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大会 2006 年 3 月 15 日题为“人权理事会”的
第 60/251 号决议的执行情况

2007 年 3 月 8 日哥伦比亚驻联合国日内瓦办事处常驻代表
致人权事务高级专员的信 *

我谨在此转交哥伦比亚政府对联合国人权事务高级专员关于 2006 年哥伦比亚人权状况与国际人道主义法的报告(A/HRC/4/48)的意见。

谨请将我国政府的答复在高级专员网站、在与上述报告相同的标题下公布，并作为人权理事会第四届会议的正式文件分发。西班牙文本和英文本已通过电子方式传送给负责处理文件的单位。

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常驻代表
Clemencia FORERO UCROS(签名)

* 附件不译，仅以英文本和西班牙文本分发。

Annex

CONSIDERATIONS OF THE COLOMBIAN STATE REGARDING THE REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS - 2006

1. Presentation

The Government of Colombia:

- Thanks the United Nations High Commissioner for Human Rights and her Office in Colombia for the preparation and presentation, in compliance with their mandate, of the report on the situation of human rights and international humanitarian law in Colombia during 2006, and related recommendations.
- Appreciates the spirit of cooperation and collaboration of the Office in Colombia for the preparation of the report, and for having established mechanisms of ongoing dialogue that enhance joint work, particularly in the matter of the protection of human rights, and the eradication of the causes which generate violations.
- Also appreciates the consolidation of the advisory role of the Office in Colombia for all institutions, a factor which takes better advantage of its experience, and offers a better understanding of the scope and content of its mandate, its recommendations and State decisions to implement them.
- Places a positive value on the recognition of the atmosphere of tranquillity in which national elections have taken place, culminating with the re-election of President Alvaro Uribe, and the election of members of the Colombian Congress Colombia; and the participation, with every guarantee for the exercise of electoral freedom, of political organisations that oppose the Government, as all took part in those elections have recognised.
- Appreciates also that the Report contains mention of the beginning or consolidation of processes whose results are designed to provide a final solution to situations that adversely affect the exercise of the human rights of Colombians, accepting the need to redouble efforts already made in order to overcome the difficulties which still remain.
- Expresses its decision to consolidate the efforts of the authorities to achieve the objectives of the Recommendations, give them the importance they deserve, and make them permanent.
- Appreciates the condemnation of the systematic disregard and violation of humanitarian rights by the illegal armed groups, and the observation that it is they who are responsible for murder, death threats, massacres, attacks on civil population, indiscriminate assaults, the taking of hostages, acts of sexual violence, acts of terrorism, recruitment of minors, the use of antipersonnel mines, forced displacement, the blockading of villages, and attacks on medical and humanitarian missions.

2. The general context of Colombia, the evolution of internal conflict, and the prospect of peace

The Government considers the following points made in the report of the High Commissioner to be of particular importance:

- The Government's decision to maintain a military offensive against the illegal armed groups, which has enabled it to consolidate the recovery of territory, and to maintain the downward trend in the general levels of violence. The Government wishes to repeat that the Democratic Security Policy is principally designed to provide the conditions of security required for people to be able to exercise their rights, on the basic understanding that without security and without the presence of the State, there is no possibility of doing so.
- The progress made in the demobilisation of paramilitary groups, in application of Law 975/2005, and the creation of the Presidential Advisory Office for Social and Economic Reinsertion.
- Economic growth as a factor to guarantee the application of a social policy designed to improve the situation of large segments of the population who still have no access to basic services.
- The conversations with the ELN, which it is hoped will bring about the adoption of an agenda for specific negotiations in 2007.
- The role of the Constitutional Court, the Office of the Procurator, the Office of the People's Defender, and the People's Representatives at municipal level, as defenders of human rights.

3. The main advances and challenges in public policy, and follow up of recommendations

The Government sees with satisfaction that the report appreciates the commitment of the Colombian authorities in their efforts to achieve the objectives of the Recommendations. The Government repeats that it has been implementing a set of actions designed to overcome problems in the field of human rights, as an integral element in its policy; and that, with the accompaniment of the Office in a process implemented with the appropriate investigation and control bodies, it has discovered a mechanism to make this element visible, quantifiable, and specific with regard to the content of each action.

In the same manner, the government ratifies its commitment to work in concert with broad sectors of civil society, in preparing the National Action Plan as an option which will, in the short, medium and long-term, provide a coherent and systematic guide for State action in the field of human rights and international humanitarian law, and secure their full validity.

Meanwhile, and in furtherance of its policy, the Government has made significant progress in institutionalising the matter of human rights in the regions and in Departments, by forming agreements with all of the 32 Departmental Governors and 651 out of a total of 1,098 Mayors, for the period 2003-2007, so that they will include the subject in their development plans, and to prepare action plans as an instrument of concrete development. This has enabled public policy to incorporate the Governors and the Mayors as agents, which is a new situation in Colombia.

Progress in the struggle against impunity - such as the preparation of a concerted policy between the executive, the agencies of investigation and control and the justice system, in the adoption in the CONPES Document 3411, the allocation of funds to secure execution for the next three years, the engagement of the international community to support their application, and the identification of priority areas for action - will enable the results described by the Report to be consolidated, recognising the importance of systematic and permanent effort.

The Report draws attention to the importance of the efforts made with the Ministry of Defence, with the accompaniment of the Office, as having a direct effect on the substantial reduction in serious violations or offences committed by members of the forces of law and order. The Government wishes to state on this point that it has repeatedly given instructions that the conduct of all public servants will be based on respect and observance of laws and regulations, particularly those related to human rights. For this purpose, the Government has decided that the Minister of Defence should play the leading part in the definition of an integral policy to bring together all the efforts of that institution in this area, and that there will be a single policy for the entire defence sector, to incorporate following objectives: to guarantee the protection of human rights of the civilian population, of those with playing a direct part in hostilities, and of members of the Armed Forces; to enhance the legitimacy and credibility of the forces of law and order; to incorporate the theory of human rights into operational practice; to strengthen institutional and judicial controls to prevent and punish violations of human rights; and to promote inter-institutional integration in that area. Actions will be taken to pursue these objectives through education in values, comprehensive and practical instruction in human rights in the context of armed conflict, and effective controls of the forces of law and order in the pursuit of their mission.

With regard to the displaced population, which is a State priority, and as a component of the development plan 2006-2010, the Government has declared an objective of “preparing a state policy to facilitate integral attention to those displaced by violence, and to rescue them from the situation of displacement”.

The action lines forming this policy are as follows:

- Enhancement of the official register of the displaced (RUPD).
- Design and application of methodological tools to provide greater coordination and complementarity between information at national, regional and municipal levels.
- Mass engagement of the displaced into the Network for Overcoming Extreme Poverty (JUNTOS), and the Families In Action programme.

- Preparation of a conceptual framework to characterise the displaced person as socially and economically stable.
- Execution of a budget schedule defined in the CONPES Document 3400/2005, which sets out the timetable for the allocation of funds for the period 2007-2011.

Further, with the development of the SAT-CIAT system, it is hoped that both mass displacement and “one-by-one” displacement will be prevented.

4. The process of demobilisation and reinsertion

An initial approach to this subject relates to the repeated decision of President Uribe that it must be understood that the processes of negotiation with the paramilitaries and their structures have now ended. This means that the criminal activities undertaken by new groups, or by groups formed by those who were once part of the paramilitary structures, must be seen and understood to be the acts of organised criminal gangs, subject to the whole weight of civil, military and police authority, and of the criminal law. The necessary instructions have been given to the relevant authorities for this.

Further, the Government, through the Presidential Advisory Office for Economic and Social Reinsertion, which has taken responsibility for the institutional challenges of the process, will be responsible for designing, coordinating and evaluating the policy for the reinsertion of individuals and illegal armed groups, through the following set of actions:

- Construction of an Action Plan that takes account of programmes, strategies and targets required for the reinsertion of those demobilised.
- Design and application of a policy for the prevention of recruitment of minors by illegal armed groups.
- Priority psycho-social attention and education as elements of inclusion.
- Active and direct inclusion of family nuclei in the process.
- Decentralisation of the reinsertion policy.
- Consolidation of the participation of private sector and civil society in general.
- Creation of a single information system, which will allow quick, agile and reliable monitoring and evaluation of the actions and results of policy for demobilisation and reinsertion.
- Design and application of a system of monitoring and accompaniment during and after the engagement of the demobilised in assistance programmes, which will ensure that they will continue to engage in lawful activities.

5. The human rights situation

Civil and political rights

As shown below, the principal indicators on violations of the fundamental rights of Colombians continue (with certain exceptions mentioned in the report) to show a favourable trend:

The human rights situation, results of operations of the forces of law and order

Comparative January-December 2005 and 2006

	2005	2006	Variation in the period
Murders	18 111	17 479	-3%
Victims of massacres	252	193	-23%
Cases of massacres	48	37	-23%
Murders of (former) mayors	6	5	-17%
Murders of Councillors	26	23	-12%
Murders of members of indigenous groups	49	44	-10%
Murders of unions leaders	14	25	79%
Murders of unionized teachers	26	33	27%
Murders of non-unionized teachers	17	20	18%
Murders of journalists	2	3	50%
Kidnap	800	687	-14%
Forced displacement	216 409	172 722	-20%
Events with mines*	1 726	1 964	14%
Civilians wounded by mines*	261	252	-3%
Civilians killed by mines*	78	59	-24%
Soldiers wounded by mines*	560	617	10%
Soldiers killed by mines*	201	170	-15%
Attacks on villages	5	4	-20%
Attacks on communications towers	4	3	-25%
Attacks on transmission towers	226	241	7%
Attacks on oil infrastructure	155	106	-32%
Attacks on bridges	16	12	-25%
Attacks on highways	79	180	128%
Attacks on water supplies	-	2	100%
Acts of terrorism	611	646	6%
Paramilitaries demobilised	1 096	494	-55%
Guerrillas demobilised	1 468	1 966	34%
Paramilitaries killed in combat by the forces of law and order	322	198	-39%
Paramilitaries captured	2 967	131	-62%
Guerrillas killed in combat	1 870	2 165	16%
Guerrillas captured by the forces of law and order	5 126	4 940	-4%

Economic, social and cultural rights

CONPES Social Document 102 of September 2006 created the Network for Overcoming Extreme Poverty (JUNTOS), as a basic strategy to prevent and overcome extreme poverty. JUNTOS also has the objective of securing the access of the poorest and most vulnerable segments of the population to public goods such as housing, education, health, basic sanitation, food security, financial services, and others. This The Network seeks to incorporate 1.5 million families - 7 million people - from the poorest households into State social services, so that they will have the assurance that they can find their way out of extreme poverty, and investments for a total of USD 7,633 million have been earmarked for this programme in 2006-2010.

6. The situation of international humanitarian law

The Government shares the statements made in the Report, to the effect that a significant proportion of violations of international humanitarian law can be attributed to the illegal armed groups, particularly the FARC.

The Government has been persistent in its approach to the ELN, in the expectation that the series of conversations which are taking place in Havana will provide positive results, and will produce the assurance that, with the implementation of the actions described earlier in relation to the forces of law and order, the conduct of some of its members may not be repeated.

7. Activities of the office

The Government wishes to express its recognition of the role now being played by the Colombia Office of the United Nations High Commissioner for Human Rights. In the furtherance of its mandate, it has been possible to establish frank and cordial relations, based on the premise that mechanisms need to be found to overcome problems whose existence and gravity are recognised; and in this process, the office of United Nations High Commissioner is playing an important role in accompaniment and advice.

This enhanced relationship, and the dialogue that now exists between the Government and the Office of the High Commissioner, has allowed a new understanding of the content and scope of the Reports and Recommendations as generators of processes; and this is a development that favours a better future for the exercise of human rights by the people of Colombia.
