地离开法院、后来遭受被迫失踪的案例而被捕并受到起诉。2006 年 4 月，首席检察官办公室勒令限制一名退休的元帅和一名少校行动 90 天，因为他们未能向 San José de Apartadó 的和平社区居民提供适当的保安。这些都是制止有罪不罚方面的积极步骤。对于尚未调查的所有关于违反人权行为的报告必须开展调查，并制裁所有侵权行为，这是极为关键的。

22. 根据独立专家就加强保安部队成员的人权和国际人道主义法方面培训所开展的研究而提出的建议，现已由国防部在人权高专办驻哥办事处的支持下着手进入实施阶段。这些建议特定地提到了有关开展行动、分析所汲取的教训、训练方法、管制机制和行事规则等方面的指令。同样，在训练作业法律顾问和任命诸如每一部门的视察官等高级官员方面也取得了重大进展。希望这些努力将会直接导致治安部队人员严重侵权和违反乱纪行为的大幅度减少。

23. 尽管取得了一些成就，而且拨出了更多资源，但涉及武装冲突而流离失所的人的境况仍然令人担忧。根据宪法法院的说法，目前违反宪法的状态没有被克服，而影响到这些人的严重人道主义危机持续存在。⁵ 自 2002 年以来的流离失所者人数下降

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

趋势在 2006 年得以持续。流离失所者案例的漏报仍然十分普遍；但是，一项积极的因素是，总统社会行动问题高级顾问办公室已经认识到，在 1985 年和 2005 年之前流离失所者的总人数达到 300 万人。十分重要的是，必须以因案例而异、敏感顾及性别特点的方式实施持久的解决办法并为此取得进展，同时要对流离失所者取得赔偿的权利、尤其是对收回其财产的权利加以特别注意。

24. 该国提出了一项调查工会成员参与侵犯人权和违反国际人道主义法行为的战略。这项行动的依据是“关于结社权和民主问题的三方协议”，协议是由出席第九十五届国际劳工大会哥伦比亚代表团签署的，代表团由政府代表、工人和雇主组成。政府承诺提供 500 万美元的款项。同样值得一提的是，指派了 13 名专门的起诉法官从事这些调查，而且政府保护方案的预算拨款也得到了大幅度增加。⁶

25. 监察员早期预警系统继续为防止侵权行为和违法乱纪行为作出贡献。同时，由于机构间早期预警问题委员会没有作出及时有效的反应，使这一系统的影响继续受到限制。同样关键的是，对预警所作的反应应当更加侧重于人道主义方面，而不是军事方面。社区保卫者仍然是监察员办公室的另一重要的防范机制。

26. 根据有关人权和国际人道主义法问题统计数据的建议，需要加倍努力，以便改进对这一局面的评估，从而为制定推进人权的公共政策创造更适当的基础。

27. 关于立法方面的进展，值得谈一下《人身保护令法规》和《儿童和青少年法》的颁布。议会还在继续审议涉及到保护和保障人权诸项问题的各种法案。这些法案涉及到：对妇女的暴力；惩处基于种族、民族、文化或族裔的歧视行为；同性伴侣的社会保障福利。人权高专办办事处承认为推动立法行动以帮助实现妇女的权利而设立的女议员委员会的政治价值。

三、复员遣散及重归社会的进程

28. 宪法法院根据一项遵循高级专员和人权高专办驻哥办事处对 2005 年第 975 号法令的意见作出了一项决定，以此审查了 2005 年第 975 号法令，也就是“正义与和平法”是否符合宪法的问题。法院在决定中规定，符合司法机关需要的先决条件

⁶ 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.

是，供词必须完整而且真实；被告必须集体或分别地宣布其合法或非法获得的资产；而对受害者的归类必须比法律原本的规定更为宽泛。但是，对于适用于复员遣散和重归社会问题的法律框架，在受害者了解真相、获得公平待遇和赔偿的权利，刑罚的积累性质，替代性处罚的确定等方面的实际保证，仍然受人关注。执法要有效，就要求有更多的资源和保障受害者权利的机制。主管当局的体制性承诺以及政治意愿对于防止采用过渡性司法机制导致有罪不罚局面都具有根本意义。

29. 根据和平事务高级专员办事处的说法，准军事集团集体复员的总人数已经达到 31,671 人。但是，很多复员的人原本并不直接参与敌对行动，而一些准军事集团仍然不愿遣散，例如 **Casanare Rural Self-Defence Group** 和 **Cacique Pipintá Front**。多数准军事集团的领导人或被监禁在高度戒备的监狱里。令人尤其不安的是，许多准军事集团的中级骨干并没有遣散，有些又重新拿起武器，现在正在带领新的非法武装集团，出现在该国的各个地方。这些集团的特征就是与有组织的犯罪和毒品贩运有密切的联系。令高级专员关注的是，准军事集团在各地区和社会各阶层所构筑的政治和经济结构继续存在。

30. 以因个案而异、敏感顾及性别特点的方式在体制上响应受害者的要求仍然是政府当局所面临的重大难题。对于已复员的作战者所开展的法律程序表明，保障准军事集团罪行受害者权利的机制还有缺点。检察总长办公室指出，政府掌管受害者参与这些程序是极为重要的。该办公室所建立的国家正义与和平小组报告说，已经收到了来自大约 25,000 名受害者所送交的涉及到可归咎于准军事集团的估计 10 万起罪行的资料。

31. 根据“正义与和平法”建立的为期八年的民族和解和赔偿委员会在建立区域委员会和区域受害者网络方面取得了进展。在国际社会的帮助下，正在编纂受害者及受害者组织的注册资料。已经建立了一个工作组，以便编写关于非法武装集团的兴起和发展的公开报告，协议确定，侧重性别和本地居民的方式将成为贯彻委员会所有工作领域的要素。

32. 有必要加强向受害者提供信息的机制、并有必要采取措施，保障其有效参与对罪犯的法律诉讼程序。

33. 鉴于需要加强一项重归社会的政策，使复员人员可以有切实机会参与公民社会的生活，暴动人员社会和经济方面重归主流问题总统高级咨询办公室于 2006 年底

为制定一项不包含家长式性质、顾及与社区的协作，而且按地区、年龄和性别而异的长期战略而取得了进展。一些地方政府，尤其是梅德林和波哥大的政府，为响应复员人员的重归社会需要作出了更加规范完整的努力。

四、人权状况⁷

34. 哥伦比亚的暴力和武装冲突继续影响到享受基本权利和自由的情况，而且继续阻碍了当局在防范和保护方面的活动。该国一些地区的人权状况仍然很危急，其特点是生命权、人身安全权、自由和保安以及合法程序权和法律保障权一再经常地受到侵犯。监察员办公室的记载表明，对于可归咎于治安部队、尤其是军队和警察人员的侵犯人权行为指控有所增加。这一情况尤其涉及到土著社区和非裔哥伦比亚社区成员、社会领袖、人权维护者、农民、妇女、儿童、工会成员、记者和流离失所者。普遍的有罪不罚现象也依然存在。对此，人权高专办驻哥办事处加紧工作，以便支持政府当局处理各项问题的努力。附件二将更详尽地说明这些群体的情况。

公民权利和政治权利

35. 附件一包含了 2006 年提交人权高专办哥伦比亚办事处注意的侵犯公民和政治权利案例中的一些特选案例。

36. 生命权因谋杀案件的持续发生而受到侵害，其特点是法外处决，肇事者为治安部队、尤其是军队人员。办公室注意到，据 2005 年相比，所收到的申诉数量增加了。据档案记载表明，21 个省内都有发生，但在安蒂奥基亚、Nariño、Valle、Putumayo、Cesar、大西洋、托利马和 Guajira 省尤甚。在所报告的许多案例中，发现了三个共同点：谎称平民受害者是在作战中死亡的、肇事者改变犯罪现场、由军事刑法体系来调查案件。

37. 检察总长办公室的调查确定，一些原称为“误杀”或“友军误击造成”的一些命案都是法外处决的结果。

⁷ 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.

38. 这种对人权的严重侵犯并不限于单一的军事组织；这种行为也在该国的许多地区不同组织内发生。这种情况要求采取影响深远的措施。由于其数量和普遍性，具有法外处决特征的谋杀似乎并非孤立的事件，而是越来越普遍。

39. 面对这种局面，特别重要的事件就是 6 月份，国防部长与检察总长签署了一项联合指示，鼓励遵守宪法判例中对军事刑事司法管辖范围的严格诠释，并遵守在例外情况下的适用性标准。这一措施及其他措施，例如在媒体中阐述问题，使得在安蒂奥基亚的法外处决申诉明显减少，尽管该省仍然是受到这类活动最严重影响的省份之一。但是，在其他省份里，联合指示发表之后，法外处决的数量并没有减少。在一些地区，载于文件中的指示受到了负责实施这一事实的官员的忽视或误解，而在其他地方，军方在技术调查队(CTI)(从属于检察总长办公室)到达现场之前移走受害者尸体的做法还在继续。

40. 在政府当局与人权高专办驻哥办事处之间的对话中可以明显看到，有必要对防卫和民主治安政策的实行机制进行思考，因为这些机制可能对一些治安部队人员的行为产生消极影响。某些人由于并不理解在打击非法组织的斗争中取得实际结果的要求的真正意义，导致了犯罪行为。该国政府表示有兴趣拟定一项建议，来审查目前用于衡量工作结果的基准。

41. 关于公职人员在与准军事集团的关系中所负责任的问题，人权高专办办事处着重指出了最高法院和检察总长办公室正在进行调查这一积极事实，并认为，在查明尚未惩处的大多数案例真相方面会取得进展。

42. 在这方面，障碍仍然很大，在检察总长办公室没收了属于北方集团的前准军事组织的一台计算机之后所显示的资料就表明了这一点。这一资料记录了准军事集团在大西洋省犯的数百起谋杀案，记录了罪案的有组织性质、犯罪行为的不受惩处，有时甚至得到治安部队人员的宽容或参与。

43. 人权高专办办事处还收到了对准军事集团在复员前进行法外处决行动的申诉，据此便违背了其停止敌对行动的承诺，而且还得到当局的默许。这类案例曾在 Norte de Santander、Meta、Guajira 和 Cesar 等地发生。

44. 2006 年，谋杀工会成员和教师的案例有所增加。根据新闻自由基金会的说法和人权高专办驻哥办事处编纂的数据，有三名记者曾因其工作而被杀。

45. 针对工会成员、记者、⁸ 教师和人权维护者的恫吓还在持续。⁹ 在该国的一些地区，人权维护者及其组织由于受到威胁而在工作中面临限制，而在大西洋省和 Arauca 省，情况尤为令人不安。高级专员欢迎 10 月份发表的国防部长新闻稿，其中摒弃了对人权组织的威胁，并宣布开展调查，以便查明那些威胁恫吓他人的人。

46. 另有报告提到了通过任意逮捕和强迫失踪而侵犯人身自由和人身安全权的行为。人权高专办办事处收到的一些信息表明，在 Arauca、Norte de Santander、Putumayo、Santander、Nariño 和 Valle 各省，发生了单独和大规模的非法或任意逮捕。在一些情况下，逮捕的依据是已复员的作战者不负责任的言词、前非法武装集团成员辨认的受拘禁者照片、或者是军事情报或司法警察部队的不客观报告。在另一些情况下，逮捕是在没有合法逮捕状情况下进行的。办事处还收到资料表明，在并没有充分证据情况下指称人权维护者和社会领袖藐视政府并将他们加以非法或任意逮捕。这类案例曾在 Arauca、Norte de Santander 和波哥大发生。据新闻自由基金会说，2006 年有八名记者遭到任意逮捕。

47. 监察员办公室报告说，与非法武装集团毫无关系的儿童被关押在警察站、军营或法警所在地，而且关押时间超过许可。

48. 关于被迫失踪的记录经常不完整而且不准确，因为这经常导致对其他罪行(例如普通的绑架或谋杀)的调查，而且一般是在案发之后很长时间才为人所知的。在过去几年所发生的多起失踪是在 2006 年揭露的，据称肇事者是准军事集团成员；受害者多数为农民，但是波哥大的两名工会成员和一名政治顾问也是受害者。最受这种行为影响的省份为安蒂奥基亚、Meta 和 Putumayo 省，以及波哥大市。

49. 掘开秘密的单独或集体坟墓内遗体是揭露准军事集团实行有系统的强迫失踪行为之重要步骤，这些行为曾在 Sucre、Magdalena、Guajira、Norte de Santander 和

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

⁹ 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.

Putumayo 及其他地方发生过。由于将遗体送交死者家属的过程拖延，而且人们坚信将会发现新的坟墓，有必要投入更多人力和财力资源，来加强遗体辨认工作队。同样，加强掘开坟墓以前的调查工作也很关键，因为这样才能更好地辨认尸体和惩处杀人犯。

50. 高级专员认为，令人鼓舞的是，全国搜寻失踪者委员会的各实体目前已经完成了全国搜寻计划，搜寻结果将于 2007 年发表。同样，国家建立记载有关失踪者和尸体资料统一系统的行动也是积极的举措，必须通过适当的方式来加强，其中应包括坚持认真翔实地记载未辨认的尸体，并拟定出处理和储存这类尸体的条款和程序。

51. 据称是政府雇员所施行的酷刑、虐待和过渡使用暴力使人身不受侵犯的权利受到侵犯。

52. 根据所收到的指控，在一些情况下，酷刑是与法外处决相关的，在另一些情况下，酷刑是对在监狱或警察站受监禁的人施行的。另外还收到了有关军官对士兵实施酷刑的资料。

53. 办公室继续收到了有关过度使用暴力的申诉。其中有些是指 **Narino** 和 **Valle** 的警方机动镇暴分队的成员的行为。办事处还记录了在波哥大、卡利和 **Bucaramanga** 的警察和监狱看守对于男女同性恋者、双性恋者和变性者的虐待。在波哥大和梅德林以及在 **Valle** 省，保护这些人权益的警方政策方面有所进步。

54. 另外还收到申诉表明，有些人因其工作而报告或表达涉及到准军事集团遣散过程、涉及到暴力行为和腐败的公职人员的行动，或准军事状态本身问题的意见，因而招来风险，据此其见解和言论自由也受到侵害。这一类案例发生在波哥大、大西洋省、**Bolivar**、**Santander**、**Sucre**、**Cordoba**、**Magdalena**、**Arauca**、安蒂奥基亚、**Cauca** 和 **Valle** 省。

55. 人权高专办驻哥办事处收到了有关侵犯适当司法程序权和有罪不罚情况案例的资料。这些案例涉及到在侵犯人权和违反国际人道主义法的案例中不适当地适用军事司法的情况。执法工作依然因为迟迟不报告、诉讼程序和决策的拖延，以及各种损害司法独立性的情况而受到影响。

经济、社会、文化权利

56. 为本报告目的，并为了对诸如贫困、不公平、教育、健康和劳工等问题进行分析，人权高专办办事处特此谈论一下哥伦比亚国家机构和驻哥伦比亚的联合国系统机关所做工作和报告。¹⁰

57. 该国 49.2%的居民生活在贫困线以下，而 14.7%的人生活在赤贫状况中。农村的贫穷率达 68.2%。贫穷对于妇女、儿童、少数族裔群体以及流离失所者的影响尤其严重。而且各地区之间的也存在明显的不均衡。

58. 不平等是该国在经济、社会和文化权利方面所面临的主要问题之一。社会阶层之间的差距极大，这反映在收入以及在享受和得以享受经济、社会、文化权利的机会之上；并反映在这种机会的持续性和质量等方面。哥伦比亚的基尼系数达 0.553，属于拉丁美洲最高之列。另外在男女之间、各族裔群体和地理区域之间也存在不平等。

59. 政府制定了一项消除贫困和不平等的政策。该国政府旨在通过这项政策为 150 万处境不利的家庭实施一项社会保护体制，其中包括 30 万户流离失所家庭。如果实现所确定的目标，那么在经济、社会和文化权利领域内将会迈出一大步，而且在实现千年发展目标方面也将迈出一大步。

60. 政府应考虑增加所需资源，扩大保护体制的覆盖面、从而通过这项政策为尽可能多的赤贫家庭提供福利。

61. 同样值得一提的是，国会批准了对社会保险体系的改革，以便保证在 2009 年以前实现人人享有医疗服务。实现人人享有医疗服务是走向大幅度减少目前产妇死亡率过高的一个机会。随着 2006 年实现了入学人数增加，希望哥伦比亚国家政府能够保障普遍的免费初级教育。失业率维持在长期不变的 12% 水平上，主要失业者为妇女。就业不充分的比率为 33.3%。因贫穷导致的营养不良在农村地区最为严重。采取并实施一项公共粮食保障政策具有特别重要的意义。

¹⁰ 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).

五、国际人道主义法状况¹¹

62. 人权高专办驻哥伦比亚办事处收到了许多指控，表明直接参与敌对行动的人犯有违反适用于国内武装冲突的人道主义原则和准则之行为。这种侵权行为主要是由非法武装集团所干的；在一些情况下，有指控说责任在于治安部队成员。监察员办公室的记录表明，对游击队、尤其是哥伦比亚革命武装力量——人民军违反国际人道主义法的行为的指控有所增加。

63. 武装冲突继续对所有哥伦比亚人民产生不利影响，而尤其是损害了农民、妇女、儿童和土著及非裔哥伦比亚社区。非法的武装集团继续无视高级专员在过去几年向其提出的关于国际人道主义法方面的建议。

64. 土著和非裔哥伦比亚社区的文化特征的维护、这些社区的领地完整、其社会组织结构形式的稳定性都受到威胁。这些社区的成员成为非法军事集团谋杀、恫吓和污辱的受害者，并遭受到据称是治安部队成员实行的法外处决、任意逮捕和起诉控告。最受损害的是在 Narino、Cauca、Sierra Nevada de Santa Marta、Choco 和亚马逊地区的土著社区。在 Putomayo、Caqueta 和 Guaviare 地区，几个土著部族的人民仍然面临灭绝的风险。宪法法院强调有必要加强努力，防止过去几年里特别受到这一现象影响了土著和非裔哥伦比亚人流离失所。¹²

65. 2006 年，武装冲突依然导致被迫流离失所和社区受到孤立的情况。

66. 副总统办公室的记录表明发生过 25 起谋杀工会成员的案例，与 2005 年相比增加了 79%。¹³ 其中的许多谋杀案的凶手身份不明、或属于哥伦比亚革命武装力量——人民军和民族解放军。社会保险部的记录表明发生过 30 起谋杀加入工会的教师案件，18 起谋杀未参加工会的教师案件，据指称对此负责的是哥伦比亚革命武装力量——人民军。

¹¹ 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.

¹² Constitutional Court decision No. 218, 2006.

¹³ Office of the Vice-President, Human Rights Observatory, “Situation indicators and results of operations by the security forces, December 2006”.

67. 附件一载有 2006 年期间提交办公室注意的违反国际人道主义法的若干案例。

游击队

68. 游击队继续严重而系统地违反国际人道主义法。该国政府与民族解放军之间的谈判，以及与哥伦比亚革命武装力量——人民军可能进行的“人道主义交换”并没有对这些集团产生遵守国际人道主义法方面的积极影响。据指控，这两个游击队的成员从事了谋杀、威胁杀人、大屠杀、对平民百姓的袭击、不分青红皂白的袭击、绑架、性暴力、恐怖主义行为、招聘儿童入伍、使用杀伤人员地雷、强迫失踪、孤立社区以及对医务和人道主义救援工作队的袭击。

69. 民族解放军和哥伦比亚革命武装力量——人民军在 Acauca 和其他边远省份发生对峙，导致对受保护者、尤其是农村居民、社区领袖、社会活动分子、教师和政府官员的谋杀、恫吓、被迫失踪。

70. 在人权高专办办事处所记录的 17 起谋杀案中，12 起据称是由革命武装力量——人民军成员所干的。

71. 对平民百姓的多起谋杀、尤其是在安蒂奥吉亚、Arauca、Bolívar、Caqueta、Norte de Santander、Santander、Risaralda 和 Valle 等地区的谋杀，这些罪行是由游击队成员所干的。

72. 另外有持续的报告表明革命武装力量——人民军和民族解放军的成员谋杀了市政府的官员，其中包括市政府理事和市长。这类案例曾在 Huila 和 Caldas 等地方发生。

73. 有记录表明革命武装力量——人民军曾经向平民百姓发出过恫吓，发生地点在 Caqueta、Narino 和 Putumayo 等地区。

74. 据称革命武装力量——人民军曾经在 Arauca 对平民实行直接攻击，并且在 Caqueta 和 Narino 进行不分青红皂白的攻击。在 Narino 发生的一次不分青红皂白的攻击据称是由民族解放军成员所干的。

75. 有持续报告表明革命武装力量——人民军成员从事了恐怖主义行为，其中包括在 Narino 和 Valle 的公共场所用炸药进行袭击。

76. 革命武装力量——人民军、在较少的情况下还有民族解放军和人民解放军(EPL)继续劫持人质，尤其是在安提奥基亚、Arauca、Choco、Narino、Norte de Santander、Putumayo 和 Caldas 尤为严重，而且继续拘押大批的人。

77. 革命武装力量——人民军继续无视其对冲突中被剥夺自由的人提供符合国际人道主义法待遇的义务，包括已被拘押数年的军方和警方人员。2006 年，一名国家警察在拘押中死去，他是于 1998 年在 Mitu 被革命武装力量——人民军劫持为人质的。游击队仍然没有将其尸体转交家属。

78. 据报告，在 Arauca、Cauca 和 Narino，革命武装力量——人民军的成员犯有性暴力行为，而在 Norte de Santander 和 Valle，民族解放军成员则犯有这类行为。

79. 据报告，在安提奥基亚、Arauca、Choco、Narino 和 Putumayo 发生过强迫流离失所事件，起因是革命武装力量——人民军和民族解放军的恫吓及暴力行为、该两个集团之间的冲突、游击队与准军事集团之间的作战、以及治安部队与暴动部队之间的武装冲突。

80. 革命武装力量——人民军级民族解放军继续埋设杀伤人员地雷。人权高专办的记录表明在 Putumayo、Arauca、Cauca、Caldas、安提奥基亚、Magdalena 和 Narino 等地曾发生过这类案例。在这方面，希望民族解放军能够尽快履行其所宣布的在 Samaniego(Narino)一些村庄扫除地雷的意向。

81. 革命武装力量——人民军、民族解放军和人民解放军继续了其招募儿童入伍的做法，而在 Arauca、Putumayo、Guaviare、Meta、安提奥基亚、Cauca、Valle 和 Risaralda，这种情况尤其普遍。7 月，新闻界发表了一份检察总长办公室关于革命武装力量——人民军成员对部队中女童的虐待，例如强迫堕胎、性暴力、恫吓以及残忍和有辱人格待遇。¹⁴

82. 据报告，革命武装力量——人民军在 Putumayo 和 Choco 对医务工作者及医疗队人员进行过袭击。

83. 革命武装力量——人民军在 2006 年初的几个里发动的武装攻击尤其影响到了 Guaviare、Arauca、Meta、Caqueta、Choco 和 Putumayo 各省，大批人被围困，并阻止平民在陆路和水路上自由通行。由于缺乏粮食以及交通和通讯的阻断，这种情况

¹⁴ Semana magazine, “Infamia”, 2 July 2006.

造成了人道主义危机。那些不遵循武装阻断命令的人持续受到死亡威胁，而且在一些情况下成为事实，例如在 Caqueta 的一辆公共汽车上就有九个人被集体屠杀。

准军事集团

84. 尽管 2002 年底宣布了停止敌对行动的承诺，但是在遣散进程完成之前，仍有报告指出准军事集团成员对平民百姓的暴力行为，尤其是在 Norte de Santander、Choco、Cesar、Santander 和 Guajira 地区的谋杀、恫吓及强迫失踪。

85. 根据监察员办公室的说法，2006 年，已遣散的准军事集团未能履行其转交儿童兵的义务。此外，有关这些集团招募儿童的记录并不存在。¹⁵ 办公室收到的资料表明，从不同集团复员的儿童未交给哥伦比亚家庭福利协会(ICBF)。¹⁶

86. 该国出现了准军事集团活动发生转变的过程，准军事集团正在从介入军事冲突转变到从事诸如贩运毒品、偷窃燃料和敲诈勒索等非法活动的犯罪局面。目前，旧的准军事集团结构已不很明显而且更加支离破碎，因而与之开展斗争就更加困难。许多由中层骨干率领的已复员或未复员准军事人员似乎已经决定继续犯罪。这一现象的最明显结果就是出现了新的非法武装集团，许多城市的犯罪率上升，以及毒品贩运及其贩运团伙持续普遍存在。

87. 这些新集团的出现及其活动反映出遣散和打碎这些武装结构的承诺未得到兑现。在诸如 Cesar、Meta 和 Cordoba 等地区，据报告，形式上已经遣散但继续一如既往从事犯罪行为的集团的据点仍然存在。

88. 在 Narino, 有一个新的集团“新一代农民自卫组织”装备精良、军事上组织严谨，设有负责的首领，并且能够实行领地管制，对其他武装集团采取军事行动，这是令人极为担忧的情况。据称，这一集团的成员所从事的罪行包括对农民的两起大屠杀。

¹⁵ 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.

¹⁶ 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.

89. 另外还发现了性质模糊的新集团：它们是由已复员的和未复员的战斗者组成的，涉及贩运毒品，并涉及社会控制活动、违法乱纪以及从非法的经济活动中谋利；据称他们对于许多谋杀和威胁恫吓负有责任。在安提奥基亚发生的一次大屠杀和在 Cesar 和 Cordoba 发生的一起谋杀据称是已复员的准军事人员所为。

90. 尽管治安部队逮捕了 900 多名从事犯罪活动的已遣散作战者，但是这些新的非法武装集团规模的扩大、其经济和军事力量的稳步增强、对该国某些地区的日益控制，都要求政府对其毫不松懈地实行法治。¹⁷ 在一些地区，例如在 Narino 和 Cesar 南部所出现的局面表明治安部队成员与新的非法集团之间存在明显的联系。尽管存在这种联系的证据，但是据了解并没有下令实施防范性阻止、调查或制裁。

91. 面对这种情况，治安部队正在努力掌控准军事集团离开的农村地区。但是，尽管已经增加了部队人数、从其他地区调遣了支队，并且在以前受到准军事集团影响的地区建立了 139 个农村警察派出所，¹⁸ 仍然未能阻止革命武装力量—人民军进犯这些地区，据称后者在这些地区进行谋杀、恫吓活动并导致流离失所。

治安部队

92. 所有军事和警察部队继续作出了重大努力，为其人员提供人权和国际人道主义方面的训练。但是，这些行动并没有防止治安部队的一些人员依然将农村平民一成不变地视为颠覆集团的心甘情愿的协作者。这种态度引起了对国际人道主义法的严重违反，从而助长了一种平民人人自危、处境岌岌可危的气氛。

93. 曾有一些关于受保护人员遭谋杀的报告，这些谋杀的责任据称在于军方人员，这类事件在安提奥基亚、Narino、Norte de Santander、Putumayo、Cesar 和 Guajira 尤为严重。另外还有报告称在 Norte de Santander、安提奥基亚、Putumayo 和 Bolivar 的军方人员恫吓平民百姓。

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

¹⁸ speech by the Minister of Defence on the occasion of the first 100 days of Uribe's second term, 15 November 2006.

94. 人权高专办办事处获悉的资料表明，在 Cauca, 军人在武装冲突中对平民进行了袭击。

95. 另据报告，在安提奥基亚、Arauca、Bolívar、Valle 和 Narino, 治安部队人员曾犯有性暴力行为。

96. 办公室收到了一些报告称，曾发生治安部队人员(尤其是军队)在 Cauca、Choco、Putumayo 和 Valle 地区未能遵守区分军民的人道主义原则的案例。

97. 从非法武装集团复员的儿童向监察员办公室报告说，他们遭受治安部队的压力，要求他们提供信息、参与作战行动、辨认他们曾经从属的集团成员，而所有这些都符合禁止在军事和情报活动中使用儿童的原则。¹⁹

98. 检察总长办公室和监察员办公室已经重申，有必要在治安部队的行动中(例如在作战活动或喷药灭除非法作物)中纳入预防引起流离失所的措施。²⁰

99. 人权高专办办事处注意到空军和海军曾作出重大努力，以便在规划和执行军事行动中顾及受保护人员可能面临的风险。

六、驻哥伦比亚办事处的活动

100. 人权高专办通过其在波哥大、加利、梅德林和 Bucaramanga 的地区分部继续开展了在哥伦比亚观察人权和国际人道主义法局势；监督公共政策；提供咨询和技术合作，与政府有关部门、民间社会及国际社会协作；以及宣传相关的国际准则与原则的任务。附件三载有这些活动的更详细的介绍。

101. 2006 年，共收到 2,138 项申诉，其中有 1,772 项已选定将会采取追究行动。办事处已将其中的一些申诉通报政府管理当局。同一阶段里，曾开展了 259 次观察特派团视察，到实地的视察共达 633 天。

102. 办事处加紧了与政府管理部门的对话，并且建立了两个与最高的政府和国家层面协作的机制，旨在交换信息，并帮助加强改善人权状况的能力，同时处理造成

¹⁹ Op. cit., footnote 15 above, p. 64.

²⁰ 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).

重大侵权行为的起因，从而消除这些起因。办事处在履行其咨询职能中，始终与该国政府、司法部门、主管机构和立法人员协作。办事处还与非政府组织代表和民间社会其他部门的代表、国际社会及在哥伦比亚的联合国系统代表开展合作。

103. 咨询与技术合作活动尤其是为了加强哥伦比亚的公共政府机构和民间社会机构体制能力而制定的。2006 年内值得一提的是副总统办公室为履行高级专员在其最近报告内的建议而开展的行动。人权高专办办事处通过一项合作项目，监测了国家人权和国际人道主义法问题行动计划。在教育部、副总统办公室和监察人办公室的参与下，开展了一些活动，以便拟定全国人权教育计划，另外还在五个省内实施了一项试点计划。在国防部的参与下、并在该部同人权高专办办事处之间的合作协议框架内，开展了咨询和技术合作活动，以便支持对一系列建议的实施，从而使治安部队在行动中系统地采用符合人权和国际人道主义法的方式。

104. 人权高专办办事处与内务部和副总统办公室签署了一项咨询服务及合作协议(由欧洲委员会共同提供经费)，内容涉及在将近 20 个市区和波哥大 10 个地区的发展计划中促进纳入人权方式。

105. 在总检察官办公室的参与下，根据欧洲委员会共同供资的另一项目，在执行人权和国际人权法工作组的分析诊断建议方面取得了进展，该分析诊断是由副总统办公室和人权高专办办事处共同编写，并在工作组的工作中纳入了顾及性别特点的方式。同样在总检察官办公室的参与下，还开展了咨询活动，以便支持特别调查组关于政府人员与非法武装集团之间联系问题的工作；加强受害者和证人保护方案的法案；职业生涯制度的实施；在机构培训计划中纳入人权和国际人道主义法。

106. 人权高专办办事处完成了有关受拘押者人权状况的项目(由欧洲委员会共同供资)，并在这方面继续提供公共政策方面的咨询。

107. 人权高专办办事处与马格达莱纳河中游开发与和平方案、Barrancabermeja 教区、公共管理高等学校和难民署共同签署了一项协议，向马格达莱纳河中游地区的 20 个市的市长及理事提供公共政策、流离失所和人权方面的培训。

108. 办事处开展的人权和国际人道主义法培训活动仍在继续，其面对的培训对象主要包括哥伦比亚家庭福利研究所培训者网络、Huila 发展及和平方案的 30 名成员(得到开发计划署的帮助)、驻哥伦比亚的 188 名联合国系统工作人员。

109. 与民间社会和非政府组织代表开展的咨询、支助和交流活动主要针对的是：保护人权维护者、工会成员、教师和记者的工作；受害者得到真相、正义和赔偿的权利；全国人权和国际人道主义法行动计划；妇女权利；歧视、尤其是因种族、性别和性取向引起的歧视；男女同性恋者、双性恋者和变性者的权利。

110. 办事处继续支持为伦敦—卡塔赫纳进程开展后续行动，为此与国际社会、尤其是 24 国集团、哥伦比亚政府及民间社会组织开展了密切的合作。

111. 关于联合国系统，值得一提的是以人权为重点的共同国家评估、性别问题工作组，以及负责在联合国系统内纳入人权方式的技术工作队等各方面的工作。办事处参与了联合国发展援助框架的拟定工作。

112. 关于宣传活动，2006 年，办事处编写了 46 份新闻稿，并举行了 10 次新闻发布会。共提交了十六份报告，涉及的议题包括：受害者得到真相、正义和赔偿的权利；妇女权利；土著人权利；防止酷刑；人权、打击恐怖主义与和平之间的关系。总共分发了 70,617 份办事处出版物，办事处还出席了九次记者讲习班。办事处的网页记录了 292,011 次查看点击。举办了一次有关人权的摄影展。制作了 1 万份日记本和 1 万份日历，由哥伦比亚知名艺术家提供艺术作品；日记本和日历向国家政府部门、非政府组织、联合国系统代表及国际社会分发。

七、建 议

113. 联合国人权事务高级专员为了继续帮助加强哥伦比亚国家的人权状况、遵守国际人道主义法并培养机构能力，特此提出以下建议。为了实施这些建议，高级专员希望与国家政府当局、民间社会和国际社会继续协作。

114. 高级专员重申继续实施过去几年所有建议的重要意义；这些建议的内容仍具有现实意义，高级专员鼓励继续为实施这些建议而共同按部就班地开展工作。高级专员希望能够维持 2006 年所建立的机制，从而使该国政府和人权高专办驻哥伦比亚办事处能进行协作，来评估和解决在人权和国际人道主义法方面存在的主要难题之根源。

115. 高级专员重申，实现和平对哥伦比亚社会具有首要的意义，因为和平不仅具有其自身的重要价值，而且也是提高对所有人权的尊重并加强所有人权的手段。对此，她再次呼吁政府与非法武装集团之间的对话与谈判取得进展，以便摒弃国内武装

冲突，实现持久和平。她重申有必要在这一计划中优先注重人权和国际人道主义法、尤其是注重受害者的权利。

116. 高级专员再次呼吁非法武装集团成员遵守各项国际人道主义法准则，这些准则禁止谋杀受保护人员、袭击平民、不分目标的袭击、性暴力、招募儿童、恐怖主义行动、使用地雷和强迫流离失所。

117. 高级专员呼吁非法武装集团立即无条件地释放人质。她还呼吁这些集团遵守人道原则及公共良知，结束对那些因冲突原因而受拘押者的拘押。

118. 高级专员鼓励该国政府制定有效政策，全面消除准军事行动，以便拆除和遣散准军事集团的政治和经济结构，结束在遣散进程之后出现的新非法武装集团的犯罪活动，并惩处与任何这类集团有任何关联的政府人员。高级专员鼓励司法部门继续调查与准军事集团有联系的政府人员和政治领导人。

119. 高级专员鼓励该国政府在国防部开展改革的框架内审查用于评估军方和警方行动成果的基准，以便消除治安部队人员侵犯人权、尤其是法外处决的行为。她还鼓励该国政府在人权高专办驻哥伦比亚办事处的帮助下继续实施独立专家研究报告中所作的建议，使治安部队人员从人权和国际人道主义法的训练中得到更好的教益。

120. 高级专员建议，在民间社会和国家政府在全国、区域和地方层面上的广泛有效参与下，国家人权和国际人道主义法行动计划协调机构为协调这一计划制订相关的方法。同样，她鼓励对此负责的官员在合理的时间范围内拟定计划，同时鼓励主管部门在国家发展计划以及在全国、地区和地方预算中考虑到这项计划。

121. 高级专员考虑到监察员办公室在保障人权方面的决定性作用，鼓励监察员加倍努力，增强该办公室的权威。对此，她鼓励监察员进一步通过报告和意见为分析该国人权局面作出贡献，并履行有关终生职业制度的规定。她还鼓励国会和政府采取一切必要的法律和财政措施，帮助监察人最有效地开展工作，推动实现和宣传人权、控制政府部门行动、以及管理他所提供的服务。

122. 高级专员促请该国政府中负责执行 2005 年第 975 号法令(正义与和平法)的部门采取一切必要措施，保证受害者有切实机会获得赔偿，并充分行使其了解真相和取得正义的权利。

123. 高级专员殷切希望，实施打击有罪不罚现象的政策将会导致在调查和惩处侵犯人权或战争罪方面取得具体结果，并希望这项政策能够包含顾及性别特点的视

角。同样，她相信，在人权和国际人道主义法方面，国家机构的资料和统计系统将会取得重大改善。

124. 高级专员鼓励检察总长办公室在所通过的战略与措施框架内明确阐明对谋杀工会领袖和工会成员所应承担的责任。她还鼓励该办公室在针对记者、教师和人权维护者的恫吓及谋杀方面也做同样的澄清。

125. 高级专员鼓励国会批准一项关于人身保护权资料的成文法，规定单独的個人和公司有权纠正在国家机关情报档案中有关本身的任何资料。同样，她鼓励主管部门着手开展已经宣布的对情报档案所载资料适用标准的审查。

126. 高级专员建议，国会对国家立法开展所有必要的改革，以便保证军事司法的执行符合国际人权文书和该国本身的判例法所要求的独立、公正和特别例外标准。她重申，侵犯人权和违反国际人道主义法的行为必须由普通法院进行调查和审判。

127. 高级专员有鉴于近年来国内生产总值的大幅增长，鼓励该国政府进一步推行载于“战略”内的公共政策，以便减少不平等并争取消除贫困和赤贫，与此同时尤其重视流离失所的民众和武装冲突的其他受害者。同样，她建议，继续在技术上加强开展国家统计研究，以便根据地域、族裔血统、性别和年龄而分门别类地开列所有数据；从而为各省和各市制定千年发展目标和人类发展指数的指数。

128. 高级专员促请该国政府、国家登记部门和国家选举理事会保证，在定于 2007 年的选举中，候选人和选民都能够在加强民主体制的自由、安全和其他有利条件下行事。

129. 高级专员鼓励民间社会继续本着建设性精神努力争取实现哥伦比亚的人权。她重申，国家政府的各主管部门向民间社会、尤其是人权维护者提供保护、合作及支持是极为重要的，同时必须与她合作，争取实现共同价值观念和目标。

130. 高级专员考虑到她驻哥伦比亚的办事处与哥伦比亚国家政府各机关之间的良好关系，并为了使双方新的更紧密的协作得以持续，建议将驻哥办事处的任务期限在 2007 年 10 月远远未到之前就先行延期，直到本届政府的任期结束为止。

131. 高级专员重申赞赏并感谢国际社会，尤其是 24 国集团，并请国际社会继续提供政治支持、技术合作和财政援助，使哥伦比亚的各政府机构、非政府组织及高级专员驻哥办事处能够切实地帮助履行所提出的建议，并考虑到人权对于实现和平的重要作用，推进人权状况向积极方向转变。

ANNEXES

Annex I

REPRESENTATIVE CASES OF HUMAN RIGHTS VIOLATIONS AND BREACHES OF INTERNATIONAL HUMANITARIAN LAW^a

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.

^a 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 Leguizamo (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 Caldonio (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.^a 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.^b 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

^a 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.

^b 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.^c

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.

^c 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^d 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.

^d 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^a 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

^a 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 Colombia.

representatives of the international community,^b 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.

^b Mainly the Governments of Spain, Sweden and Canada, and the European Commission.