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Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21

Colombia*

The present report is a summary of 22 stakeholders' submissions[1] to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.

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I. Information provided by other stakeholders

A. Background and framework

1. Joint Submission 5 (JS5) stated that gross and systematic violations of human rights and international humanitarian law continued to be committed by all actors in the conflict. Civilians continued to be stigmatized by accusations of collaborating with one side or the others.[2] Other organizations had similar views.[3]

2. Christian Solidarity Worldwide (CSW) reported that during 2011 and early 2012 the security situation in parts of the country improved and the Government passed important legislation pertaining to victims' rights and land reform. In certain regions illegal armed groups grew in number and consolidated their power.[4]

3. Joint Submission 4 (JS4) reported that on 26 August 2012 the Government and the Fuerzas Armadas Revolucionarias de Colombia (FARC) had signed the General Agreement on Ending the Conflict and Building a Stable and Lasting Peace.[5] JS4 supported the peace process and called on the parties to prioritize victims' right to truth, justice and reparations; to refrain from doing anything that might escalate the armed conflict; to respect international humanitarian law; and to bring an end to hostilities as soon as possible.[6] JS4 also urged the parties to ensure that civil society, and women in particular, were involved in the peace process[7] and asked the State to cooperate with the special procedures of the Human Rights Council and to allow the international community to underwrite the process.[8] Other organizations referred to the peace talks and made recommendations.[9]

1. Scope of international obligations

4. Joint Submission 6 (JS6) highlighted the ratification by Colombia of the Convention for the Protection of All Persons from Enforced Disappearance, as recommended during the previous universal periodic review (UPR). JS6 believes there is a pressing need for Colombia to recognize the competence of the Committee on Enforced Disappearances.[10]

5. The International Commission of Jurists (ICJ) recalled that Colombia had yet to become a party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention against Torture, and the Third Optional Protocol to the Convention on the Rights of the Child.[11]

2. Constitutional and legislative framework

6. Red Internacional de Derechos Humanos (RIDH) said that the demilitarization process undertaken pursuant to the 2005 Justice and Peace Act had been found to have some serious weaknesses and it had not been possible to dismantle the increasingly active paramilitary organizations.[12]

7. JS5 was concerned by the adoption of the "Legal Framework for Peace" (June 2012), which included the possibility of amnesty for human rights violations. The reform gave Congress the power to suspend the execution of sentences of persons convicted of crimes against humanity or against internationally protected persons, or to grant them a pardon.[13] Human Rights Watch (HRW) considered that the Legal Framework for Peace contradicted several of the recommendations Colombia accepted during the previous UPR[14] and recommended that the Government ensure that victims of crimes against humanity and war crimes are guaranteed access to an effective judicial remedy and that those responsible for atrocities are prosecuted and receive punishments after a conviction.[15]

8. The Society for Threatened Peoples (STP) acknowledged the adoption, in 2011, of the Victims and Land Restitution Law (1448). The law was crucial because it acknowledged the existence of the armed conflict. It provided the option for victims to request their stolen land back or receive reparation for their lost possessions. Even though the law was a first step towards supporting the rights of the displaced population, its implementation needed further measures and the content had to be enlarged.[16] HRW recommended that the Government increase personnel, in particular lawyers, in the land restitution offices, and create a special prosecutorial unit dedicated to investigating threats and violence against land claimants and illegal land seizures.[17]

9. JS4 said that Law 1448 contained some troubling provisions; for instance, it recognized only the victims of State agents, to the exclusion of all others. About 30 per cent of the displaced population would be excluded from the restitution process as they were leaseholders, sharecroppers or tenants. There was no guarantee that victims living abroad would be compensated. Restitution covered only land, not property, housing or jobs. There were no mechanisms for eliminating violence, inequalities and injustices against women victims.[18] Amnesty International (AI) regretted that victims of paramilitary groups were excluded from Law 1448 because, since the supposed demobilization of paramilitaries, the Government saw them as victims of criminal gangs.[19] The Institute for Human Rights and Business (IHRB) noted that article 177 of Law 1448 established that one of the sources to finance the reparations fund would be contributions from companies that financed illegal armed groups.[20]

10. JS4 condemned the proposed constitutional reform of the military criminal justice system, whereby the military court would investigate cases of arbitrary detention, cruel, inhuman and degrading treatment and war crimes, among other things. The proposal would change the rule whereby, in case of doubt, cases came under the jurisdiction of the ordinary courts.[21] AI,[22] HRW[23] and ICJ[24] also opposed this reform. HRW recommended that the Government ensure that civilian authorities investigate, prosecute and try all alleged human rights violations perpetrated by security forces.[25]

11. JS6 stressed that Act No. 1408 of 2010, on paying tribute to the victims of enforced disappearance and taking steps to locate and identify them, amounted to recognition of the thousands of victims who were relatives of disappeared persons.[26] JS6 recommended that the Government ensure that Act No. 1408 was fully implemented and that it report on the institutional and policy measures taken to this end.[27]

12. Joint Submission 3 (JS3) indicated that in 2009 the jurisprudence of the Constitutional Court regarding conscientious objection to military service changed and ruled that the absence of procedures whereby this right could be exercised was a serious omission, and called upon Congress to bring in legislation to this end.[28] Round-ups (*batidas*) had become less frequent since then, but had not disappeared.[29]

3. Institutional and human rights infrastructure and policy measures

13. IHRB noted the establishment of the National Human Rights and International Humanitarian Law System (Decree 4100/2011), which included new responsibilities for ministries of relevance to business and human rights. For example, the Ministry of Mines and Energy was mandated to develop strategies to ensure that extractive companies take steps to prevent human rights abuses and address activities which might result in negative impacts on communities.[30]

14. Front Line Defenders (FLD) noted the dismantling of the Departamento Administrativo de Seguridad (DAS) and the establishment, in December 2011, of the National Protection Unit (UNP) which replaced the National Protection Programme for Human Rights Defenders.[31] Following the discovery that the State had been carrying out

illegal intelligence against human rights defenders, including through the Protection Programme, several defenders and organizations had returned their protection mechanisms.[32]

B. Cooperation with human rights mechanisms

15. JS6 acknowledged the importance of the reports submitted by the Government subsequent to its first UPR and said that they were an example of good practice for other States.[33]

16. JS5 considered that Colombia had not yet complied with most of the recommendations made by the various United Nations mechanisms.[34]

17. ICJ recommended that Colombia accept the requests of the special rapporteurs on adequate housing, on the right to food and on extreme poverty and the Working Group on Mercenaries to undertake missions at the earliest possible opportunity.[35]

18. CIVICUS recommended that Colombia invite the special rapporteurs on human rights defenders, on freedom of expression and on freedom of peaceful assembly and association to visit the country.[36]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

19. STP reported that indigenous and Afro-Colombian peoples were excessively affected by structural poverty, inequality and the armed conflict. Their territories and lives were intruded by the military, guerrilla and paramilitary, their land was destroyed and misused by coca or palm oil plantations and they were frequently displaced.[37]

20. JS4 said that there were still problems in guaranteeing the constitutional rights of the LGBTI community. The Government had not carried out any campaigns to counter prejudice and Congress had not legislated on same-sex marriage and adoption. Nor was there a law on gender identity that guaranteed the rights of the transgender community.[38]

2. Right to life, liberty and security of the person

21. JS4 reported that in 2010 at least 1,597 people had died as a result of sociopolitical violence and that the number of extrajudicial executions attributed to the security forces had increased by 68.18 per cent between the first and second half of 2010.[39]

22. JS5 reported that the directives providing incentives to members of the armed forces who presented persons killed in combat as results were still valid.[40] JS4 pointed out that in February 2012 the Ministry of Defence had declared that Directive No. 029/05, which offered incentives for members of the armed forces to present the number of persons killed in combat as results, "was no longer in force" and that Directive No. 021/11, the contents of which were confidential, "regulates the criteria for paying rewards". JS4 believes this new instruction should be disseminated as a sign of transparency.[41]

23. AI stated that the FARC and ELN continued to commit serious human rights abuses and violations of international humanitarian law. In February 2012, the FARC announced it would end all kidnapping of civilians for ransom. AI indicated that this was an important first step, but must be followed up by a firm commitment to put an immediate and unconditional end to all human rights abuses and violations of international humanitarian law.[42]

24. The monitoring committee of the Colombian Alliance for Children (ANC) pointed out that a large area of the country had been mined by armed groups, and that 9,964 landmine victims had been recorded between 1990 and July 2012.[43] RIDH recommended that Colombia undertake an intensive demining programme and that it call on all parties to the armed conflict to stop using mines as a tactic of war.[44]

25. JS4 noted that since 2005 the Government had denied the existence of paramilitary groups and insisted on calling them criminal gangs (*bandas criminales*, or BACRIM) engaged in drug-related violence. However, the paramilitary groups had not been dismantled and their crimes went unpunished.[45] RIDH recommended that the Government take effective measures to counter paramilitary activities and that it stop attributing such activities to criminal gangs.[46]

26. JS4 pointed out that 16,907 persons remained missing as a result of enforced disappearances, according to official figures. Government efforts to find disappeared persons had been inadequate and problems persisted regarding the loss or destruction of information and the inappropriate treatment of the remains of unidentified individuals.[47]

27. JS4 said that at least 143 cases of torture[48] and 313 cases of arbitrary detention by State agents had been reported in 2010, and that such violations continued to be committed in 2012.[49]

28. JS5 reported that 120 of the 142 Colombian prisons were overpopulated. The global average of overpopulation was 47 per cent, but could reach 364 per cent in some cases. By 31 July 2012, 31 per cent of the 111,242 persons deprived of liberty were still awaiting judicial decisions. More than 66,906 persons were in jail for minor offenses, while only 564 were detained in relation to serious crimes committed in the context of the armed conflict. The health system for detainees had collapsed and no medical attention was being given. From January to July 2012, 80 people died due to lack of medical care.[50]

29. Joint Submission 8 (JS8) said that, despite the Government's efforts, the use of sexual violence as a tactic of war was a systematic and widespread practice.[51] Impunity for acts of sexual violence against women was endemic.[52] JS8 stressed that sexual violence was one of the main causes of forced displacement.[53]

30. JS8 also said that the women recruited by illegal armed groups were particularly vulnerable to sexual violence and were obliged to use inadequate and harmful contraceptive methods. They were also forced to have an abortion if they fell pregnant.[54]

31. In August 2012, a bill had been presented to Congress that would define sexual violence as a crime against humanity. The bill was supported by women's organizations.[55]

32. Joint Submission 7 (JS7) recommended that Colombia should, as a matter of urgency, define femicide as an offence and establish special mechanisms to ensure justice for victims.[56]

33. AI recommended that the Government develop a comprehensive plan of action to address violence against women, in consultation with survivors and women's organizations and on the basis of the repeated recommendations made by the United Nations and the Inter-American human rights system.[57]

34. For the International Human Rights Clinic of the University of Oklahoma College of Law (IHRC-OU), violence against indigenous women remained alarmingly elevated. Military, paramilitary and mining operations caused a high rate of violence, sexual violence, exploitation and enslavement of indigenous women.[58]

35. JS7 recommended that specific cases of sexual violence against lesbians and transsexual women should be investigated and publicized in order to guarantee the rights of such women.[59]

36. Joint Submission 2 (JS2) stressed that there were no studies on sexual or gender-based violence against persons with disabilities[60] but the Ombudsman's Office had reported 320 such cases in 2011. Some 79 per cent of the victims were women.[61]

37. ANC pointed out that there had been an increase in the illegal recruitment of persons under the age of 18, especially in rural areas and on indigenous reservations, the territories of the Afro-Colombian population and the outskirts of cities.[62]

38. CSW recommended that Colombia take strong measures to ensure that its security forces did not forcibly induct minors into the military or use children as operatives.[63]

39. ANC reported that children were also victims of violence, with an average of three deaths a day. In 2011 a total of 14,211 cases of violence against children had been reported – 480 more than the year before.[64]

40. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) stated that there was no explicit legal prohibition of all corporal punishment and that existing legislation appeared not to apply to children in indigenous communities.[65]

41. ANC pointed out that the situation of children exploited for sexual purposes remained critical. There were discrepancies in the way the National Plan of Action for 2006–2011 was implemented in the regions and in the capital. Nevertheless, the promulgation of Act No. 1329 and Act No. 1336 was a significant step forward in that the demand for the sexual exploitation of children had been made a criminal offence and children up to the age of 18 were now considered victims.[66]

42. According to ANC, the use of child labour had risen since 2009 and appeared to be becoming delinked from poverty, which had been used to justify it in the past.[67] ANC believed there was a pressing need to devise a policy to prevent child labour and ensure that children could enrol or remain in school.[68]

3. Administration of justice, including impunity and the rule of law

43. JS5 reported that justice officials continued to be victims of attacks, accusations and killings. Pressures were particularly strong when dealing with cases involving elements of the security forces, as reflected in the March 2011 murder of a judge. Between January and April 2012, 11 lawyers were killed.[69] Also, the statements of high authorities questioning decisions in different cases affected the independence of the Judiciary.[70]

44. AI recalled that Colombia had accepted a number of UPR recommendations to ensure appropriate investigation of human rights abuses and to combat impunity. AI welcomed progress in recent years to bring to justice a few of those responsible for human rights abuses; however, this remained the exception.[71]

45. For JS4, impunity for the highest-ranking violators of human rights was a structural problem.[72] The Attorney General's Office had opened 1,579 investigations into extrajudicial executions since January 2000 but had obtained convictions in only 16 cases. Investigations into high-ranking military officers were rare.[73] There was widespread impunity in relation to investigations into sexual violence in the armed conflict.[74]

46. JS8 pointed out that the Constitutional Court, in its Decision No. 092 of 2008, had referred 183 cases of sexual violence against women to the Attorney General's Office. Many women's organizations saw the decision as a step towards ending impunity.[75] Unfortunately, as at September 2011, sentences had been handed down in only 5 of the 183 cases.[76] JS8 recommended that the Government take effective measures to ensure that all cases of sexual violence referred to the Attorney General's Office by the Constitutional Court were investigated.[77]

47. ICJ noted that prosecution authorities did not investigate the accessories to the commission of crimes, especially when they were powerful economic actors.[78] Colombia had not developed criminal law establishing criminal liability for legal entities, including corporations.[79] ICJ recommended that the Government consider a reform of its legislation to develop corporate criminal liability in cases involving serious human rights abuses.[80]

48. Reporters sans frontières (RSF) noted that many paramilitaries still enjoyed impunity. However, an important step had been taken in September 2012, when the Counsel-General had recognized the abuse suffered by a female journalist at the hands of paramilitaries in 2000 as a crime against humanity, so that the case was not subject to a statute of limitations.[81]

49. ANC pointed out that, despite the introduction of the juvenile criminal justice system in 2007, there were still major bottlenecks impeding progress towards the educational goals it was set up to achieve.[82]

4. Right to family life

50. ANC acknowledged that there had been a steep fall in the number of children not registered with the Civil Registry. In 2010, 96.5 per cent of under-fives were registered, as compared with 79.3 per cent in 2005.[83]

5. Freedom of religion or belief, expression, association and peaceful assembly

51. CSW reported that a significant percentage of Christians living in conflict zones were targeted by the armed groups because of their faith. An estimated 200 churches were believed to be forcibly closed across the country, entire Christian communities had been displaced and church leaders had been marked for assassination.[84] CSW recommended that the Government consider adding church leaders to the category of "vulnerable groups" and affording them the security mechanisms that this implies.[85]

52. RSF felt that the physical safety of journalists was still under threat. The most formidable enemies were the paramilitaries[86] but guerrilla fighters were also a threat.[87] Journalists' security had improved in cities but deteriorated in the provinces. Local indigenous communities and their media outlets were at greatest risk.[88]

53. CIVICUS reported that, in May 2012, the Supreme Court had upheld defamation provisions in the penal code. Given that a civil remedy for libel under the law would had been sufficient, the court ruling had further threatened media freedom in Colombia.[89] CIVICUS recommended that the State amend the libel law to limit libel to a civil penalty.[90]

54. Joint Submission 1 (JS1) reported that in 2012 Congress had passed the *Ley Lleras* under which copyright infringers and internet service providers who facilitated media piracy could face criminal penalties.[91] The protection of copyright on the internet must be weighed against the right to freedom of expression.[92] JS1 recommended that the Government ensure that constitutional protections made it clear that freedom of expression included Internet-related expression.[93]

55. JS5 reported that, with 35 murders in 2011, Colombia was, once again, the most dangerous country for trade unionists in the world. Impunity for violence against trade unionists was widespread, discouraged union membership and helped to create an environment conducive to violations of labour rights.[94]

56. JS5 was concerned over increased numbers of attacks against human rights defenders, trade unionists, journalists and social and community leaders. Smear campaigns persisted against human rights defenders, particularly those linked to land restitution processes and in areas where there were large scale economic interests. Also of concern was the lack of progress to address the structural causes of these attacks, such as impunity.[95]

57. JS4 reported that, between January 2008 and June 2012, at least 923 human rights defenders had been attacked, including 142 who had been murdered and 6 who had disappeared.[96] Indigenous and municipal leaders and lawyers representing persons with claims to land had been the targets of repeated attacks. Displaced female leaders had been the victims of sexual violence and killings. At least six LGBTI defenders had been murdered between 2009 and 2011.[97]

58. AI recommended that the Government take more effective measures to ensure the protection of human rights defenders and trade unionists at risk, including by desisting from making statements that called into question the legitimacy of human rights work.[98]

59. FLD recommended that the State cease the criminalization of human rights defenders, ensure the immediate revision of all standing criminal investigations against defenders, close those cases where accusations were unfounded, and immediately release all defenders who were unjustly detained.[99]

6. Right to work and to just and favourable conditions of work

60. JS4 said that barely a third of workers had decent work. Although the unemployment rate had fallen, most work was in the informal sector. Inequalities between men and women persisted in terms of employment conditions, job opportunities and income.[100]

7. Right to social security and to an adequate standard of living

61. JS4 said that social injustice persisted. About 45 per cent of Colombians were living below the poverty line in 2011. The figure was over 68 per cent in rural areas. The areas with the highest concentrations of Afro-Colombians largely coincided with areas of extreme poverty.[101]

62. ANC reported that child poverty had risen in the last few years: in 2010, 52.1 per cent of children were from the lowest-income quintile and 37 per cent were living below the poverty line.[102] Malnutrition among the under-fives, however, had fallen to 4.5 per cent.[103]

63. FoodFirst Information and Action Network (FIAN) reported that in 2012, despite six successful debates in Congress, the Government had prevented the inclusion of the right to food in the Constitution.[104] FIAN recommended that Colombia grant constitutional recognition to the right to food.[105] In 2008, a national policy on food and nutrition security had been drawn up. The policy provided for the adoption of a national plan on food and nutrition security, but this had yet to be implemented.[106] In 2010, according to official figures, 42.7 per cent of Colombian households were vulnerable to food insecurity. Anaemia affected 7.6 per cent of women of childbearing age and 17.9 per cent of pregnant women. Some 55.2 per cent of women, and 45.6 per cent of men, were overweight.[107] Some 13.2 per cent of under-fives suffered from chronic malnutrition; 27.5 per cent of children between the ages of 6 months and 5 years were anaemic; and 10 per cent of children between the ages of 5 years and 17 years were small for their age.[108]

64. JS5 reported that the concentration of productive land continued to be very high: 0.4 per cent of landowners had control of 62.6 per cent of the land surface area. Between 6.8 and 10 million hectares had been grabbed and the land restitution policy lacked a clear concept of agrarian reform.[109]

65. JS5 reported that the current social security system centred on an insurance system based on market logic and did not guarantee the right to social security for the whole population.[110]

8. Right to health

66. ANC reported that maternal mortality had not changed since 2005, and still stood at 73 deaths per 100,000 live births. However, there had been a gradual fall in infant mortality, to 13.69 deaths per 1,000 live births in 2009.[111]

67. JS7 regretted that public servants used religious and misogynistic arguments to prevent women from exercising their sexual and reproductive rights.[112] In the case of the right to a safe legal abortion, which had been decriminalized in three situations, the Counsel-General had spoken out publicly against women and doctors involved in terminations of pregnancies.[113] As a result, sexual and reproductive health services had been cut. Women who decided to terminate their pregnancy were stigmatized. There were fewer opportunities for training to ensure that the health system operated in accordance with the legislation.[114]

68. JS7 recommended that the Government offer training that covered the three situations in which abortion was legal, so that women could receive the treatment they needed and learn about their sexual and reproductive rights.[115] JS7 also recommended that abortion be decriminalized, so as to guarantee access by women and female adolescents to abortion on demand and free of charge in all health services, thereby respecting women's autonomy and freedom to take decisions about their body and their sexuality.[116]

9. Right to education

69. JS4 reported that in 2010 nationwide enrolment had fallen by 0.9 per cent as compared with 2009, despite the annual increase in the infant population. The number of teachers had also fallen, by 0.8 per cent in comparison with 2009. There were over 40 students per teacher in State schools.[117]

70. Some 30 per cent of the Afro-Colombian population was illiterate – double the national average.[118]

71. For IHRC-OU a social stigma attached to speaking an indigenous language pressured children to stop using their native language.[119] It recommended that the Government work with indigenous leaders to establish integrated curricular models that promoted preservation of native language and traditional knowledge and encouraged literacy.[120]

10. Persons with disabilities

72. According to JS2, official statistics showed that 6.3 per cent of the population of Colombia had some permanent impairment. However, no indicator had been developed to cover the social inclusion of persons with disabilities.[121]

73. JS2 said that Colombia maintained a system of prohibition that was contrary to the Convention on the Rights of Persons with Disabilities. Prohibition completely deprived individuals of their legal capacity and prevented them from voting or taking any decisions regarding their property. It also allowed them to be sterilized by order of a court, and required them to have authorization for marriage.[122]

74. In the field of education, JS2 said there was a gap in attendance at educational institutions by persons with disabilities and the rest of the population in the 5–24 year age group (47 per cent, as compared with 65 per cent).[123]

11. Minorities and indigenous peoples

75. JS5 reported that indigenous peoples and peoples of African descent continued to suffer attacks by the different armed actors, who put pressure on their territories due to their

richness in natural resources.[124] STP reported that there were high numbers of displacements among the indigenous and Afro-Colombian population, often caused by their presence in the regions most affected by the conflict.[125] It added that, in 70 per cent of cases of violence against indigenous peoples, women and children were the victims. Many women feared the forced recruitment of their children by the guerrilla or the paramilitary and chose to escape as the better option to survive.[126] Other organizations had similar views.[127]

76. STP reported that, according to official numbers, 34 out of 87 indigenous peoples in Colombia were facing extinction, due largely to intrusion and displacement.[128]

77. IHRC-OU noted Colombia's commitment to develop and expand programmes for the protection of indigenous peoples.[129]

78. CSW stated that documented violations of religious freedom within indigenous communities had increased.[130]

79. IHRB stated that no proper legislation or procedures existed to guarantee that consultations with indigenous and Afro-Colombian peoples are conducted following established principles and jurisprudence when projects that exploit natural resources are undertaken in their territories. The absence of clear rules, based on the Declaration on the Rights of Indigenous Peoples, affected ethnic groups and companies alike and potentially lead to a variety of conflict situations, human rights violations and loss of social opportunities and capital investments.[131]

80. IHRC-OU recalled that in 2011 the Constitutional Court issued ruling T-129, holding that the State's consultation policy was inconsistent with ILO Convention 169. The Court acknowledged that the indigenous peoples' right to free, prior, and informed consent included veto power for actions affecting indigenous communities.[132]

81. IHRB recommended that the Government update legislation regarding free, prior and informed consent in order to guarantee the protection of the rights of indigenous and Afro Colombian communities consistent with international standards as well as social and capital investment opportunities.[133]

82. IHRC-OU recommended that the Government commence an investigation into all current resource development and extraction programmes on indigenous territory and suspend projects found to be inconsistent with ILO Convention 169, and that it take measures to recognize indigenous ownership interests in subsurface resources as a means to subdue coercion and influence of third-party extractive companies.[134]

12. Migrants, refugees and asylum seekers

83. JS5 reported that the Colombian refugee population in the Americas was estimated at some 400,000 people.[135]

13. Internally displaced persons

84. According to JS5, forced displacement remained massive, with between 3.9 and 5.5 million internally displaced persons (IDPs).[136] JS4 reported that, between 2008 and 2011, at least 1,206,439 persons had been displaced.[137] Some 22.5 per cent of the displaced population was of African descent and 7 per cent indigenous, mostly women and children.[138]

85. JS4 said that the Constitutional Court had recognized, in its Decision No. 092/08, the disproportionate impact of forced displacement on women, and had ordered that the problem be tackled. The Government had not acted on the decision and there were still

shortcomings as regards the guarantees that the process of return under the Government's *Retornar es Vivir* strategy ("To return is to live") would be safe and voluntary.[139]

86. JS2 pointed out that the Constitutional Court had recognized that cases of persons with disabilities who had been displaced were widespread in Colombia. It also recognized that displacement exacerbated and caused disabilities.[140]

87. AI recommended that the Government ensure that effective measures were adopted to improve the protection of IDPs in line with United Nations human rights recommendations and the United Nations Guiding Principles on Internal Displacement.[141]

14. Right to development and environmental issues

88. JS6 said that mining megaprojects were located mainly in areas of conflict and that the interests of foreign investors were given priority over the rights of the population groups affected.[142]

89. RIDH stressed that paramilitary groups had played a decisive role in creating favourable conditions for the advance of multinational mining companies in the Córdoba and Antioquia regions.[143] RIDH recommended the introduction of curbs on the forced displacement and intimidation of campesinos aimed at forcing them to sell their land to foreign companies.[144]

90. JS6 added that there was some concern that the benefits of the megaprojects would not be reflected in the enjoyment of basic rights in the regions concerned. Local communities were not involved in the process of drawing up and implementing mining policy or the wider development process.[145]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with "A" status).

Civil society

AI	Amnesty International
ANC	Mesa de Monitoreo de la Alianza por la Niñez Colombiana, Colombia
CIVICUS	World Alliance for Citizen Participation, Johannesburg, South Africa
CSW	Christian Solidarity Worldwide New Malden, Surrey, United Kingdom
FIAN	Organización Internacional por el Derecho Humano a la Alimentación, Heidelberg, Alemania
FLD	Front Line Defenders, Dublin, Ireland
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, United Kingdom
HRW	Human Rights Watch, Geneva, Switzerland
ICJ	International Commission of Jurists, Geneva, Switzerland
IHRB	Institute for Human Rights and Business, London, United Kingdom
JS1	Joint Submission Nº 1 – COLNODO, Bogotá, Colombia and the Association for Progressive Communications, Melville South Africa
JS2	Joint Submission Nº 2 – Asociación Colombiana de Síndrome de Down, Fundación Saldarriaga Concha, Fundamental Colombia, Universidad de los Andes – Programa de Acción por la Igualdad y la Inclusión Social (PAIIS), Bogotá, Colombia
JS3	Joint Submission Nº 3 – International Fellowship of Reconciliation, Alkmar, the Netherlands, and Conscience and Peace Tax International, Leuven, Belgium
JS4	Joint Submission Nº 4 – Coordinación Colombia-Europa- Estados Unidos, Alianza de Organizaciones Sociales y Afines por una Cooperación para la Paz y la Democracia en Colombia, Asamblea Permanente de la Sociedad Civil por la Paz, Mesa de Trabajo

	Mujer y Conflicto Armado, Plataforma Colombiana de Derechos Humanos Democracia y Desarrollo, Colombia
JS5	Joint Submission Nº 5 – ABColombia, ASK – Grupo de trabajo Suiza, Asociación Paz con Dignidad – España, BMI – Bethlehem Mission Immensee, Brot Fuer die Welt, Caritas Norway,CCFD – Comité Catholique contre la Faim et pour le Développement – Terre Solidaire, CETRI – Centro tricontinental, Church of Sweden, Civis – Asociación Civis, CNCD-11.11.11, Cooperaccio, Cordaid, Diakonia Suecia, DIAL – Diálogo Interagencial en Colombia, Diözesanrat der Katholiken im Bistum Aachen, Federación Luterana Mundial, FOKUS – Forum for Women and Development, FOS – Socialistische Solidariteit, ISI – Iniciativa Solidaria Internacionalista, Justicia por Colombia. KOLKO – Menschenrechte für Kolumbien, Kommission Gerechtigkeit, Frieden und Bewahrung der Schoepfung der Deutschen Franziskanerprovinz, Misereor, MMM – Mensen met een Missie, OIDHACO – Oficina Internacional de Derechos Humanos – Acción Colombia, OMCT – Organisation Mondiale Contre la Torture, PBI Colombia – Peace Brigades International, Rete Italiana di Soliadrieta Colombia Vive!, RIDH – Red Internacional de Derechos Humanos, SOLSOC – Solidarité Socialiste, SweFOR – The Swedish Fellowship Of Reconciliation, SWISSAID, The Swedish Foundation for Human Rights, Trocaire, WOLA – Washington Office on Latin America
JS6	Joint Submission Nº 6 – Familia Franciscana de Colombia, Franciscans International, Movimiento Campesino de Cajibío, Fundación Franciscana Tomás Moro
JS7	Joint Submission Nº 7 – Corporación Mujeres Al Borde y la Iniciativa por los Derechos Sexuales
JS8	Joint Submission Nº 8 – 1. MADRE, Taller de Derechos Humanos Internacionales de la Mujer (IWHR) de la Facultad de Derecho de la Universidad de la Ciudad de Nueva York (CUNY), CORPORACIÓN HUMANAS, European Center for Constitutional and Human Rights, Taller de Vida y Women's Link Worldwide
RIDH	Red Internacional de Derechos Humanos, Ginebra, Suiza
RSF	Reporters sans frontières, Paris, France
STP	Society for Threatened Peoples, Göttingen, Germany
IHRC-OU	International Human Rights Clinic of the University of Oklahoma College of Law, Oklahoma, United States.

[2] JS5, para. 6.
[3] See AI, page 1, HRW, page 1, JS4, page 15 and RIDH, paras. 1–2.
[4] CSW page 1.
[5] JS4, page 14.
[6] JS4, page 14.c.
[7] JS4, page 14.
[8] JS4, page 15.
[9] See AI, page 1, ANC para. 31, JS5, para. 5, JS6, paras. 39–40, RIDH, page 5 and RSF, page 3.
[10] JS6, paras. 8–9. See also AI, pages 2 and 5, CSW page 1, JS4, page 5 and JS5, para. 3.
[11] ICJ, para. 19. See also FIAN, page 5 and JS5, para. 26.
[12] RIDH, para. 5.
[13] JS5, para. 29. See also AI, page 3 and HRW, page 1.
[14] HRW, pages 1–2.
[15] HRW, page 5.
[16] STP, para. 6. See also FLD, para. 11, HRW, page 4, IHRC-OU, pages 3, 5 and 6 and JS5, para. 17.
[17] HRW, page 5.
[18] JS4, pages 9–10. See also CIVICUS, para. 3.4, FIAN, page 4 and JS8, para. 14.
[19] AI, page 2.
[20] IHRB, page 2.
[21] JS4, page 12.
[22] AI, page 3.
[23] HRW, pages 2–3.
[24] ICJ, paras. 6–9. See also AI, page 2 and JS5, paras. 30–34.
[25] HRW, page 5. See also ICJ, para. 21.v.

[26] JS6, paras. 10–11.
[27] JS6, para. 18 a.
[28] JS3, para. 2. See also JS4, page 5 and JS5, para. 48.
[29] JS3, para. 13. See also JS5, para. 49.
[30] IHRB, page 2.
[31] FLD, para. 7. See also AI, page 1, IHRB, page 2, JS5, para. 42 and JS6, para. 22.
[32] FLD, para. 20. See also JS4, page 11, JS5, para. 43, JS6, paras. 23–25 and 28 a and 28 d.
[33] JS6, para. 6.
[34] JS5, para. 1.
[35] ICJ, para. 21.viii. See also JS5, para. 2.
[36] CIVICUS, para. 5.4.
[37] STP, paras. 8–9. See also JS5, para. 58.
[38] JS4, page 14.
[39] JS4, page 4. See also JS5, para. 12 and AI, page 4.
[40] JS5, para. 14.
[41] JS4, page 4.
[42] AI, page 3.
[43] ANC, para. 24. See also JS4, page 6 and JS5, para. 7.
[44] RIDH, page 5.
[45] JS4, page 7. See also AI, page 3, CSW, page 1 and JS5, paras. 8–9.
[46] RIDH, page 5. See also FLD, para. 21.1.
[47] JS4, page 4. See also JS5, para. 10.
[48] JS4, page 5.
[49] JS4, page 5.
[50] JS5, paras. 24–25.
[51] JS8, para. 2. See also AI, page 2, HRW, page 4, JS4, page 5 and JS5, para. 21.
[52] JS8, para. 3. See also AI, page 4 and JS7, paras. 1–14.
[53] JS8, para. 4. See also HRW, page 4 and IHRC-OU, page 2.
[54] JS8, para. 7.
[55] JS8, para. 19. See also AI, page 5.
[56] JS7, para. 21. See also JS7, para. 17, HRW, page 5, JS1, paras. 3–7 and 15, JS5, para. 22.
[57] AI, page 5.
[58] IHRC-OU, page 2.
[59] JS7, para. 26.
[60] JS2, para. 12.
[61] JS2, para. 15.
[62] ANC, para. 29.
[63] CSW, page 2.
[64] ANC, para. 15. See also GIEACPC, para. 2.2.
[65] GIEACPC, para. 1.3.
[66] ANC, para. 19.
[67] ANC, para. 21.
[68] ANC, para. 22.
[69] JS5, para. 31.
[70] JS5, para. 32. See also AI, page 4.
[71] AI, page 2. See also ICJ, para. 2.
[72] JS4, page 11. See also JS5, para. 27.
[73] JS4, page 11.
[74] JS4, page 11.
[75] JS8, para. 12.
[76] JS8, para. 13.
[77] JS8, para. 21.
[78] ICJ, para. 3.
[79] ICJ, para. 4.
[80] ICJ, para. 21.ii.
[81] RSF, page 3.

[82] ANC, para. 34.
[83] ANC, para. 6.
[84] CSW, page 1.
[85] CSW, page 2.
[86] RSF, page 1.
[87] RSF, page 2. See also CIVICUS, paras. 4.1–4.2 and JS5, para. 45.
[88] RSF, page 2. See also CIVICUS, paras. 4.3–4.4.
[89] CIVICUS, para. 4.5.
[90] CIVICUS, para. 5.3. See also RSF, page 4.
[91] JS1, para. 8.
[92] JS1, para. 9.
[93] JS1, para. 14.
[94] JS5, para. 46. See also CIVICUS, para. 3.8 and HRW, page 3.
[95] JS5, paras. 38–41. See also AI, page 1, CIVICUS, paras. 3.1–3.5, FLD, para. 15, ICJ, paras. 17–18 and JS4, page 6.
[96] JS4, page 5.
[97] JS4, page 6. See also AI, pages 2–3 and FLD, paras. 3–6.
[98] AI, page 5.
[99] FLD, para. 21.3.
[100] JS4, page 12.
[101] JS4, page 12. See also JS5, paras. 50–51.
[102] ANC, para. 4.
[103] ANC, para. 9.
[104] FIAN, page 2.
[105] FIAN, page 5.
[106] FIAN, page 2.
[107] FIAN, page 1.
[108] FIAN, page 1.
[109] JS5, para. 52. See also FIAN, pages 3 and 4.
[110] JS5, para. 53.
[111] ANC, para. 7.
[112] JS7, para. 2.
[113] JS7, para. 3. See also JS4, page 13.
[114] JS7, para. 4.
[115] JS7, para. 7.
[116] JS7, para. 8.
[117] JS4, page 13.
[118] JS4, page 13.
[119] IHRC-OU, page 4.
[120] IHRC-OU, page 4.
[121] JS2, para. 2.
[122] JS2, para. 5.
[123] JS2, para. 3.
[124] JS5, para. 55.
[125] STP, para. 2.
[126] STP, para. 5.
[127] See AI, page 4, CIVICUS, paras. 3.6–3.7, JS5, para. 57 and STP, pages 1 and 4.
[128] STP, para. 3.
[129] IHRC-OU, page 2.
[130] CSW, page 3.
[131] IHRB, page 4. See also JS5, para. 58 and STP, para. 7.
[132] IHRC-OU, page 6.
[133] IHRB, page 4. See also IHRC-OU, page 6.
[134] IHRC-OU, page 6.
[135] JS5, para. 20.
[136] JS5, para. 15.

[137] JS4, page 8.
[138] JS4, page 8. See also AI, page 3, ANC, para. 26 and IHRC-OU, pages 3–4.
[139] JS4, pages 8–9.
[140] JS2, para. 28.
[141] AI, page 5.
[142] JS6, para. 31.
[143] RIDH, para. 10.
[144] RIDH, page 5.
[145] JS6, para. 35.