



**Home Office**

# **Colombia**

**COUNTRY REPORT**

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**Country Information & Policy Unit  
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HOME OFFICE, UNITED KINGDOM**

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## 1. Scope of the Document

**1.1** This report has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information obtained from a wide variety of recognised sources. The document does not contain any Home Office opinion or policy.

**1.2** The report has been prepared for background purposes for those involved in the asylum/human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum/human rights claims made in the United Kingdom.

**1.3** The report is referenced throughout. It is intended for use by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain. These sources have been checked for currency, and as far as can be ascertained, remained relevant and up to date at the time the document was issued.

**1.4** It is intended to revise the report on a six-monthly basis while the country remains within the top 35 asylum-seeker producing countries in the United Kingdom.

## **2. Geography**

**2.1** The Republic of Colombia was one of three countries that emerged from the collapse of Gran Colombia in 1830 (the others are Ecuador and Venezuela). It is located in the northern part of South America, bordering the Caribbean Sea, between Panama and Venezuela, and bordering the North Pacific Ocean, between Ecuador and Panama. **[3]** Colombia covers a total of 1,138,910 square miles and has a population of 41,008,227. **[3]** Colombia shares many features with the other Latin American countries and particularly with its Andean neighbours. **[1]**

**2.2** The Andes mountain range divides into three mountain ranges (cordilleras) when it enters Colombia. The Pacific coast is largely jungle and mangrove swamps. The 60 percent of the country to the east of the Andes is divided between Llanos (savannah, much of which is flooded for nine months of the year) and Amazonian jungle. Many places are only accessible by air. Climate conditions vary with altitude, from tropical in coastal regions, temperate on the plateau to cold in the Andes mountains. **[1]**

(For more information on geography please refer to the Europa Yearbook - Regional Surveys of the World - South America, Central America and the Caribbean 2003 - 11<sup>th</sup> Edition - Source **[1]**).

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## **3. Economy**

**3.1** Colombia is a country of significant natural resources, and has a diverse culture reflecting the indigenous Indian, Spanish and African origins of its people. It is the fourth largest and third most populous country in South America, Colombia is endowed with substantial oil reserves and is a major producer of gold, silver, emeralds, platinum and coal. **[17]**

**3.2** The mainstay of the Colombian economy has always been agriculture, including forestry, fishing and hunting. In 2000, agriculture (including forestry and fishing) employed 22.7 percent of the labour force (compared with 39.7 percent of the workforce in 1970 and 51.4 percent in 1960). In 2002 coffee remained Colombia's leading legal cash and export crop. **[1]**

**3.3** The illicit drugs trade has undoubtedly contributed to the country's economic growth and hindered it. Marijuana and coca have long been grown in the country but the drugs trade really took off with the processing of cocaine from the late 1970. **[1]**

(For more information on economy please refer to the Europa Yearbook - Regional Surveys of the World - South America, Central America and the Caribbean 2003 - 11<sup>th</sup> Edition - Source **[1]**).

## 4. History

**4.1** Colombia entered new territory with the electing of Alvaro Uribe Velez in May 2002. The electorate chose for the first time a President who was not the official candidate of either the Liberal or Conservative party. Nor was he leader of a faction within his own Liberal party. None the less he gradually managed to secure the support of both the Liberals and the Conservatives. **[1]**

**4.2** In Uribe Colombia had elected the first President who showed he had a greater commitment to mobilising the country's resources to control its whole territory and protect all its citizens. Uribe faces an immense task with the internal conflict reaching unprecedented levels. **[1]** In June 2003, Uribe unveiled a long-awaited security plan, intended to end the war and the drugs trade which fuels it. The plan aimed to establish a police presence in all parts of the country and to eradicate all drugs crops. **[17]** In 2003, 1,329 members of the illegal armed groups demobilised and a total of 2,049 have demobilised since the start of the Uribe administration. **[36]**

**4.3** The Colombian Government news agency published figures on kidnapping and crime. In September 2003 figures showed that for kidnapping, from January 2003 to August 2003, there was an overall reduction of 32 percent, compared with the same period in 2002. The biggest reduction in kidnapping came in August 2003, when it was down by 75 percent - 179 fewer cases than in August 2002 - with another 183 kidnapping cases being prevented. In 2003 up until September state agencies managed to rescue 305 victims. Highway robbery was reduced by 8 percent, from 1,036 to 955 cases. Car thefts dropped 23 percent - 2,882 fewer cases and bank robberies decreased by 33 percent from 180 to 120 cases. **[28d]**

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## 5. State Structures

### The Constitution

**5.1** A three hundred and eighty Article Constitution drafted by a 74 member National Constituent Assembly took effect from 6 July 1991. This Constitution retained the institutional framework of a directly- elected President with a non-renewable four-year term of office together with a bicameral legislature composed of an upper house or Senate of Representatives (with 161 members, to include at least two representatives of each national department). A Vice-president is elected at the same time as the President, and also holds office for a term of four years. **[1]**

**5.2** The new Constitution contained comprehensive provisions for the recognition and protection of civil rights, and for the reform of the structures and procedures of political participation and of the judiciary. **[1]**

**5.3** The fundamental principles on which the constitution is based are embodied in Articles 1-10 as follows:

Article 1: Colombia is a lawful state organised as a single Republic, decentralised, with autonomous territorial entities, democratic, participatory and pluralist, founded on respect for human dignity, on the labour and solidarity of its people and on the prevalence of the general interest.

Article 2: The essential aims of the state are; to serve the community, to promote general prosperity and to guarantee the effectiveness of the principles, rights and

obligations embodied in the Constitution, to facilitate the participation of all the decisions which affect them in the economic, political, administrative and cultural life of the nation; to defend national independence, to maintain territorial integrity and to ensure peaceful co-existence and the validity of the law. The authorities of the Republic are instituted to protect the residents of Colombia, in regard to their life, honour, goods, beliefs and other rights and liberties, and to ensure the fulfilment of the obligations of the State and of the individual.

Article 3: Sovereignty rests exclusively with the people, from whom public power emanates. The people exercise power directly or through their representatives on the manner established by the Constitution.

Article 4: The Constitution is the highest authority. In all cases of incompatibility between the Constitution and the law or other judicial rules, constitutional dispositions will apply.

It is the duty of nationals and foreigners in Colombia to observe the Constitution and the law, and to respect and obey the authorities.

Article 5: The State recognises, without discrimination, the primacy of the inalienable rights of the individual and protects the family as the basic institution of society.

Article 6: Individuals are solely responsible to the authorities for infringements of the Constitution and of the law. Public servants are equally accountable and are responsible to the authorities for failure to fulfil their function or abuse of their position.

Article 7: The State recognises and protects the ethnic diversity of the Colombian nation.

Article 8: It is an obligation of the State and of the people to protect the cultural and natural riches of the nation.

Article 9: the foreign relations of the State are based on national sovereignty, with respect for self-determination of people and with recognition of the principles of international law accepted by Colombia.

Similarly, Colombia's external policies will be directed toward Caribbean and Latin American integration.

Article 10: Spanish (Castellano) is the official language of Colombia. The languages and dialects of ethnic groups are officially recognised within their territories. Education in communities with their own linguistic traditions will be bilingual.

[1]

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## **Citizenship and nationality**

**5.4** Article 96 of the Constitution states that the following hold Colombian citizenship:

### 1. Citizens by birth:

If born in Colombia providing that the father or mother are natives or Colombian citizens.

By the child of non-Colombian parents, if either parent is domiciled in the Republic at the time of birth.

The children of a Colombian father or mother who were born abroad and then became domiciled in Colombia. **[9]**

### 2. Citizens by naturalisation:

Non-Colombians who have applied for their naturalisation card, in accordance with the law.

Citizens by birth from Latin America and the Caribbean who are domiciled in Colombia, and who with the permission of the Government and in accordance with the law and the principle of reciprocity, request that they be registered as Colombians in the municipality where they reside.

Members of the indigenous (Indian) people who share border areas, with application of the principle of reciprocity according to public treaties. **[9]**

**5.5** No Colombian by birth will be stripped of his/her citizenship. The status of Colombian citizenship cannot be lost by virtue of the fact of acquiring another citizenship. **[9]**

## **Political System**

**5.6** Colombia is a constitutional, multiparty democracy in which the Liberal and Conservative parties have long dominated politics. On 10 March 2002, voters elected a bicameral legislature with a mix of Liberal, Conservative, and independent members. On 26 May 2002, voters elected independent Alvaro Uribe as President. Both elections were generally free and fair, in spite of a concerted campaign by terrorist organisations such as the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia - FARC) to disrupt them. **[2]**

**5.7** Executive power is exercised by the President assisted by the Cabinet. Legislative power is vested in two chambers, consisting of a Senate (102 members elected for four years) and the House of Representatives (165 members elected for four years). The country is divided into 32 departments and one Capital; District. The 1886 Constitution was reformed by a Constituent Assembly in 1991. **[10]**

**5.8** Two major political parties - the Conservatives and the Liberals - have traditionally dominated Government, alternating in power over the last 130 years. The only period of military rule in the 20<sup>th</sup> Century was from 1953 to 1957. The 2002 Elections confirmed that the two traditional parties no longer dominate political life as the Government is now a coalition. Congress is learning how to handle coalition politics following the success of a number of independent candidates and representative of political movements. **[10]**

**5.9** A key feature of the country's democratic system is its resilience. This is reflected in the strong tradition of elected civilian Governments broken only twice, for a cumulative total of less than five years of non-civilian rule, since the founding of the Republic in 1819 giving the country the longest democratic legacy among the Latin American countries. **[10]**

**5.10** Alvaro Uribe Velez was elected as President on 26 May 2002. He received 53 percent of the vote. He took office on 7 August 2002 with Francisco Santos taking the position of Vice President on the same day. The President is both chief of state and head of government. The Cabinet consists of a coalition of two dominant parties - the Liberal Party (PL), the Conservative Party (PSC) - and independents. **[3][8]**

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## **Judiciary**

**5.11** The Constitution provides for an independent judiciary, and the civilian justice system was independent of the executive and legislative branches in both theory and practice; however, the suborning or intimidation of judges, witnesses, and prosecutors was common. Impunity remained the single greatest problem threatening the credibility of the Government's commitment to human rights. The university-affiliated Corporation for Judicial Excellence, which was preparing a study on impunity, reported that the overall level of impunity cited by a variety of governmental and non-governmental sources was between 80 and 95 percent. **[2]**

**5.12** Judges have long been subject to threats and intimidation, particularly when handling cases involving members of the public security forces or of paramilitary, guerrilla, and narcotics trafficking organisations. During 2002, violent attacks and threats against prosecutors, defence attorneys, and judges continued. Prosecutors reported that potential witnesses in major cases often lacked faith in the Government's ability to protect them and so were unwilling to testify, hindering chances for successful prosecutions. [2]

**5.13** In December 2002, two prosecution witnesses failed to appear at the trial of three members of the Irish Republican Army who were accused of training members of the FARC. One of the witnesses could not be found, and the other said that he feared for his life. [2] Prosecutors have portrayed the trio as evil men who trained the rebels in explosives and terrorist tactics and have asked for the maximum sentence of 20 years to be awarded to each of the men. At the time of writing this report the hearing continues. [32a]

**5.14** According to a statement issued by the Supreme Court, as of 16 July 2002, terrorist organisations such as the FARC and the United Self-Defences Forces of Colombia (Autodefensas Unidas de Colombia - AUC) had threatened judicial officials working in at least 368 courts in 231 municipalities. As of 30 August 2002, 408 judges and 396 prosecutors from 248 municipalities felt obligated to work out of offices in departmental capitals for reasons of security. [2]

**5.15** The civilian justice system is a separate and independent branch of government that uses a Napoleonic legal system incorporating some accusatorial elements. The military justice system, which is part of the executive branch, also relies on a mixed system, although accusatorial aspects predominate. [2]

**5.16** On 16 December 2002, Congress approved constitutional changes designed to convert the current mixed judicial system into a purely accusatorial system. The reforms will go into effect in January 2005, prior to which major changes will have to be made to the penal, criminal procedure, and evidence codes. After that date, judges, rather than prosecutors, will issue arrest warrants and decide pre-trial motions. Cases will be tried in open court and decided on the basis of oral trial proceedings, rather than an exhaustive written dossier. Prosecutor General Luis Camilo Osorio has predicted that the reforms will reduce the average investigatory phase of a case from 3 years to 6 months. [2]

**5.17** The judicial system was overburdened. Based on information collected from 77 percent of the nation's courts, as of September 2002 the administrative chamber of the Supreme Council of the Judiciary (CSJ) reported that the civilian judiciary suffered from a backlog of at least 1,14 million cases, approximately 140,000 of them criminal. [2]

**5.18** The civilian justice system is composed of four functional jurisdictions: civil, administrative, constitutional, and special. The civil jurisdiction is the largest jurisdiction within the civilian justice system, and handles all criminal, civil, labour, agrarian, and domestic cases involving non-military personnel. The civil jurisdiction is divided into 31 judicial districts, each containing at least one judicial circuit encompassing one or more municipalities. A superior tribunal serves as each district's court of appeals. [2]

**5.19** Specialised circuit courts within the civil jurisdiction try cases involving crimes designated as grave threats to the administration of justice, such as narcotics trafficking, terrorism, paramilitarism, torture, and money laundering. [2]

**5.20** The Supreme Court is the highest court within the civil jurisdiction and serves as its final court of appeals. In addition to hearing appeals from lower courts, the Supreme Court has original jurisdiction in trials of the President, cabinet ministers, heads of independent government agencies, admirals and generals, and magistrates of the Supreme Court, Council of State, Constitutional Court, and CSJ. [2]

**5.21** The Supreme Court elects the Prosecutor General from a list of three candidates selected by the President. The Prosecutor General serves a 4-year term that overlaps two presidential administrations. The Office is independent of both the executive and judicial branches and is divided into national, regional, and local offices. The Office has its own corps of armed investigators known as the Corps of Technical Investigators (CTI). The Office has significant judicial functions; however, consistent with constitutional reforms passed in December 2002, it will be converted by 2005 into a purely investigatory and prosecutorial agency. [2]

**5.22** The Prosecutor General created the Human Rights Unit in 1995. As of October 2002, the Unit's 41 prosecutors had 1,369 open cases involving 1,618 suspects, including 173 members of the state security forces. During 2002, the Human Rights Unit arrested 57 members of the state security forces and filed charges against 25 for a variety of crimes including murder, torture, kidnapping, and collaboration with paramilitary groups. However, impunity continued to be very widespread. [2]

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### **Military Justice System**

**5.23** The military justice system, as part of the Ministry of Defence, falls under the executive branch. To improve the accountability and independence of the military justice system, the military judicial code was amended in 2000 so that military prosecutors report directly to the director of the military justice system, rather than to their local unit commanders. The director of the military justice system reports directly to the civilian Minister of Defence. Nevertheless, impunity for members of the public security forces - particularly high-ranking officers - accused of human rights abuses or collaboration with paramilitaries remained a problem. [2]

**5.24** Some military justice personnel investigating sensitive cases reported they were pressured to make particular rulings and threatened or harassed for not doing so. [2]

**5.25** The military justice system is composed of the Superior Military Tribunal, which serves as the court of appeals for all cases tried in the military justice system, and 40 military trial courts. The military judiciary may investigate, prosecute, and try active duty military and police personnel for alleged crimes "related to acts of military service." Civil courts must try retired personnel, even for service-related acts committed before their retirement. [2]

**5.26** Criminal procedure within the military justice system is similar to that within the civilian justice system, with the exception that the military justice system has already incorporated many accusatorial elements. Defendants are considered innocent until proven guilty and have the right to timely consultation with counsel. However, there is no military equivalent to the civilian public defender system; defendants generally

must retain counsel at their own expense. [2]

**5.27** Presidential Decree 1790 of 2000 allows senior military commanders, at their discretion, to separate from service any uniformed members of the security services regardless of time of service. From October 2000 until the end of 2001, the military dismissed approximately 600 members; no figures were available on how many were discharged during 2002 under the authority of Decree 1790. No information was available from the MOD regarding the specific reasons for any of the dismissals, nor were the names of those dismissed made public. The MOD confirmed the claims of many human rights NGOs that a large number of those dismissed subsequently entered the ranks of illegal paramilitary groups. [2]

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### **Legal Rights/Detention**

**5.28** The Constitution and criminal law explicitly prohibit torture, and cruel, inhuman, or degrading treatment or punishment; however, there were reports that the police, military, and prison guards mistreated and tortured detainees. The Military Penal Code directs that trials of members of the military and police accused of torture be held in civilian courts. During 2002, the Inspector General's Office (Procuraduria) received 103 complaints of torture by state agents. The Centre for Investigation and Popular Research (CINEP) reported that state security forces tortured 16 persons during the first 6 months of 2002; 14 of these cases were attributed to the army and 2 to the police. [2]

**5.29** All crime is encouraged to be reported, with anonymous direct lines advertised. Victims of crime are required to make sworn statements (*denuncias*) at the start of an investigation, and are encouraged to do so as soon as possible after the crime. The police, or likewise the Fiscalia, will then bring a charge (*querrela*) if they arrest a suspect. [33]

**5.30** The Constitutional Court's decision was consistent with its 11 April 2002 ruling of turning down the National Defence and Security Act of 2001, which had threatened to infringe on the due process rights of persons detained or investigated by the military. Among other things, the Act had not specified the maximum period detainees might be held by the military before being turned over to civilian authorities. [2]

**5.31** The law prohibits incommunicado detention. Even in Rehabilitation Zones, anyone detained by law enforcement authorities must be brought before a senior prosecutor within 36 hours of his or her detention. A senior prosecutor must then rule on the legality of the detention within an additional 36 hours. Despite these legal protections, there continued to be allegations of arbitrary detention. [2]

**5.32** Conditional pre-trial release is available for minor offences or after unduly long periods of investigative detention. In the case of most crimes, detention prior to the filing of formal charges cannot exceed 180 days, after which a suspect must be conditionally released. In the cases of crimes deemed particularly serious, such as murder or terrorism, authorities are allowed up to 360 days to file formal charges before a suspect must be conditionally released. [2]

**5.33** Backlogs had created large numbers of pre-trial detainees. In October 2002, the President of the Council of State complained that the Council was facing a 6 to 8

year backlog. The Prosecutor General's Office (Fiscalia) reported that approximately 220,000 arrest warrants were still outstanding. [2]

**5.34** Paramilitaries in the city of Barrancabermeja, Santander department, exercised illegal "social controls," such as curfews for children, ad hoc punishments for domestic violence and petty crimes, and the issuance of paramilitary-produced identification cards to bona fide local residents. [2]

### **Death penalty and extra-judicial killings**

**5.35** Colombian law does not provide for the death penalty for any crime. The death penalty was abolished in 1910 with the last known execution in 1909. [10]

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### **Internal Security**

**5.36** The civilian-led Ministry of Defence (MOD) is responsible for internal and external security and oversees both the National Police and the Armed Forces (including the army, air force, and navy, which includes the coast guard and the marines). In addition to the armed forces and the National Police, the public security forces include armed state law enforcement and investigative authorities such as the Administrative Department of Security (DAS), which has broad intelligence gathering, law enforcement, and immigration control functions, and the Prosecutor General's Corps of Technical Investigators (CTI). [2]

**5.37** The National Police are responsible for maintaining internal order and security in urban areas, although persistent guerrilla assaults on isolated detachments had compelled the thinly-staffed Police to leave 157 municipalities without a Police presence. [2] This figure has now fallen to 78 and President Uribe has promised to reduce it to zero by the end of 2003. (There are 1,071 municipalities in Colombia) [36] The Armed Forces are responsible for order and security in rural areas and support the National Police in urban areas when called upon. Over the years, the public security forces have taken important steps to improve their human rights record; however, some members of the armed forces and the police continued to commit serious of human rights abuses. [2]

**5.38** Government security forces generally abided by international humanitarian law and respected human rights; however, some members of the security forces violated these standards and committed serious violations of human rights. Data gathered by CINEP indicated that during the first 6 months of 2002, state security forces were responsible for the deaths of 30 civilians during combat operations. Paramilitary groups and guerrillas committed the great majority of abuses. [2]

### **Prisons and Prison Conditions**

**5.39** Prison conditions were harsh, particularly for prisoners without significant outside support. Severe overcrowding and dangerous sanitary and health conditions were serious problems. The National Prison and Penitentiary Institute (INPEC) reported that the nation's daily food allowance per prisoner was only \$1.25 (3,500 pesos). Private sources continued to provide the majority of most prisoners' food. In June 2001, based on a lawsuit filed by prisoners incarcerated in Valledupar, Cesar Department, the Valledupar Supreme Court ordered INPEC to improve prison conditions in the department. [2]

**5.40** Many of INPEC's 10,000 prison guards were poorly trained or corrupt. On 6 March 2002, prison guards at the Valledupar penitentiary beat an unruly prisoner in his cell so severely that he died 36 hours later. The Fiscalía placed the six guards under arrest on suspicion of murder. The Office reportedly was investigating allegations of prison guard brutality in other installations as well. [2]

**5.41** Only four prisons--Valledupar, Acacias, Popayan, and Combita--met international standards for acceptable conditions for prison facilities. Two more prisons designed to meet these standards were under construction in La Porada, Caldas Department, and Palo Gordo, near Bucaramanga, Santander Department. In other prisons, inmates paid to eat, drink, sleep on a mattress, wash clothes, or make telephone calls. Many inmates in such facilities also were forced to pay protection money to fellow inmates or corrupt prison guards. [2]

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## **Military Service**

**5.42** The 1991 Constitution provides for compulsory military service. It states that all Colombian citizens are obliged to take up arms when there is a public need for this in order to defend national independence and the public institutions. All men between the ages of 16 and 28 years old are liable for military service. However, despite the minimum legal requirement age, military service is performed between the ages of 15 and 24. Military service for those who have completed secondary education (Bachilleres) lasts for one year, for others it is two years. [11]

**5.43** There are also cases of forced recruitment by guerrilla or paramilitary organisation, especially in the country. Guerrilla incursions, military counterinsurgency operations, guerrilla and paramilitary conscription, and land seizures by narcotics traffickers often forced peasants to flee their homes and farms. [11]

## **Conscientious Objection**

**5.44** There is no procedure to achieve conscientious objection status. Those who announce they are conscientious objectors have no clear guarantee that they may leave the armed forces. They either have to perform their military service in the police force as prison guards or they have to desert and remain in hiding. If they refuse to perform military service, they may face the charge of desertion and be imprisoned. [11]

## **Draft Evasion and Desertion**

**5.45** The Military Penal code prescribes a penalty for desertion of six months or two years imprisonment. If the desertion occurs during wartime, during a domestic uprising or public unrest or while in the vicinity of rebel forces the punishment may be doubled. Those who do not respond to a call-up may be forced to perform military service. They are considered deserters and cannot enter university or obtain a passport. Draft evaders do not have a military service record and therefore cannot get work, enter university, sign a contract, own a property or leave the country. [11]

## **Medical Services**

**5.46** The Constitution of 1991 set out the fundamental points that gave rise to reform

of the social security system. This mandate covers standards governing the general system of pensions, professional risks, complementary social services, and the social security system as it relates to health. The important role of promotion and prevention in the new system, the significant increase in the Government's financial contributions to health, the greater spending efficiency gained from competitive arrangements, the strong participation of upper-income groups, and the solidarity inherent in the system are all factors that are expected to contribute to major progress in health. [13]

**5.47** With regard to the degree of decentralisation of health services, 17 departments and 4 districts have been decentralised and are directly managing more than US\$ 474 billion, which represents 70% of the national allocation, and 104 municipalities have been certified to independently manage their own fiscal budgets. Health sector reform currently faces a major problem with regard to access of the population, especially the very poor and the unemployed, to health services. [13]

**5.48** The public health service network consists of 3,340 jobs in the health sector, 904 health centres, 128 health centres with beds, and 555 hospitals—397 hospitals at the primary level, 126 at the secondary level, and 32 at the tertiary level. In addition, the private sector has 340 clinics. [13]

**5.49** Under the health insurance system, the 10 public health promotion enterprises, together with the 20 authorised private and mixed enterprises, have the capacity to handle a total of 21.6 million persons. As of December 1996 a total of 13.9 million Colombians were covered, of which 66.9% (9.3 million people), according to the latest official report dated June 1996, were subscribers under the Social Security Institute, and the remaining 33.1% came under other health promotion enterprises. [13]

**5.50** The main health problems affecting children are infectious diseases. [13] The law requires the Government to provide medical care for children. However, medical facilities were not universally available, particularly in rural areas. [2] The main problems in the adult population are unemployment and underemployment, which create and reinforce precarious living conditions and hence exposure to social and environmental factors that affect health. [13]

**5.51** The number one health problem in the Colombian population is injury due to external causes, mainly related to violence, which affects all of society. It was estimated in 1995 there were a total of 1,450,845 years of potential life lost because of violent deaths. [13]

**5.52** According to Government statistics, it is estimated that cancer is the second cause of death in Colombia today. During the last five years, several palliative care and cancer pain relief programs have developed in Colombia creating an increase in the demand for opioids for pain control. The issue of drug availability for medical purposes is particularly sensitive for Colombia, a country highly affected by illicit drug traffic and the black market. As a result, strong legislation restricts the manufacture, importation, distribution and prescribing of opioids even for scientific and medical uses. However, a number of steps have been taken at the national level, which have gradually facilitated opioid availability. [12]

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## HIV/AIDS

**5.53** The Pan American Health Organisation has produced a list of antiretroviral drugs available in Latin America and the Caribbean. A copy is annexed. [14]

## People with disabilities

**5.54** The Constitution specifically prohibits discrimination based on race, sex, disability, language, or social status; however, in practice, many of these provisions were not enforced. The Constitution enumerates the fundamental social, economic, and cultural rights of persons with physical disabilities. However, serious practical impediments prevented the full participation of these persons in society. [2]

**5.55** No legislation mandates that buildings provide special access for persons with disabilities. Consequently, the disabled could not access most public buildings and transportation systems; however, the Constitutional Court ruled that persons with physical disabilities must have access to voting stations and receive assistance if they so request. The Court also ruled that the social security fund for public employees could not refuse to provide services for children with disabilities, regardless of the cost involved. [2]

## Educational System

**5.56** The Constitution provides for free public education, which is compulsory between the ages of 6 and 15; however, a study by the National Department of Statistics (DANE) estimated that 14 percent of children ages 5 to 17 did not attend school because of lax enforcement of truancy laws, inadequate classroom space, and economic pressures for children to provide additional family income. Although the Government covered the basic costs of primary education, many families faced additional expenses such as matriculation fees, books, school supplies, and transportation costs, which were significant in rural areas where many children lived far from school. These costs were often prohibitive, particularly for the rural poor. [2]

**5.57** Limited educational and economic opportunities and a desire for acceptance and camaraderie increased the appeal of service in armed groups. [2]

# 6. Human Rights

## 6.A Human Rights Issues

### Overview

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**6.1** The country's 40-year-old internal conflict--among government forces, several leftist insurgent groups, and a right-wing paramilitary movement nominally supportive of the State - intensified during 2002. [2] The paramilitary movement is split into several different groups, each of which has its own agenda. The internal armed conflict, and the narcotics trafficking that both fuelled it and prospered from it, were the central causes of violations of human rights and international humanitarian law. In her 2001 report, UN High Commissioner for Human Rights Mary Robinson noted that all sides in the conflict failed to respect the principles of humanitarian law. [2]

**6.2** Colombia's internal conflict intensified in 2002 following the 20 February 2002 collapse of three years of formal talks between the Government and Colombia's largest guerrilla group. Paramilitary groups operating with the tolerance and often support of units within Colombia's military were linked to massacres (defined in Colombia as the killing of three or more people at the same place and time), selective killings and death threats. There were credible reports of joint military-paramilitary operations and the sharing of intelligence and propaganda, including army-generated appeals to guerrillas to turn themselves in. However, links between the armed forces and the paramilitaries are being eroded under Uribe's rule despite allegations that he had paramilitary ties in the past. This is evidenced by a marked step-up in the military's campaign against the paramilitaries over the last year. **[5]**

**6.3** The breakdown of the peace talks in February 2002 resulted in a marked deterioration in the human rights situation. More than five hundred people "disappeared" and more than 4,000 civilians were killed for political motives. Forced internal displacement continued to grow dramatically. Over 2,700 people were kidnapped, at least 1,500 of whom were kidnapped by guerrilla groups and paramilitary forces. The cycle of political violence was exacerbated by security policies of the new Government of Uribe, which took office in August 2002. **[9b]**

**6.4** In April 2002, the Constitutional Court ruled that the Defence and National Security Law, which accorded judicial police powers to the armed forces was unconstitutional. On 11 August 2002, President Uribe declared a state of emergency. This was followed by Decree 2002, which again granted judicial police powers to the armed forces. This Decree also gave special powers to restrict certain rights in designated security zones called Rehabilitation and Consolidation Zones. Several foreign human rights workers were deported from Colombia prior to and following the creation of these zones. **[9b]**

**6.5** The main victims of violations of human rights and humanitarian law continued to be the civilian population, including the internally displaced, peasant farmers, and members of the Afro-Colombian and indigenous communities living in conflict zones. **[9b]**

**6.6** According to the Human Rights Watch World Report 2003 covering 2002, compared to the previous year the Government reported more clashes between its troops and paramilitaries, and more arrests of suspected paramilitaries. However, paramilitaries appeared more numerous and militarily stronger than ever. They claimed to have over 10,000 armed and trained members, a number that was not disputed by the Government. **[5]**

**6.7** The Human Rights Ombudsman's Office stated in its 2001 report that women, who by and large remain socially and economically disadvantaged, continued to be affected disproportionately by violence, particularly in war zones. The Ombudsman's Office also noted a lack of Government programs to address their problems. Female leaders of political and peasant organisations in various regions were the targets of abuse, threats, torture, and executions. Intrafamilial violence, sexual assault, and killing of women remained serious problems throughout the country. More than 30 percent of FARC combatants were female. Several observers criticised the use of female combatants in guerrilla organisations as sex slaves. **[2]**

**6.8** In the first 11 months of 2002, public security forces killed 183 paramilitaries in

combat and captured 1,214. [2] For the first six months of 2003, 145 paramilitaries were killed and 1,244 captured. [36] There were approximately 11,200 paramilitaries in the country, organised into several associations, the largest and most influential of which was the terrorist organisation AUC. The AUC experienced a series of leadership crises during 2002 that led to its temporary break up and a reduction in its membership. The largest of the paramilitary organisations that formally remained a part of the AUC was the United Self-Defence Forces of Cordoba and Uraba (ACCU), which operated in the northern part of the country and was led by the principal organisers of the AUC, Carlos Castano and Salvatore Mancuso. [2]

**6.9** The country's two largest left-wing guerrilla organisations are the 16,500 member terrorist organisation FARC and the 4,500 member terrorist organisation National Liberation Army (ELN). While the FARC has grown larger and more prosperous in recent years, due to drug trafficking and the temporary security of the despeje, the ELN has been in steady decline. In many areas previously dominated by the ELN, the two guerrilla groups worked together to combat government forces and paramilitaries. [2][36]

**6.10** Both the FARC and the ELN systematically attacked non-combatants and violated citizens' rights through unlawful killings, kidnappings, and torture. Guerrillas were responsible for a large percentage of civilian deaths related to the internal conflict. The Human Rights Ombudsman's Office reported that as of 31 October 2002, 63 percent of complaints it had received regarding violations of international humanitarian law related to abuses by guerrillas. The FARC alone accounted for at least 45 percent of these complaints. The FARC continued to kidnap, torture, and kill off-duty soldiers and policemen as part of its openly acknowledged "Pistol Plan". [2]. Pistol Plan was set up by the FARC to murder policemen and army personnel. [28a]

**6.11** Guerrillas also were responsible for attacks on religious and indigenous leaders and forcibly recruited minors. [2]

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## **Freedom of Speech and the Media**

**6.12** The Constitution provides for freedom of speech and the press and the Government generally respected these rights in practice; however, journalists regularly practised self-censorship to avoid retaliation and harassment by various groups. Individuals criticised the Government both publicly and in private without fear of reprisal. The privately owned print media published a wide spectrum of political viewpoints and were often sharply critical of the Government without fear of reprisals. Media ownership remained highly concentrated. Wealthy families or groups associated with one of the two dominant political parties consolidated their holdings of news media, and regional firms continued to purchase local news media outlets. [2]

**6.13** In September 2002 financial problems forced Colombia's oldest newspaper, El Espectador, to change from a daily to a weekly publication. Economic problems and concentration of media ownership limited the media's resources, causing it to rely heavily on a smaller pool of advertisers, including the Government. The National Television Commission continued to oversee television programming throughout 2002. [2]

**6.14** The Government did not assert "national security" to suppress views that were

merely politically embarrassing or objectionable on other grounds. However, Reporters Without Borders criticised the presidential decree that created Special Rehabilitation and Consolidation Zones in highly conflictive areas that foreigners, including journalists, could enter only with special permission from government authorities. The organisation stated that "the possibility of journalists being refused entry into the special zones is a flagrant violation of the Inter-American Human Rights Convention, whose article 13 guarantees freedom of movement for journalists." In accordance with a November 26 decision by the Constitutional Court, the Government announced that it would grant foreign press correspondents registered with the Government's international press office expedited authorisation to visit Rehabilitation Zones. [2]

**6.15** A ban on the publication of evidence pertaining to criminal investigations, based on secrecy provisions of the penal code and an anticorruption statute, also remained in effect. [2]

**6.16** According to the US Department of State Report issued 31 March 2003, covering 2002, during 2002, the Government did not restrict academic freedom. However, paramilitary groups and guerrillas maintained a presence on many university campuses, aimed at generating political support for their respective campaigns and undermining support for their adversaries through both violent and non-violent means. Paramilitaries threatened and killed university professors and students they suspected of leftist sympathies. Paramilitaries have had their greatest influence in the north of the country, where in the last 7 years they are suspected of killing as many as 12 students and professors at the University of Atlantico, in Barranquilla, Atlantico Department. It is also suspected that they killed as many as 10 at the University of Cordoba, in Monteria, Cordoba Department. [2]

**6.17** Both paramilitary groups and guerrillas regularly threatened and killed public school teachers, particularly at the high school level. In November Minister of Education Cecilia Maria Velez reported that approximately 800 teachers, mostly in rural areas, were working under the shadow of death threats from illegal armed groups, particularly the FARC. According to the National Teacher's Union (FECODE), 83 teachers were killed during 2002, most by paramilitaries. [2]

**6.18** On 28 October 2002, in the village of Media Luna, Pivijay municipality, Magdalena department, four alleged members of the AUC shot and killed Oscar David Polo at the entrance of the school where he taught. Four teachers were killed in this small municipality during 2002, and a total of 9 in the department of Magdalena. A total of 14 teachers were killed in the department of Antioquia, more than in any other department. As a result of these and other incidents, many professors and students assumed a lower profile. Some universities banned extracurricular social activities that addressed controversial topics related to the internal armed conflict. Some academics went into voluntary exile. [2]

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## **Journalists**

**6.19** Police or other public security forces generally did not subject journalists to harassment, intimidation, or violence. However, there were exceptions, as well as reports of threats against journalists from local officials accused of corruption. [2] On 11 July 2003, the Mayor of Barrancabermeja was charged with ordering the murder of a radio journalist who often accused him of being corrupt and having links to

outlawed paramilitary groups. Three other officials were detained for their alleged roles in the killing. [30a]

**6.20** During 2002, both paramilitaries and guerrillas intimidated, threatened, kidnapped, and killed journalists. According to information gathered by the International Federation of Journalists (IFJ) and the Colombian Foundation for Press Freedom (FLIP), at least 10 media representatives were killed, 75 threatened, and 12 kidnapped. At least four of the media representatives killed during 2002 were killed as a direct consequence of their work. The number of reported threats was believed to be low, since many targeted individuals did not report threats to government authorities or non-Governmental Organisations (NGOs). [2]

**6.21** Domestic and international NGOs and other international organisations reported self-censorship by the media due to threats from illegal armed groups. In May 2002 the Committee to Protect Journalists included the country on a list of the 10 worst places to be a journalist, noting that 29 journalists had been killed in the country in the last 10 years. [2]

**6.22** CPJ reported that on 21 January 2003 FARC and ELN rebels had detained two journalists who were on an assignment for the Los Angeles Times in Arauca Department. They were travelling on a road south of the town of Saravena with their driver when the three of them were removed from their car at a rebel roadblock. [19b] The journalists were released unharmed on 1 February 2003 after 11 days in captivity. [37] The ELN said on clandestine radio that they were holding the journalists and that they would free them when "the political and military conditions permit" and they were "prepared to guarantee the lives and security of these journalists". According to the report they were believed to have been reporting on the arrival of dozens of US Special Forces who were there to train Colombian troops to protect a vital pipeline that runs through the region which is bombed by rebels. [19b]

**6.23** In May 2003, in a report the CPJ expressed concern for two Colombian journalists who fled their home. Jose Ivan Aguilar Castaneda had fled after he was shot and Diogenes Cadena Castellanos left after receiving death threats. Both men reported frequently on the country's 40-year old civil war. Aguilar had left for Bogota seeking the help of the government's protection program for journalists. [19a]

**6.24** During 2002, threats of violence drove at least 13 journalists into exile. Vice President Francisco Santos, former editor of the country's largest circulation newspaper, Bogota's El Tiempo, and founder of the Free Country Foundation, a prominent anti-kidnapping NGO, returned from exile to assume the responsibilities of the vice-presidency. [2]

**6.25** On 22 August 2003 suspected members of the FARC killed a journalist and wounded another after the vehicle carrying the radio reporters failed to stop at a rebel roadblock in Putumayo state. [32g]

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## **Freedom of Religion**

**6.26** The Constitution provides for freedom of religion, and the Government generally respected this right in practice. [2]

**6.27** Although there is no official state religion, approximately 90% of the citizens was Roman Catholic. **[3]** The Roman Catholic Church retained a de facto privileged status. Accession to a 1997 public law agreement with the State is required for non-Roman Catholic religions to minister to their adherents in public institutions, such as schools and hospitals. Although 12 Christian churches acceded to the agreement, the Government has not given a similar opportunity to hundreds of other mostly small, evangelical churches that received legal recognition after 1997. Protestant churches also complained that new zoning laws showed de facto favouritism toward Roman Catholicism, since most Roman Catholic cathedrals were constructed before zoning laws were instituted and were therefore exempt from the laws' requirements. **[2]**

**6.28** Relations between the various faiths generally were amicable, although some indigenous leaders reportedly were intolerant of non-syncretistic forms of worship. **[27]**

**6.29** Adherents of some religions are concentrated in specific geographic regions. The vast majority of practitioners of a syncretistic religion that blends Roman Catholicism with elements of African animism are Afro-Colombian residing in the western department of Choco. Jews are concentrated in major cities, Muslims on the Caribbean coast, and adherents of indigenous animistic religions in remote, rural areas. **[27]**

**6.30** Paramilitaries sometimes harassed religious leaders and members, usually for political reasons. The FARC and ELN threatened and committed acts of violence against religious leaders and members, usually for political reasons, and inhibited the right to free religious expression in areas they controlled. **[2]**

**6.31** On 6 March 2002, a court sentenced the convicted murderer of Roman Catholic priest Jorge Luis Maza and Spanish aid worker Inigo Egiluz to 31 years in prison. Nine alleged members of a paramilitary group arrested in connection with this crime were released for lack of evidence. The case was closed at the end of 2002. **[2]**

**6.32** There is no evidence that the 2000 killings of 14 people, including 2 evangelical pastors, for which several marines were arrested, were religiously motivated. There is also no evidence that the 1998 kidnapping and 1999 murder of Jewish business leader Benjamin Khoudari, for which an army sergeant remains on trial, was religiously motivated. **[27]**

**6.33** The Bishop's Conference of the Roman Catholic Church reported that illegal armed groups killed 11 Catholic priests during 2002. The FARC is suspected of most of these killings. **[2]** According to the Human Rights Watch Report 2003 covering events in 2002 a new and disturbing development, church leaders who spoke out in favour of peace and human rights or who protested abuses were targeted by both the guerrillas and the paramilitaries, often during mass or prayer services. **[5]**

For more detailed information see the [2002 International Religious Freedom Report](#) - source **[27]**

## **Freedom of Assembly & Association**

**6.34** The Constitution provides for freedom of peaceful assembly, and the

Government generally respected this right in practice. The authorities normally did not interfere with public meetings and demonstrations and granted the required permission except when they determined that there was imminent danger to public order. There were large demonstrations on many occasions by citizens throughout the country, some to repudiate terrorist activities, and others to protest government budget cuts and social policies. The authorities generally did not interfere. [2]

**6.35** The security forces temporarily detained hundreds of peasants to enforce a government decree that prohibited impeding transportation on public highways. The Government claimed, and some peasants confirmed, that the FARC pressured some peasants into participating in the protests. On 17 September 2002 the Government expelled three Spanish citizens it claimed were inciting peasant protests. [2]

**6.36** The Constitution provides for freedom of association, and the Government generally respected this right in practice. Legal organisations are free to associate with international groups in their field. However, membership in proscribed organisations such as the FARC, ELN, EPL, and AUC is a crime. Freedom of association was limited in practice by threats and acts of violence committed by illegal armed groups against labour unions and NGOs. [2]

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## **Employment Rights**

**6.37** The Constitution provides for the right to organise unions, except for members of the armed forces, police, and persons executing "essential public services" as defined by law. In practice, violence against union members and antiunion discrimination were obstacles to joining unions and engaging in trade union activities. Labour leaders around the country continued to be targets of attacks by paramilitary groups, guerrillas, and narcotics traffickers. Union leaders contended that perpetrators of violence against workers operated with virtual impunity. [2]

**6.38** The amended 1948 Labour Code provides for automatic recognition of unions that obtain 25 signatures from potential members and comply with a simple registration process. However, the ILO has received reports that this process is slow and sometimes takes years. The law penalises interference with freedom of association and allows unions to determine freely their internal rules, elect officials, and manage activities. Law 584 limits government interference in a union's right to free association. However, the law includes a provision authorising Ministry of Labour officials to compel trade unions to provide interested third parties with relevant information on their work, including books, registers, plans, and other documents. [2]

**6.39** During 2002, labour leaders nation-wide continued to be attacked by paramilitaries, guerrillas, and narcotics traffickers. According to the National Labour College (ENS), a Medellin-based NGO that collects, studies, and consolidates information on organised labour, 178 labour activists were killed during 2002 and 1,875 since 1991. The ENS attributed a majority of these crimes to paramilitaries. Paramilitaries were particularly aggressive in targeting members of the United Workers Central (CUT), the country's largest and most left-leaning labour federation. [2]

**6.40** In 2002, paramilitaries also continued their attacks on members of the Oil Workers Trade Union (USO), which they accused of ties to the ELN. Paramilitaries

were suspected of the 17 June 2002 killing of USO national board member Cesar Blanco in Bucaramanga. In June 2002, Amnesty International testified to the ILO that paramilitaries also targeted public sector unions, particularly health workers. [2]

**6.41** In 2002, the Fiscalía (Prosecutor General's Office) continued investigating crimes perpetrated against union leaders in previous years for which paramilitaries were believed responsible. Investigations were still ongoing for the killings of labour activists Valmore Locarno, Victor Hugo Orcasita, Gustavo Soler, Ricardo Orozco, and Oscar Dario Soto. Generally, government identification of perpetrators of crimes against trade union members was slow, a situation which the June 2002 report of the ILO Special Representative noted was aggravated by the difficulties faced by the Procuraduria and the Fiscalía in carrying out their inquiries and offering adequate assurances of protection so that witnesses would be willing to come forward. [2]

**6.42** Progress was made in several high profile investigations. For example, on 17 December 2002, a specialised criminal court in Bogota sentenced former army Captain Jorge Rojas and former army Sergeant Evangelista Basto to 18 years in prison for the December 2000 attempted killing of public employee union (FENALTRASE) president Wilson Borja. Rojas and Basto had been in active service when the crime occurred, but were dismissed from the military during the course of the criminal investigation. The court also convicted army Corporal Jhon Fredy Pena of conspiracy and sentenced him to 42 months in prison. [2]

**6.43** In its evaluation of antiunion violence, the ENS also noted a significant increase in crimes against union activists committed by guerrillas. On 26 April 2002, the FARC massacred nine members of the Agricultural Workers Union (SINTRIANAGRO) near Apartado, in the Uraba region of Antioquia department. Uraba was hotly contested between guerrillas and paramilitaries. The ENS attributed the deaths of at least 19 union activists to the FARC. [2]

**6.44** The most prominent release of a kidnapped union leader occurred on 7 April 2002, when the AUC freed USO leader Gilberto Torres after 40 days in captivity. In an attempt to ameliorate the security risks confronting union leaders, the Government significantly increased the resources it devoted to the Program for the Protection of Human Rights Defenders and Trade Union Leaders. [2]

**6.45** Unions are free to join international confederations without government restrictions and did so in practice. [2]

**6.46** The Government sets a uniform minimum wage for workers every January to serve as a benchmark for wage bargaining. The monthly minimum wage, set by tripartite negotiations among representatives of business, organised labour, and the Government, was about \$114 (309,000 pesos). The national minimum wage did not provide a decent standard of living for a worker and family. [2]

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### **Forced or Bonded Labour**

**6.47** The Constitution forbids slavery and any form of forced or bonded labour, and there were no reports of such practices in the formal sector. However, paramilitaries and guerrillas practised forced conscription. There were some reports that guerrillas used forced labour. [2]

## **Trafficking in Persons**

**6.48** The Criminal Code defines trafficking in persons as a crime; however, during 2002, trafficking in persons, primarily women and girls, remained a problem. Law 747, passed in a special session of Congress in June 2002, broadened the definition of trafficking in persons and provided for prison sentences of between 10 and 15 years and fines of up to 1,000 times the monthly minimum wage. These penalties, which are even more severe than those for rape, can be increased by up to one-third if there are aggravating circumstances, such as trafficking of children under the age of 14. [2]

**6.49** Additional charges of illegal detention, violation of the right to work in dignified conditions, and violation of personal freedom also may be brought against traffickers. Police actively investigated trafficking offences and some traffickers were prosecuted. However, inadequate resources for witness protection hindered prosecutions. [2]

**6.50** The Government co-operated with foreign counterparts on investigations and successfully freed victims in solo and joint operations. To protect citizens who were trafficked to other countries, government foreign missions provided legal aid and social welfare assistance. [2]

## **Freedom of Movement**

**6.51** The Constitution provides citizens with the right to travel domestically and abroad, and the Government generally respected this right in practice; however, there were exceptions. In areas where counterinsurgency operations were underway, police and military officials often required civilians to obtain safe-conduct passes. In special Rehabilitation and Consolidation Zones established by presidential decree, travel was restricted and persons were sometimes detained for up to 24 hours so that officials could conduct identification checks as provided by law. [2]

**6.52** Paramilitaries and guerrillas used similar means to restrict travel in areas they controlled. The Government implemented curfews in conflict zones. Outsiders who wished to enter indigenous reservations had to be invited. [2]

**6.53** During 2002, roadblocks erected by paramilitaries guerrillas, and peasant farmers inhibited transportation, communication, and commerce. Social organisations also resorted to blocking roads to protest government actions or policies. Almost every major artery was closed at some point during 2002. There were numerous reports of members of indigenous communities, particularly in Putumayo, being forbidden to leave their communities without either paramilitary or FARC permission, and in which paramilitaries and guerrillas blockaded communities. [2]

**6.54** The UN High Commissioner for Refugees (UNHCR) reported that 5,086 Colombians registered as refugees in Ecuador, Panama, and Venezuela. An additional 3,995 Colombians requested asylum in Ecuador, the neighbouring country with the most liberal asylum policy. Hundreds of Colombians also fled to Costa Rica. There were few reports of the forced return of refugees from Panama, Ecuador, or

Costa Rica, although most refugees received little assistance. There were reports that refugees were forcibly repatriated from Venezuela. [2]

**6.55** The Constitution provides for the right to asylum under terms established by law in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol. The Government reserves the right to determine eligibility for asylum, based upon its own assessment of the nature of an applicant's claim. The issue of the provision of first asylum did not arise during 2002. There were no reports of the forced return of persons to a country where they feared persecution. [2]

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### **Internally Displaced Persons (IDPs)**

**6.56** The number of internally displaced people in Colombia has soared. The IDP crisis was already one of the world's worst, disproportionately affecting Colombia's black and indigenous populations, hitting border areas and cities like never before. Many of the victims have been denied government services simply because they lack documents. Focusing on unsafe returns, government policy has failed to meet IDPs' real needs and ignored valuable international advice. A new UN plan focuses on preventing displacement and helping its victims in the longer term. [20a][20b]

**6.57** In April 2002, the Constitutional Court upheld a May 2000 law that criminalised forced displacement. [2]

**6.58** According to the UNHCR the humanitarian crisis in Colombia worsened during 2002. However the UNHCR managed to enhance the protection of IDPs' rights at the national level. The Office carried out training on IDP issues, to strengthen the institutional capacity of authorities attending to IDP needs. In the areas covered by the UNHCR, IDP communities and associations were supported by national and international staff. However, the humanitarian situation worsened in many areas covered by the UNHCR and access by humanitarian agencies to remote IDP communities became more difficult. [21]

**6.59** According to the USSD Report covering 2002, issued 31 March 2003, the vast majority of IDPs were rural peasants displaced to cities, where many had difficulty integrating into society. Many displaced persons settled on the outskirts of large cities such as Bogota, Bucaramanga, Medellin, and Cartagena, where conditions were overcrowded and unsanitary. Poor neighbourhoods were overwhelmed by a need for basic public services. [2]

**6.60** According to the Consultancy for Human Rights and Displacement (CODHES), a human rights NGO specialising in displacement issues, 57 percent of IDPs were women, 22 percent were female heads of household, and 70 percent were under the age of 19. In July 2002 UNHCR reported that 72 percent of all IDPs were women and children. Some families fled or remained displaced to avoid the forced recruitment of their children by guerrillas. Thousands of IDPs were unable to return to their homes because of the presence of antipersonnel mines. Displaced women and girls were particularly vulnerable to domestic violence and sexual abuse and exploitation. [2]

**6.61** According to CODHES, a disproportionate number of displaced people were from indigenous and Afro-Colombian communities rich in natural resources. Some 83,850 Afro-Colombians and 12,649 indigenous people were uprooted during 2002.

This represents a third of the displaced in 2002, even though they make up only 11 percent of the total national population. The disproportionate displacement of minorities coincides with armed actors' economic interests. Areas inhabited by Afro-Colombians and indigenous groups are often rich in natural and mineral resources, have a potential for expanding cultivation of illicit crops, and for the development of large-scale projects. [20a]

**6.62** Both paramilitaries and guerrillas used forced displacement to gain control over disputed territories and to weaken their opponents' base of support. Authorities sometimes encouraged civilian populations to move back to their homes before security situations had normalised, or civilians returned before it was advisable. [2]

**6.63** In August 2001, the UN Special Co-ordinator on Internal Displacement characterised the country's internal displacement problem as "acute." According to the UNHCR, the country ranks second among countries with the largest IDP populations. The Government estimated that there were 350,000 new displaced persons during 2002, a significant increase from 2001. [2] According to CODHES, 412,000 people became displaced during 2002 (a 20 percent increase compared to 2001) with the largest number of IDPs fleeing from the Departments of Choco, Cauqueta and Putumayo. Most had sought refuge in Choco, Cesar and Magdalena. [20a]

**6.64** According to CODHES, by the end of 2002, the number of IDPs were difficult to obtain, since some were displaced more than once and many did not register with the Government or NGOs. The FARC and the ELN discouraged IDPs from registering with the Government through force, intimidation, and disinformation. Guerrilla agents masqueraded as IDPs to sow doubt and discontent among the displaced population. The Government's IDP service agency, the Social Solidarity Network (RSS), reported a significant increase in the number of municipalities affected by displaced populations. [2] However, statistics on displacement vary somewhat from source to source. [7]

**6.65** According to a UNHCR document dated 24 February 2003, during 2002, it was estimated that 30 percent of displacements were mainly caused by paramilitaries, who were violently seizing political and economic control over territories traditionally controlled by guerrillas. Although only very few cases of displacement were exclusively linked to government troops, in about half of the cases it was reported that a combination of military activity by paramilitaries and government troops was to blame. The displacement attributed to state agents appear to have decreased while those attributed to paramilitary groups increased, suggest connivance between them. Guerrillas were responsible for 14 percent of displacements, as they stepped up attacks on state institutions, infrastructure and committed acts of terrorism against civilians. [20a]

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## **Border areas**

**6.66** Displacement has also increased in border areas. The Colombian conflict is increasingly spilling over borders into Venezuela Ecuador and Panama, creating serious security threats in the region. Intense conflicts, displacements and increased militarisation have occurred in border areas during 2002, with neighbouring countries deploying troops to the areas. According to a CODHES report, issued 28 April 2003, the number of people displaced along Colombia's frontiers rose to 47,375 in 2002.

The Catatumbo region bordering Venezuela, where state control is weak and armed actors struggle to control illegal cultivation and trade, registered the highest rate of displacement in Colombia (14,007/100,000 habitants) during 2002. [20a]

### **Living Conditions of the IDPs**

**6.67** The Government was unable to provide sufficient humanitarian assistance to the displaced, despite statutes and court rulings requiring it to do so. Although conditions for IDP communities varied in different regions, conditions for displaced persons in many locations were poor and unhygienic, with little access to health care, and few educational or employment opportunities. Government assistance for the displaced was provided principally through the Social Solidarity Network (RSS), the Colombian Family Welfare Institute (ICBF), and the Ministry of Health. However, the Government itself acknowledged that the ICRC and various NGOs provided 70 to 80 percent of humanitarian assistance received by the displaced. [2]

**6.68** Most displaced persons received emergency humanitarian assistance from the ICRC, the RSS, or NGOs for only 90 days, although some IDPs received it for longer, and others never received any aid. During 2002, the ICRC provided emergency assistance to 200,000 displaced persons. In June 2002, the UNHCR expanded to Antioquia department a project begun in 1999 to provide identification documents to IDPs. More than 52,000 persons had received documents under the project since its inception. [2]

**6.69** Many of the IDPs already owned homes through a government-sponsored subsidy program. Those who did not own homes were lodged in a local hotel at government expense until other accommodations were found. Prior to the IDPs' expulsion, at least 200 others had either moved to their subsidised homes or found other long-term solutions that allowed them to leave the ICRC's former headquarters. [2]

**6.70** PAHO reported that only 65 percent of displaced households had access to health services through the general social security system, and that many could not afford the required co-payment, despite the fact that it was as low as 15 percent of a person's total medical expenses. [2]

**6.71** Only about 20 percent of IDPs received medical attention in 2002, according to PAHO (Pan-American Health Organisation). Most IDPs lack identification papers - a requirement when receiving medical aid. According to Marie Stopes International, etc, 13 February 2003, about three quarter of displaced women did not know where to register and many were unaware of the benefits of receiving IDP status. [20a]

**6.72** Despite national legislation entitling registered IDPs to free and unlimited access to health care and medicines, an IOM survey (6 June 2002) showed that lack of money hindered nearly half of the IDPs to seek medical assistance when needed because some hospitals have not been reimbursed for their expenses for IDPs, causing IDPs to be turned away. [20a]

**6.73** Although women and girls represent nearly half of the displaced population, there is no comprehensive policy to address their specific gender and reproductive health needs. Nearly one third of displaced women had either miscarriages or stillbirths, of whom only 63 percent received treatment. About half of displaced

women have been physically attacked and about a quarter raped, but gender-based violence remains largely un-addressed. [20a]

**6.74** UNICEF estimated that only 68 percent of displaced children attended school. Malnutrition among displaced children was common. [2]

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### **Emigration and asylum**

**6.75** According to the International Office on Migration (IOM) at least 1.2 million Colombians permanently left the country over the past five years. In 2001 alone, 23,000 Colombians sought asylum as refugees across international borders according to the US Committee for Refugees. [5]

**6.76** The number of Colombians who have crossed into the neighbouring states has sharply increased during the last two years. It is estimated that 100,000 sought protection, temporary or on a more prolonged basis, from armed conflict between 2000 and 2002. Only a fraction, however, requested or received refugee status or asylum. [6]

## **6.B Human Rights - Specific Groups**

### **Introduction**

**6.77** The Constitution specifically prohibits discrimination based on race, sex, disability, language, or social status; however, in practice, many of these provisions were not enforced. The killing of homosexuals as part of so-called social cleansing campaigns, particularly by paramilitaries, was a problem. [2]

### **Ethnic groups**

**6.78** The July 2002 estimate of a population of just over 41 million the ethnic make up of Colombia is 58 percent mestizo, 20 percent white, 14 percent mulatto, 4 percent black, 3 percent mixed black-Amerindian and one percent Amerindian. [3]

**6.79** Approximately 21 percent of the population is of Afro-Colombian descent. There are two Afro-Colombian Senators and five Afro-Colombian members of the House of Representatives. However, there was no Afro-Colombian minister or vice minister and no Afro-Colombian on any of the nation's high courts. There were 70 Afro-Colombian mayors.

**6.80** A disproportionate percentage of the country's displaced persons were Afro-Colombians who had difficulty participating in the political process. [2]

**6.81** There are 82 distinct ethnic groups among the country's 716,400 indigenous inhabitants. Indigenous communities are concentrated in the Colombian Massif of the Andes Mountains, in southern Cauca department, along the lowlands of the Pacific Coast, on the Guajira peninsula, and in the Amazon region. According to the National Organization of Colombia's Indigenous (ONIC), 93 percent of indigenous persons live in rural areas, and approximately 115,000 indigenous persons are without land. [2]

**6.82** The Constitution gives special recognition to the fundamental rights of indigenous persons. The Ministry of Interior, through the Office of Indigenous Affairs, is responsible for protecting the territorial, cultural, and traditional rights of indigenous persons. Ministry representatives were located in all regions of the country with indigenous populations and worked with other governmental human rights organisations and NGOs to promote indigenous interests and investigate violations of indigenous rights. Despite legal protections, indigenous persons continued to suffer discrimination and were often relegated to the margins of society. [2]

**6.83** UNHCHR's March 2001 report noted that an estimated 80 percent of the indigenous population lived in conditions of extreme poverty. In addition, indigenous communities suffered disproportionately from the internal armed conflict. Members of indigenous communities often fled together in mass displacements to relocate to other indigenous communities. [2] In October 2002, approximately 800 members of the Embera Katio Alto Sinu reservation were forcibly displaced from their homes following death threats made against indigenous communities by the FARC and the killing of an indigenous leader. [9b]

**6.84** By law, indigenous groups have perpetual rights to their ancestral lands. According to the National Agrarian Reform Institute (INCORA), 28 percent of the national territory has been legally recognised as indigenous land, and approximately 80 percent of these lands have been demarcated. [2]

**6.85** The law permits indigenous communities to educate their children in traditional dialects and in the observance of cultural and religious customs. Indigenous men are not subject to the national military draft. [2]

**6.86** Members of indigenous communities continued to be victims of all sides in the internal conflict. According to the MOD, 73 indigenous persons were killed during the year as a result of the internal armed conflict, 29 in massacres. The UNHCHR strongly criticised both paramilitary and FARC threats against indigenous communities and characterised government investigations of human rights violations against indigenous groups as insufficient. Paramilitaries and guerrillas forced indigenous persons, including children, into their ranks. [2]

**6.87** A Latin American Press report dated 20 June 2003, claims that guerrilla and paramilitary activity threatens the indigenous community in the border regions. Many of the Bari indigenous people living near the border with Venezuela also suffered the effects of the civil war when it shifted north and west into their territory. According to one Bari man when the guerrillas first entered they wanted the Bari community to work for them. They were bribed with coca (from which cocaine is derived) but the Bari refused. The coca plantations are also expanding into Bari land as the irregular armed groups seek to bolster their income. [31b]

**6.88** The Bari fear being drawn into the conflict in other ways. The FARC often cross Bari territories when fleeing into Venezuela from the AUC or the Colombian military. Bari fear being caught in the crossfire. [31b]

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## Women

**6.89** The Constitution prohibits discrimination against women, and specifically

requires that authorities ensure "adequate and effective participation by women at decision making levels of public administration." However, discrimination against women persisted. Female workers in rural areas were most affected by wage discrimination and unemployment. [2]

**6.90** Gender divisions in the urban labour market quickly usher women into domestic jobs, such as cleaning and cooking. With this income women can sometimes assume the role of the head of household more easily. Displaced families can also earn money through commerce in the informal sector, a practice taken on as much by men as by women. [22]

**6.91** According to existing research for 2000, approximately 46 percent of displaced people come from homes consisting of a mother, father and children. Nearly 25 percent of displaced households in Colombia do not have the husband present, of which almost 70 percent have a female as head. [22]

**6.92** The Social Solidarity Network has made an effort to increase awareness about the situation of women as heads of households. To this end, the Network listed the genders of heads of households in its 2002 System for Registration of Displaced Population (SUR) registries. According to the registry, 21,394 homes headed by females were displaced in 2000, and 28,744 in 2001. By 15 December 2002, 30,203 homes with female heads had been displaced during that year - 35.7 percent of all displaced households during that period. [22]

**6.93** Women faced an increased threat of sexual assault in the context of the internal conflict. The UNHCHR, CODHES, and the Human Rights Ombudsman all noted that internally displaced women and girls were particularly vulnerable to domestic violence, sexual abuse, and sexual exploitation. In August 2001, the Colombian Pro-Family Institute published a study of sexual health and reproduction in displaced women and adolescents that found that 20 percent of displaced women had been raped and that 30 percent of displaced teenage girls had children or were pregnant. [2]

**6.94** International organisations and NGOs noted that sexual violence was largely unreported and that no long-term assistance was available to female IDPs. In addition, they criticised the use of female combatants in guerrilla organisations as sex slaves. Former female guerrillas also reported forced abortions and forced implantation of intrauterine devices. [2]

**6.95** Rape and other acts of violence against women were pervasive in society, and like other crimes, seldom were prosecuted successfully. According to the Ombudsman's 2001 report, intra-familial violence, sexual assault, and the killing of women were increasing problems. The ICBF and the Presidential Adviser's Office for Youth, Women, and Family Affairs continued to report high levels of spousal and partner abuse throughout the country. [2]

**6.96** The Institute for Forensic Medicine reported 28,738 cases of spousal abuse during 2002. There were 6,519 cases of domestic violence against women by other family members. The Institute reported 10,062 cases of suspected sex crimes, including rape. The Institute commented that the crimes of domestic violence and rape were greatly underreported, citing its 1995 survey that indicated that as few as 5 percent of these crimes were reported, and that only 2 percent of victims received

a medical evaluation. The ICBF conducted programs and provided refuge and counselling for victims of spousal abuse; however, the level and amount of these services were dwarfed by the magnitude of the problem. [2]

**6.97** The 1996 Law on Family Violence criminalised violent acts committed within families, including spousal rape. The law also provides legal recourse for victims of family violence, immediate protection from physical or psychological abuse, and judicial authority to remove the abuser from the household. It allows a judge to oblige an abuser to seek therapy or re-education. For acts of spousal sexual violence, the law mandates sentences of 6 months to 2 years and denies probation or bail to offenders who disobey restraining orders issued by the courts. [2]

**6.98** A 1997 law also made additional, substantial modifications to the Penal Code and introduced sentences of between 4 and 40 years for crimes against sexual freedom or human dignity, including rape, sex with a minor, sexual abuse, induction into prostitution, and child pornography. The June 2000 reforms to the Penal Code reduced the maximum sentence for violent sexual assault from 20 to 15 years; the minimum sentence is 8 years. [2]

**6.99** Prostitution is legal in designated "tolerance zones". Sex tourism existed to a limited extent, particularly in coastal cities such as Cartagena and Barranquilla. Trafficking in women for sexual exploitation continued to be a problem. [2]

**6.100** The Uribe administration increased the number of women in significant executive branch posts. There were 8 women in the 18-member cabinet, including the Ministers of Defence and Foreign Relations and the High Commissioner for Plan Colombia. There were also 7 female vice ministers. Women occupied 11 seats in the 102-member Senate and 20 seats in the 161-member House of Representatives. There was one woman on the 23-member Supreme Court and another on the 9-member Constitutional Court. Two of the 13 magistrates on the CSJ were women. According to the Government's 2001 end-of-year report, 75 women served as city mayors and 1 as a departmental governor. [2]

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## **Children**

**6.101** Constitutional and legislative commitments to the protection of children's rights were implemented only to a minimal degree. The Constitution imposes an obligation on the family, society, and the state to protect children, foster their development, and ensure the full exercise of their rights. The Children's Code describes these rights and establishes services and programs designed to enforce the protection of minors. Children's advocates reported the need to educate citizens regarding the code as well as the 1996 and 1997 laws on family violence, which increased legal protection for women and children. [2]

**6.102** The ICBF oversees all government child protection and welfare programs and also funds non-governmental programs that benefit children. Despite these legal protections and programs, government commitments to the protection of children's rights were not fully implemented. [2]

**6.103** Child abuse was a serious problem. The National Institute for Forensic Medicine reported 8,125 cases of child abuse during 2002. According to the Association Against Child Abuse, only 5 percent of child sex abuse cases were

reported. Based on figures from the Government's Institute for Legal Medicine, which reported 11,000 cases of child sexual abuse during 2002, the Association estimated that at least 220,000 children were sexually abused in that period. [2]

**6.104** According to UNICEF, an estimated 35,000 adolescents worked as prostitutes, in spite of legislation prohibiting sex with minors or the employment of minors for prostitution. Children were also trafficked for sexual exploitation. [2]

**6.105** In conflict zones, children often were caught in the crossfire between public security forces, paramilitaries, and guerrillas. Landmines and abandoned munitions killed and maimed scores of children. According to the Presidential Program for Human Rights, landmines injured at least 20 children during the year. On 9 June 2002, a 15-year-old boy was killed after stepping on a landmine outside the town of Cajibío, Cauca department. On 19 September 2002, three children in a lower class section of Bogotá were killed when the fragmentation grenade with which they were playing exploded. The grenade apparently had been discarded by members of a FARC urban militia that operated in the neighborhood. [2]

**6.106** Children suffered disproportionately from the internal conflict, often forfeiting opportunities to study as they were displaced by conflict and suffered psychological traumas. According to UNICEF, over 1 million children have been displaced from their homes over the past decade. The Human Rights Ombudsman's office estimated that only 15 percent of displaced children attended school. Displaced children were particularly vulnerable to mistreatment, sexual exploitation, and recruitment by criminals. [2]

**6.107** The United Nations High Commission for Refugees (UNHCR) expressed concerns about refugee children being recruited to fight in Colombia after receiving reports that armed groups were recruiting Colombian boys under 18 years of age in the border areas of Venezuela, Panama and Ecuador. They feared that with the intensification of the conflict, the recruitment of children by armed groups from Colombia could increase, which will result in serious consequences for the protection of all refugees and asylum seekers, particularly children. [15]

**6.108** Limited educational and economic opportunities and a desire for acceptance and camaraderie increased the appeal of service in armed groups. Nevertheless, many children found membership in guerrilla and paramilitary organisations difficult, and the MOD reported an increase in the number of minors deserting illegal armed groups. As of July 2002, at least 230 children had surrendered to state security forces during 2002. FARC child deserters reported that local guerrilla commanders threatened to kill their families should they desert or attempt to do so. During 2002 a reinsertion program for former child soldiers administered by the Colombian Family Welfare institute (ICBF) provided assistance to 332 children. Children were among the preferred kidnapping targets of guerrillas. The Free Country Foundation reported 384 kidnappings of children during 2002. [2]

**6.109** In 1997 the Government of Colombia criminalised recruitment of under-18s by 'rebel or self-defence groups', as well as training for that purpose. [15]

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## **Child Recruitment and Deployment**

**6.110** Before December 2000, some 16,000 under-18s had served in the Colombian

armed forces. On 20 December 1999, the Colombian Army discharged 618 under-18s from the government forces, and over 200 from other forces. Since Law 548 was adopted ( Law 548 - amending Law 418 prohibits the voluntary and compulsory recruitment of under-18s even in government forces) there have been no reports of government forces recruiting under-18s into the regular armed forces. However, reports have emerged of children being used for intelligence work. [15]

## **Overview of children in non-state armed groups and paramilitaries**

**6.111** According to the People's Ombudsman Office in 1999, 20 percent of all Colombian children are directly or indirectly affected by the armed conflict, some through recruitment by armed forces and groups. In 2000, UNICEF's Colombia office reported that 80% of new armed groups' fronts are made up of women and children. In rural areas, families caught in the cross-fire often are forced to offer their children to armed groups in order to survive. In many areas armed groups or paramilitaries take children as part or in lieu of taxes families must pay. [15]

**6.112** Paramilitaries and armed groups (including militias) are known to forcibly recruit under-18s. Most join paramilitary groups, which promise a wage. Many reports have emerged of girls in non-state armed groups and paramilitaries being frequently subjected to sexual abuse, often by middle-ranking officers, and to sexual slavery. [15]

## **Children in FARC**

**6.113** The FARC, established in the mid-1960s, is the largest armed group in the country. It has a long history of recruiting under-18s. In June 1999, the FARC pledged to the Special Representative of the UN Secretary-General for Children and Armed Conflict not to recruit children below the age of 15. In 2000, the FARC returned approximately 1,000 children to their families in the *despeje* zone. However, the Colombia Office of the UN High Commissioner for Human Rights continued to receive complaints of the FARC recruiting children younger than 15 during 2000 and 2001. In January 2000, eight FARC members estimated to be between the ages of 13 and 15 were killed during an attack. [15]

**6.114** One-third of FARC forces are believed to be female. Girls serve in combat roles alongside other roles. They are often subject to sexual abuse and sexual slavery in the FARC. [15]

**6.115** The ELN is the second largest armed group in Colombia. In October 1997, the ELN attempted to use a nine-year-old child to deliver a bomb to a polling station in Cúcuta. On 15 June 1998, the ELN signed the Mainz "Heaven's Gate" agreement in which it agreed not to recruit under-16s into its ranks. But reports of the ELN recruiting children under the age of 15 continued to emerge. [15]

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## **Children paramilitaries (AUC, AUSC and ACCU)**

**6.116** Human rights activists claim the paramilitaries are responsible for most of the human rights abuses committed in Colombia. Children serving in paramilitary groups have become implicated in some of these abuses. Various sources indicate that from 15 to 50 percent of paramilitary groups are comprised of children under the age of 18, some as young as eight. Paramilitary groups are reported to have resorted to

forced recruitment. [15]

## **Prevention and demobilisation programs**

**6.117** In 2000 the Colombian Institute for Family Welfare (ICBF) established a program to re-integrate escaped or captured child combatants. The programme involves NGOs and religious communities throughout the country. AFSC (*Comite Andino de Servicios*), the Colombian Program of Catholic Relief Services and the Diocese of Granada also established a joint program to prevent and protect children from recruitment in the demilitarised zones. The Colombian Coalition against the involvement of children in armed conflict is developing a prevention strategy in four regions affected by the armed conflict (Cauca, Putumayo, Barrancabermeja and Cundinamarca). [15]

**6.118** The Government of Colombia has ratified the Convention on the Rights of the Child which, prohibits recruitment and deployment of children under 15 years old into the armed forces. [15]

## **Child Employment**

**6.119** The Constitution prohibits the employment of children under the age of 14 in most jobs, and the Labour Code prohibits the granting of work permits to children under 18; however, child labour was a significant problem, particularly in the informal sector. According to the National Department of Statistics (DANE), nearly 15 percent of children were employed, over half of whom received no remuneration. DANE reported that only 1 percent of child workers received the minimum wage. [2]

**6.120** A 1989 decree established the Minors Code and prohibited the employment of children under age 12. It also required exceptional conditions and the express authorisation of the Labour Ministry to employ children between the ages of 12 and 17. Children under age 14 are prohibited from working, with the exception that those ages 12 and 13 may perform light work with the permission of their parents and appropriate labour authorities. Children ages 12 and 13 may work a maximum of 4 hours a day, children ages 14 and 15 may work a maximum of 6 hours a day, and children ages 16 and 17 may work a maximum of 8 hours a day. All child workers are prohibited from working at night, or performing work where there is a risk of bodily harm or exposure to excessive heat, cold, or noise. [2]

**6.121** The law prohibits forced or bonded labour by children; however, the Government does not have the resources to enforce this prohibition effectively. Although there were no known instances of forced child labour in the formal economy, several thousand children were forced to serve as paramilitary or guerrilla combatants, to work as prostitutes or as coca pickers. [2]

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## **Child care**

**6.122** The Colombian Institute of Family Welfare (ICBF) is responsible for child care in Colombia. They are a public establishment, with legal representation, administrative autonomy and autonomous resources and are affiliated to the Ministry of Health. The ICBF are committed to being the leading entity of the National Family Welfare System (SNBF), working jointly with public and private organisations with the active participation of communities. A number of Government organisations, NGOs, and social and

community organisations headed by the ICBF form the SNBF. For more information please see the website. <http://www.icbs.gov.co.ingles/home.asp> [34]

## **Homosexuals**

**6.123** Same sex relationships for both males and females is legal in Colombia. [24]

**6.124** Consensual homosexual activity was decriminalised in 1980 with amendments to the Criminal Code, and there is a single age of consent (14 years). The new Constitution enacted in 1991 prohibits the death penalty, forced disappearances, torture, and cruel, inhuman, and degrading treatment and "guarantees" equal protection of the law, the right to "personal and family intimacy", rights to free expression, assembly and association, and the right to "the free development of one's personality." [24]

**6.125** In September 1998, the Constitutional Court overturned a discriminatory 1979 law which stated that a teacher could be dismissed for revealing they are gay. [24]

**6.126** According to the Associated Press, there are no reliable figures of the homosexual population in this conservative and heavily Catholic nation, where homosexuality is generally kept hidden. [24]

**6.127** A 1999 verdict of a Civilian Court ordered the Colombian Social Security Institute to extend disability benefits to person with AIDS in a same-sex relationship. In November 1999, the 26<sup>th</sup> Branch of the Civilian Court of Bogota ruled that the Social Security Institute must pay for the required medical attention of the same sex partner of a man already receiving Social Security disability benefit, and also provide medicines to continue his treatment. The two Colombian men were in the same-sex relationship for five years. There were both living with HIV/AIDS and were receiving antiretroviral treatment. [23]

**6.128** Paramilitaries committed "social cleansing" killings of homosexuals and other "undesirable" elements. [2]

## **6.C Human Rights - Other Issues**

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### **Humanitarian situation**

**6.129** Colombia is characterised by some of the highest levels of social and political violence in the world. Since the 1960's, rebel groups have been battling the state in what they claim is a war to implement social, economic and political reforms. Today, the two largest guerrilla movements are the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN). In recent years a right-wing paramilitary group, the United Self-Defence Forces of Colombia (AUC) has challenged the guerrilla's influence, defending the interests of large landholders and powerful economic groups and competing for territorial control. [7]

**6.130** The M-19, the Quintín Lame Guerrilla Movement and other, smaller groups joined the Simon Bolivar Guerrilla Co-ordinating Group (CGSB), which transcended the country's borders to include the armed Tupac Amaru Revolutionary Movement (MRTA) group in Peru and incipient movements in Ecuador (Alfaro Vive Carajo and

the Montoneras Patria Libre). The CGSB's principles included national, anti-imperialist armed struggle, continuity of liberal thinking dating from the early 20<sup>th</sup> century, and Simón Bolívar's vision of a single South American nation with economic and political independence from the world's major powers, especially the United States. It also favored shared power and rejected unilateral leadership by a single social group. [7]

**6.131** In 1994, the FARC, which had developed greater military capacity, decided to pull out of the CGSB and pursue its own political goals. In the following years, each of the guerrilla movements went its own way, although they continued to espouse the same objective: taking power and building a socialist society. Although the guerrilla groups have not taken up arms against each other in recent years, the CGSB has grown politically fragmented. [7]

**6.132** Many of the most dramatic human rights violations in Colombia involve massacres, forced disappearances and displacement of people who must flee their homes because of threats or violence. [7]

**6.133** Caught up in a 40-year long and escalating internal armed conflict, Colombia is also witnessing a humanitarian crisis of growing dimensions, according to the International Crisis Group's Report on Colombia's Humanitarian Crisis. Dated 9 July 2003. The majority of casualties and victims are civilians. Hundreds are forced to flee their homes every year because of the fighting, killings and bombings committed by the paramilitary squads, the FARC and the ELN. [6]

**6.134** Of Colombia's 32 Departments, 30 are affected by landmines, an estimated 100,000 of which have been laid by the insurgents and the paramilitaries, indiscriminately killing and maiming soldiers and civilians alike. The increasing employment of anti-personnel mines by the irregular armed groups, in particular the FARC and the ELN is part of the worsening of the conflict. According to the Mine Observatory of the vice president's office, during the first ten months of 2001, 243 mine incidents/accidents in 140 municipalities killed or maimed 162 persons. [6]

**6.135** The Government is concentrating on internal security, political reform, economic revival and the fight against poverty and unemployment. The Plan for National Development 2003-2006, which was submitted to Parliament in February 2003, and has since been approved, contemplates a broad spectrum of measures to be implemented in the areas of increasing the military and police. Although humanitarian emergency programs and social policies do not figure among its priorities, they are not left out, which reflects the Government's awareness of their importance. [6]

**6.136** Both the AUC and the FARC claimed to operate clandestine political movements: the AUC's National and Democratic Movement, launched in September 2001, and the FARC's Bolivarian Movement for a New Colombia, announced in April 2000. The status of these movements was uncertain, although their influence appeared minimal. [2]

**6.138** In municipalities that lacked a state security presence and in poor urban neighbourhoods both guerrillas and paramilitaries sought to impose control and garner political support using measures along a spectrum from social cleansing killings to donations of labour and material for community projects. [2]

**6.139** Paramilitary groups continued to spread and consolidate their presence throughout the country particularly in areas of heavy military presence. Paramilitaries reportedly operating with the security forces were responsible for the vast number of "disappearances" and killings of civilians. [16]

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**6.140** The Catholic Church in Colombia has made peace, justice and defence of life its pastoral priorities, and the country's bishops have offered various proposals for a negotiated solution to the decades-old armed conflict. The Conference of Bishops has helped bring together opposing parties, keeping open the possibility of dialogue, despite the fragility of the process and the unwillingness of the groups involved to give ground in the search for a peaceful solution. However, the church's defence of human rights places priests, religious and lay pastoral workers at risk of being killed. [7]

**6.141** Peace talks initiated in 1999 between the government and the FARC collapsed on 20 February 2002. Attempts to initiate negotiations between the Government and the ELN had stalled by the end of 2002. The armed conflict between the security forces together with the paramilitary groups, and the guerrilla groups, intensified following the breakdown in peace talks with the FARC. [9b]

**6.142** The Diocese of Quibdo has taken a strong stand on the armed conflict, speaking out against violence, naming those responsible for atrocities and demanding that the rights, especially territorial rights, of indigenous and Afro-Colombian communities be respected. One priest and two lay persons paid for those convictions with their lives. [7]

**6.143** According to the Colombian Commission of Jurists, there were 161 massacres (the killing of three or more people at the same time and place) in the first nine months of 2001. Most were committed by right-wing paramilitaries. The average number of people killed in political violence increased from 20 a day in 2000 to 38 a day in 2001, according to the Centre for Research and Popular Education (CINEP - a Jesuit think tank in Bogota). [7]

**6.144** A few Government agencies, including the human rights unit of the national Prosecutor's Office, the Interior Ministry and the National Police, set up protection programs that include protective equipment and sometimes bodyguards for people who have been threatened. However, critics have said that these measures did not offer adequate protection and that Government forces were slow to respond to threats. [7]

**6.145** As part of the Government drive to intensify its campaign against rebel groups a scheme was launched at the end of 2002. It involves the recruiting of more than 10,000 peasants into the Colombian army. The new recruits will patrol remote areas of the country to reinforce security and public order. As well as providing a fighting force, the government hopes to create a network of peasant informers who will supply the army with intelligence information. However, human rights groups criticised the scheme saying that the peasants might commit abuses and become targets for the guerrillas. [29c]

**6.146** In June 2003, President Uribe unveiled plans to end the civil war, which includes measures to combat the drugs trade, which fuels the conflict. The drug crop in Colombia is one of the main sources of revenue for the illegal armies. The Defence Minister said he wanted to end the war, not to just diminish its intensity. The key point of the new peace plan is the establishment of police forces in all parts of the country. [29d]

**6.147** Uribe has made the persuasion of combatants to desert a key strategy in his bid to tame the violence. To encourage them to surrender Uribe is broadcasting radio messages and air-dropping leaflets into territory controlled by the terrorists. While officials claim they are targeting both sides, more than 80 percent of those who have already surrendered since Uribe took office in 2002 were members of the FARC and the ELN. **[31d]** 2000 members if the illegal armed groups have turned themselves in under the reinsertion programme since Uribe came into power (as of 30 August 2003). Of this figure, 1,027 were from FARC, 377 were from ELN, 321 from paramilitary groups and 95 from dissident organisations. **[28e]**

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**6.148** The AUC, FARC and ELN are on the United States' list of terrorist organisations. **[26]**

**6.149** The guerrilla and right-wing paramilitaries continued their activities throughout August 2003; on the night of 3 August and 4 August 2003, a car bomb exploded in the main plaza of a town in a rural mountainous area, wounding nine people - eight civilians and one policemen. An army General said that the FARC was blamed for the attack. **[63]** Unidentified gunmen killed a rural Colombian mayor shooting him in the head. Police said that the killing appeared to be the work of professional killers, but did not rule out the AUC, FARC or the ELN. **[64]**

**6.150** Five people were killed - three adults and two children - and there injured when a car bomb explosion in north-eastern Colombia. A Colombian army patrol was passing by when a bomb exploded in the town of Saravena, Arauca State. Arauca State is one of the major war zones where rebels and paramilitary forces have been fighting each other over oil resources. **[66]**

**6.151** On 17 August 2003 suspected rebels opened fire with machine guns as President Uribe flew into north-west Colombia. The President's helicopter immediately flew out of the village of Granada in Antioquia province. No one was hurt in the attack which came from nearby mountains. **[29h]**

### **Persons Targeted by Guerrilla and Paramilitary Organisations**

**6.152** Luis Guillermo Perez, a lawyer with the Jose Alvear Resreppo Lawyers Collective - a Bogota-based human rights organisation - brought court cases against high-level officials, military officers and paramilitaries accused of human rights violations. However, Perez's name appears on lists of people sentenced to death by paramilitaries. **[7]**

**6.153** Colombia has also become one of the most dangerous places in the world for journalists, with 60 murdered since 1997 and many others threatened. Some have received Government protection while others have left the country. **[7]**

**6.154** Politically moderate university professors and students are increasingly being targeted by both left and the right, according to human rights monitors. **[7]**

**6.155** Labour Union representatives are also key targets, especially for paramilitaries. In 2001, 147 union leaders or members were murdered, according to the United Workers Central (CUT), which represents the majority of Colombian workers. **[7]**

**6.156** According to the Office of the UN High Commissioner for Human Rights

(OHCHR), the unions most affected were those representing education, health and local government workers. Among the regions most affected by attacks on labour leaders and activists were the Departments of Valle del Cauca, Antioquia, Cesar and Santander. [7]

**6.157** Indigenous leaders were also targeted. The National Indigenous Organisation of Colombia (ONIC) reported that an average of four indigenous leaders is killed each month. [7]

**6.158** Human Rights workers and NGOs are also targets. Since 1999 an average of one human rights worker has been killed every month. Constant death threats and murders have led many community human rights committees to disband, especially in districts where armed groups operate. [7]

**6.159** Priests and religious lay pastoral workers who defend human rights are at risk of being killed. [7]

**6.160** The FARC committed aggressions against threatened mayors' families. In July 2002, the FARC killed Omar Castano, the son of Jose Leonel Castano, mayor of the town of Vista Hermosa, Meta department, formerly part of the FARC despeje. Omar Castano had been kidnapped on 28 June 2002. His body was not returned. The FARC kidnapped several mayors' children to pressure the mayors into resigning. On 17 July 2002, members of the FARC kidnapped the 3-year-old daughter of Libardo Herazo, mayor of Colon, Putumayo department. The girl and her nanny were released on 31 July 2002 after Herazo publicly announced his resignation. [2]

**6.161** The AUC initially threatened to retaliate against mayors who resigned in the face of FARC intimidation, but stepped back from this policy in June 2002 as announced in a letter to the Colombian Federation of Municipalities. [2]

**6.162** The FARC kidnapped politicians in an attempt to force the Government into a prisoner exchange. On 23 February 2002, the FARC kidnapped independent presidential candidate Ingrid Betancourt. Three days earlier, the FARC had kidnapped Senator Jorge Eduardo Gechem. Chairman of the Senate Peace Commission, during an airplane hijacking. The FARC continued to hold captive an additional four members of Congress. [2]

**6.163** Travellers on highways are regularly abducted or have their vehicles seized or burned. Trucks transporting international food aid are stopped by the irregular armed groups, and medical missions are not allowed access to the displaced and highly vulnerable civilian population. [6]

**6.164** Witnesses to alleged crimes remained extremely vulnerable and Government programs to protect them remained dramatically under-funded and poorly managed. [5]

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## **FARC**

**6.165** The FARC is Colombia's largest guerrilla group. They were founded as political-military organisation in 1964. They originated in rural areas and were rooted in Marxist ideology and made agrarian reform one of their main objectives, along with the abandonment of the neoliberal economic policies implemented by Colombian administration beginning in the 1980's, rejection of the external debt and construction of

a more equitable state. In the 1980's, the FARC's military capacity limited the group to a guerrilla strategy of strikes against military or economic targets and immediate retreat. [7]

**6.166** They mainly control territory in southwestern Colombia, where major navigable rivers and untapped petroleum reserves are located, and where there is intensive livestock raising and production of coca, cocaine paste and refined cocaine. To demonstrate their willingness to enter the political arena, in April 2000 the FARC launched the Bolivarian Movement for the New Colombia, which they said offered an alternative to the country's traditional parties. The movement remains clandestine, so its members will not suffer the same fate as those of the leftist Patriotic Union (UP), which was formed in 1985. The FARC's political wing participated in the UP, which virtually disappeared toward the end of 1992, after more than 3,000 of its members were assassinated by right-wing paramilitaries or death squads. [7]

**6.167** The Government of Uribe has taken the offensive against the FARC who now control 40 percent of the country, but they refuse to be cowed and fight back. In June 2003, guerrillas ambushed a military patrol, killing 13 troops and wounding another eight in the northern province of Bolivar. This province is one of the zones designated by the Government for reconquest from the warring factions. Great progress has been made in security in the violence-wracked area, but the guerrillas refuse to back down. [29b]

**6.168** On 24 June 2003, eleven Colombian marines were killed and eight wounded when the guerrillas blew up their vehicle by remote control on a remote northern highway. Soldiers fired back and killed three rebel attackers. This was one of the biggest blows for months against Colombia's armed forces which is strengthened by hundreds of millions of US aid every year. [32b]

**6.169** On 14 July 2003, the FARC denied reports that they were losing Latin America's oldest guerrilla war to US-backed forces and said that Government hawks were lying about battlefield victories to quell calls for dialogue. The FARC said that 4,000 fighters had not fallen from rebel ranks since Uribe took power in August 2002 as claimed by the Government. The FARC claim that the Government were making official reports about the supposed death of 1,000 guerrillas, the capture of 2,000 and the desertion of another 1,000 fighters in the first year of the administration. This statement came just two weeks after the head of Colombia's armed forces, General Mora, said that a negotiated settlement to the conflict was unnecessary, and that the rebels could be defeated on the battlefield. [32c]

**6.170** The previous Government had called off talks with FARC early in 2002 and President Uribe has refused to start negotiations until the FARC declare a unilateral cease-fire. The rebels reiterated demands for the Government to first remove its troops from part of the countryside to provide a safe place to hold talks. [32c]

**6.171** The FARC continued their fight in July 2003 and August 2003. In July the rebels kidnapped 15 people and then killed six policemen and a soldier who tried to rescue them. The civilians were kidnapped at a roadblock in Caldas province. The military freed the civilians but they failed to capture or kill any of the rebels. [32d] In August 2003, a truck bomb exploded in central Colombia wounding about 20 people. The blast occurred near a petrol station in the town of San Martin. At least six people were killed in two previous car bomb attacks. [29a]

**6.172** In July 2003, the FARC asked for a meeting with the Secretary General of the United Nations, Kofi Annan, to express its view of the conflict in Colombia. The rebels said that they would be represented by one of their leaders, Raul Reyes, who was also the spokesman in the recent failed talks. The request comes several days after Mr Annan appealed to the FARC to free all its hostages. A UN spokesman said Mr Annan had regarded the request for a meeting as a positive sign. **[29e]**

**6.173** On 24 August 2003, a bomb exploded on a crowded river boat killing at least six people and wounded another 38. The boat was carrying about 56 passengers was pulling up to the river port of Puerto Rico, about 100 miles from Bogota. Military authorities blamed the attack on FARC. **[32h]**

**6.174** According to an article issued by the BBC on 25 August 2003, the FARC and the ELN issued a joint statement on the internet saying that they had ruled out peace negotiations with the President. The statement follows a meeting between the two leaders of the guerrilla groups. Sources say that a union between the two groups would make them more dangerous than ever. **[29i]**

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## **ELN**

**6.175** Born in 1964 and inspired by the success of the Cuban Revolution, the National Liberation Army (ELN) calls itself a political-military insurgent group. It operates mainly in the northeastern part of the country and the Orinoco River basin, an area where petroleum, cotton, coffee, coca and opium poppies are produced. With 4,500 members, the group's military capacity has diminished since the 1998 death of its emblematic commander, Manuel Pérez, but the ELN remains the country's second-largest guerrilla force. It claims that it aims to build a new country with a social order based on economic justice, without exclusion or discrimination, where the nation's wealth is based on development and the welfare of all. **[7]**

**6.176** The group's economic plans are "based on the country's interests, not those of the United States and multinational corporations." Its agrarian reform scheme would distribute to campesinos (peasant farmers) property that is now in the hands of drug traffickers and large landowners. The document also calls for "autonomous, sovereign handling" of the drug problem. The ELN has proposed holding a national dialogue that would include civil society organisations, churches, the government, the military and the country's armed groups. **[7]**

**6.177** In July 1998, at the Heaven's Door Monastery in Mainz, Germany, the ELN convened an initial meeting with representatives of civil society groups. The meeting resulted in some basic accords, mainly regarding kidnapping and compliance with international humanitarian law. The main achievement in Mainz, however, was the establishment of contact between civil-society representatives and the guerrillas, which paved the way for future talks. **[7]**

**6.178** In a show of force, the ELN frequently attacks petroleum and electricity infrastructure. The Cano Limon-Covenas oil pipeline, which transports 105,000 barrels a day, suffered more than 170 attacks by the ELN and FARC in 2001. Between 1986, when it went into operation, and 1997, the ELN dynamited the pipeline more than 600 times, costing Ecopetrol, the state-run oil company, about \$1.5 billion. Like the FARC, the ELN gets much of its money from extortion and kidnapping for ransom.

According to Adolfo Bula, who left the ELN in 1991 to found the Socialist Renovation Current, the guerrilla group's economic success "has overridden or distorted its ideology." [7]

**6.179** The ELN continues to push for a national convention, saying the event could be held outside Colombia. The proposed agenda includes human rights, justice, impunity, international humanitarian law, insurgency and conflict, natural resources and energy policy, democracy, government, the military, corruption, the economy and social problems. It would be aimed, the ELN has said, at a complete overhaul of government "on the basis of democracy and the redistribution of resources." [7]

**6.180** In August 2003, a Bogota based newspaper reported that the authorities had dismantled a gang of 17 ELN members that were perpetrating kidnappings and extortions in the San Gil, Socorro, Zapatoca and Yariquies region of Santander Department. The police commander in charge of the operation said that it was the biggest band of ELN kidnappers. The gang used car washes and petrol stations as their front operations, and their main victims were truck drivers, captured by taking advantage of the lack of surveillance on highways. [28b]

**6.181** On 19 August 2003 combat took place in the Ciénaga de San Lorenzo, Cantagallo Municipality (Bolívar Department), between the ELN and an army unit. The army managed to escape an ambush prepared by the ELN in Cagui. There were no arrests. The guerrillas abandoned a truck, some ammunition, and a large supply of pre-cursors. The army destroyed a clandestine drug laboratory. The army found 2,750 gallons of fuel, 750 kg of urea, 650 kg of caustic soda, 10 gallons of sulphuric acid and 2 scales. [28c]

**6.182** On 12 September 2003, eight backpackers were abducted by gunmen from the Lost City archaeological ruins in the Sierra Nevada Mountains. The FARC were initially blamed for the kidnappings but they denied involvement. However, on 29 September 2003, in a statement the ELN claimed responsibility for the abduction. The statement did not make any demands but said that the hostages were taken in an operation they dubbed "Allende Lives", timed to mark 30<sup>th</sup> Anniversary of the coup on Chile that overthrew the government of President Salvador Allende, a marxist. [32]

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## AUC

**6.183** Paramilitary forces operate in 25 per-cent of Colombia, mainly along the Venezuelan border and in the central Magdalena River basin, although since late 2000 they also have pushed into the southern department of Putumayo to challenge control by the Revolutionary Armed Forces of Colombia (FARC). Grouped under the umbrella of the United Self-Defence Forces of Colombia (AUC), which for years was officially headed by Carlos Castano, the group's objective is military combat against armed insurgents. [7]

**6.184** In 1968, the Colombian government passed Law 48, which gave the armed forces the power to organise and arm civilian groups, known as self-defense units, to aid in the fight against organised crime and armed insurgents. The army later went further, helping to set up paramilitary forces. These groups often struck at campesinos in an attempt to cut off the guerrillas' base of support. Many large landowners accumulated more property when campesinos were killed or fled their

homes. In 1994, Law 356 allowed the formation of civilian self-defense groups called Rural Security Cooperatives, which were better known by the name Convivir. [7]

**6.185** Although the military helped to start many paramilitary organisations, it has been unable to control them. In the late 1980s, drug traffickers also used paramilitary groups in attacks against campesinos whom they accused of supporting guerrillas, as well as against government officials, politicians and judges who supported extradition of drug traffickers to the United States. [7]

**6.186** In May 1989, the Supreme Court declared Law 48 unconstitutional on the grounds that most victims of the paramilitaries were not guerrillas, but “peaceful Colombians.” In June 1989, the then President approved Decree 1194, which made it illegal for civilians or members of the armed forces to create, aid or participate in “self-defence” groups. The decree, however, had little effect on paramilitary activities. Personal revenge is at the root of Castano’s war against the guerrillas. In the late 1970s, the FARC abducted his father, a dairy farmer from the department of Antioquia. When the family was able to raise only half of the US\$25,000 ransom the kidnappers killed their victim. Guerrillas have also killed five of Castano’s 11 siblings. Castano claims that the person responsible for his father’s death was captured and turned over to police, but released within three days. Castano claimed that the judicial system did not respond. [7]

**6.187** By 1988, Castano and his brother, Fidel, had become nationally known for their paramilitary organisation, the Campesino Self-Defense Forces of Córdoba and Urabá (ACCU). In April 1997, the group became the AUC, under Carlos Castano’s command. The AUC include most of the country’s paramilitary groups. In mid-2001, Castano announced that he was stepping down as military commander. Castano claims that the AUC have 11,200 fighters, twice the number estimated by the government. Besides taking on the country’s armed insurgent groups, AUC leaders say they challenge the government “to fulfill its constitutional duty to protect the life, honor and property of Colombians.” The group says it takes action because of the government’s failure to act. [7]

**6.188** The AUC have declared themselves enemies of drug trafficking, which they call the greatest source of violence in the country, and accuse the FARC of being “the world’s biggest drug-trafficking organisation.” Nevertheless, AUC forces are financed with protection money and income from 30,000 hectares of coca crops in the department of Norte de Santander. They also charge a “tax” on cocaine paste and the transportation of drugs in the areas under their control. The AUC claim that 80 percent of their money comes from donations from ranchers, landowners and merchants. They say the money comes from supporters who would be prosecuted if they contributed openly. [7]

**6.189** According to the Colombian Commission of Jurists (CCJ), paramilitaries have been responsible for more than 75 percent of the human rights violations committed in the country since 1997, with the tacit approval or active support of government forces. In early January 2002, the Attorney General’s Office filed charges against 26 military officers with alleged ties to paramilitaries. The alleged links between branches of the Colombian army and the paramilitaries have a long history. [7]

**6.190** On 18 January 2003, in Paya in the border region of Darien (border with Panama) a member of the AUC, Victor Alcazar and 100 members of the AUC killed the

Kuna community leader, assistant chief and another local authority after greeting them. Alcazar emerged from the jungle and saw the indigenous men and identified them as targets. According to some versions the paramilitaries were retaliating against the indigenous leaders because they had allowed members of the FARC to camp in the area. [31c]

**6.191** Paramilitaries subjected human rights groups to intense pressure in the form of obvious surveillance, harassing telephone calls, graffiti campaigns, and death threats. The AUC repeatedly and explicitly threatened the Committee in Solidarity with Political Prisoners (CSPP). According to the Colombian Commission of Jurists (CCJ), 17 human rights advocates were killed during 2002, although only two such deaths could be definitively attributed to paramilitaries. [2]

**6.192** On 21 June 2003 the Colombian army said that it had captured a paramilitary commander who is accused of killing 450 people - bringing to close a six-month manhunt. Soldiers captured Bolmar Sepulveda at a military checkpoint in the river port of Barrancabermeja according to an army statement. [32f] The port used to be controlled by left-wing guerrillas until the paramilitary took over, killing those it suspected of being leftists. [29g]

**6.193** In July 2003, the Colombian Government and the AUC agreed to hold formal talks aimed at disarming about 10,000 gunmen. In a joint statement the Government and the AUC said that all of the group's fighters would start disarming at the end of 2003, in a process expected to last until the end 2005. This agreement with the AUC marks the first time the Government has said it would negotiate with the group. The peace process does not include all paramilitary groups in the country. [29f] The President transferred the seat of Government to a rebel war zone to show broadening federal control. The three day move from the capital to an army base in Arauca on the border with Venezuela demonstrates "solidarity of the nation" with its people, President Uribe declared as he left Bogota. The AUC had promised to start demobilising its forces. [30d]

**6.194** Colombia's peace commissioner announced on 18 July 2003 that they had endorsed a plan not to send paramilitaries to jail for their insurgency violence if they followed through on promises to disarm. He went on to say that those who committed crimes against humanity would be punished but not by being put into jail. The New York based Human Rights Watch said this was unacceptable and claimed "it is the definition of impunity". [30c]

**6.195** In an interview on 21 July, Castano urged all Colombians to forgive each other to end the civil war. According to the Associated Press Castano fell short of an apology but accepted that there were "regrettable excesses" in his group's fight against the guerrillas. [30b] Castano admitted that his forces pillaged, committed massacres, extorted money and dealt in drugs. Castano claimed that the AUC had prevented the guerrillas from taking over the nation. [32e]

**6.196** At the beginning of August 2003, Salvatore Mancuso, the military chief of the AUC made his first ever television appearance saying that he wants to meet with US officials about drug-trafficking charges against him and another militia leader. Mancuso asked the US State Department to send a commission to Colombia for talks to "clear up the cases" against the paramilitary commanders. However, a US Embassy spokesman dismissed the request noting that the US Undersecretary of State Marc Grossman,

during his visit to Bogota the previous week, said the US had no intention of dropping extradition requests for the indicted AUC leaders. [30e]

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## Human rights monitoring

**6.197** Under the new Government, human rights activists were killed, "disappeared", detained, threatened and harassed. [9b]

**6.198** A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases; however, many prominent human rights monitors worked under constant fear for their physical safety. Government officials were generally co-operative and responsive to their views; however, lingering suspicions on both sides sometimes made co-operation difficult. Over 60,000 human rights and civil society non-Governmental Organisations (NGOs) were registered in the country. Most existed only on paper. Approximately 1,000 small to medium-sized NGOs were members of the Colombian Federation of NGOs. [2]

**6.199** The Truth for Colombia ("Verdad Colombia") group was a relatively new association of small, right wing human rights NGOs. The most significant domestic human rights NGOs included: the Colombian Commission of Jurists (CCJ) and Lawyers' Collective Jose Alvear Restrepo, both of which focused on defending human rights through legal analysis and case work; the Jesuit-founded Centre for Popular Research and Education (CINEP), which managed the country's largest and most influential database of human rights violations. [2]

**6.200** The Permanent Committee for the Defence of Human Rights (CPDDH), provided support and assistance to victims of human rights violations and worked to organise civil society to defend human rights and promote a peaceful resolution to the country's armed conflict; the Committee in Solidarity with Political Prisoners (CSPP), which focused on the rights and treatment of persons detained for politically motivated crimes, particularly left-wing subversion; the Association of Families of Detained and Disappeared Persons (ASFADDES), the country's leading voice in demanding justice for the disappeared, many of whom were active in the legitimate left-wing Patriotic Union (UP) political party. [2]

**6.201** The Consultancy for Human Rights and Displacement (CODHES) advocated policies designed to prevent displacement and defended the rights of the displaced; the Association for Alternative Social Promotion (MINGA), sought to promote respect for human rights through education, research, lobbying, and legal assistance (MINGA received the French Republic's Liberty, Equality, Fraternity Prize for Human Rights in 2002); the Peace Network (Redepaz), a civil society organisation dedicated to the promotion of peace at the national, regional, and local level; and the Free Country Foundation, provided psychological, legal, and public relations assistance to kidnap victims and their families and lobbied the Government for better anti-kidnapping efforts. [2]

**6.202** Official or unofficial restrictions on movement meant that human rights defenders were not always able to gain access to areas where human rights violations were reported to have taken place. [9b]

**6.203** On 23 October 2003, President Uribe sent various foreign ambassadors a

letter in which he promised to guarantee the rights of NGOs to work in the country and argued that his policy to retake the national territory would ensure freedom of speech and human rights in the long term. He stressed that the active participation of civilians was necessary to re-establish public order. Uribe said the judicial powers decreed in the State of Internal Disturbance were needed to tackle impunity and were legitimate, having been upheld by the Constitutional Court. He said he had stressed to the armed forces that they must respect human rights and operate within the norms of international treaties. [2]

**6.204** Although the Government generally did not interfere with the work of domestic human rights NGOs, there were unconfirmed reports that government security forces harassed or threatened human rights workers, particularly in highly conflictive areas. Vice President Francisco Santos, whose office directs the Presidential Program for the Protection of Human Rights, told the press that NGOs would not be harassed. Prominent local NGOs made an effort to be fair and objective in their analysis of a serious and complex human rights situation. However, their coverage of human rights abuses tended to focus on the Government and right-wing paramilitaries, rather than leftist guerrillas. [2]

**6.205** Local human rights NGOs had an influence that far exceeded their membership or resources. By sharing information among themselves and disseminating it to international human rights organisations and the media they raised the country's human rights profile and contributed to significant levels of international attention. They were also effective at changing laws and policies through lawsuits. Representatives of a wide variety of government agencies found it useful or politically necessary to meet with local human rights groups and study their proposals. [2]

**6.206** The Government occasionally filed criminal charges against human rights advocates, generally for subversive activities. [2]

**6.207** Under the authority granted by the President's declaration of a State of Internal Disturbance, law enforcement authorities searched the offices of a number of NGOs. Most searches focused on the headquarters of small, local NGOs; however, on 25 October 2003, police raided and searched the Bogota office of the Permanent Assembly for Peace, a large, well-regarded NGO umbrella organisation. Justifying the search by reference to emergency powers granted under the State of Internal Disturbance, police officials failed to secure a prosecutor's written approval before entering the building. The raid, which was widely condemned in the country and abroad, uncovered no evidence of illegal activity. [2]

**6.208** The Government, through the Ministry of the Interior and the DAS, allocated approximately \$11.4 million (28.5 billion pesos) to its program for the protection of human rights and labour activists associated with 88 different human rights NGOs and unions. As of 30 August 2003, the Ministry, bolstered by a budget increase of 690 percent over 2000, had provided protection measures to 890 human rights activists and bullet-proofed 54 NGO offices and residences. Nevertheless, legitimate requests for protection far outpaced the increase in the protection program's budget. [2]

**6.209** The larger international NGOs, such as AI, HRW, and the Washington Office on Latin America (WOLA), devoted equal attention to government forces, guerrillas,

and paramilitaries; however, they held the Government to a higher standard and criticised it not only for direct violations of human rights, but also for its failure to completely sever links between the military and paramilitaries and prevent high levels of political violence. **[2]**

**6.210** The Government deported several representatives of smaller international human rights groups for violations of immigration law. **[2]**

**6.211** The Government co-operated with international governmental organisations. The UNHCR, the International Organisation for Migration (IOM), the International Labour Organisation (ILO), the United Nations High Commission for Human Rights (UNHCHR), and the ICRC had an active presence in the country and were allowed to carry out their work without government interference. **[2]**

**6.212** The UN High Commission for Human Rights (UNHCHR) Bogota office opened at Government invitation in 1997; it has since added field offices in Cali and Medellin. The office monitored and analysed the national human rights situation and provided advice and assistance on human rights protection. President Uribe extended UNHCHR's mandate in the country through the end of his administration in 2006. **[2]**

**6.213** Human rights activists from all sectors of society were targeted by both the guerrillas and the paramilitaries. **[9b]**

**6.214** According to the Human Rights Watch report 2003, covering events in 2002, there is a new and disturbing development whereby church leaders who spoke out in favour of peace and human rights or protested abuses were being targeted by both sides, often during mass or prayer service. **[10]**

**6.215** According to the same report there were continuing indicators that military intelligence, which keeps the names of human rights defenders on file, viewed human rights work as evidence of guerrilla sympathisers. The Government had invested more than they had done in past years on protection measures. **[10]**

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# Annexes

## Annex A Chronology of Events

**1525** First permanent Spanish settlement at Santa Marta by Rodrigo de Bastidas

**1810** Colombia declares its independence from Spanish rule

**1819** Republic of Gran Colombia (embracing the present republics of Venezuela, Colombia, Panama and Ecuador) is proclaimed following successful campaign waged by Simon Bolivar in the early 1800s.

**1829** Venezuela breaks away from the Republic

**1830** Ecuador breaks away from the Republic and the Republic dissolves, with its member states, except Panama, becoming independent nations. Remaining provinces are named Nueva (New) Granada.

**1836** Nueva Granada restores its name to Colombia Much of the 19th Century was characterised by political instability and violent struggle between Liberal and Conservative Parties, culminating in the War of the Thousand Days (1899-1902).

**1903** Panama, with US assistance, breaks away from Colombia

**1903** to mid-1940s Colombia enjoys relative tranquility, including implementation of 'New Deal' type reforms under President Adolfo Lopez Pumarejo (1934-38)

**1946** Conservatives return to power

**1948** Assassination of popular Liberal leader, Jorge Eliecer Gaitan, provokes serious rioting in Bogotá. Several thousand are killed.

**1948-58** Conflict between Liberal and Conservative Party supporters spreads to rural areas. As many as 200,000 are killed during this period, known as 'La Violencia'.

**1957** Colombia's only military dictator during the 20th Century, General Rojas Pinilla, is ousted after four years in power

**1958** Liberal and Conservative parties agree power-sharing arrangement (National Front) which formally runs until 1974

### Recent History

**Mid-1960s** Colombia's two main guerrilla groups, the Revolutionary Armed Forces of Colombia (FARC) and National Liberation Army (ELN), are established

**1974** M-19 guerrilla group is formed

**1978** Cesar Turbay (Liberal) elected President. He conducts tough counter-insurgency campaign

**1980s** Medellin and Cali drug cartels consolidate their control of the drugs trade. Paramilitary groups emerge as a significant force.

**1982** Belisario Betancur (Conservative) becomes President. Takes first serious steps towards a negotiated settlement of guerrilla conflicts.

**1984** Campaign against drug trafficking stepped up following the assassination of justice minister.

**1985** FARC establishes political party, Patriotic Union (UP), but paramilitary death squads kill many hundreds of its members over the next decade. M-19 takes over Palace of Justice in Bogota; army recaptures building, but over 100 are killed including 11 senior judges.

**1986** The Liberals win presidential elections by record margin.

**1986** Right-wing paramilitary groups begin murder campaign against UP politicians, amid continuing violence by left-wing groups and death squads run by drugs cartels.

**1989-90** Big increase in drug-related violence. Medellin Cartel, opposed to

extradition, assassinates Luis Carlos Galan, favourite to win Liberal Party presidential nomination in 1990 and kills 200 policemen in Medellin. President Barco (1986-90) appeals to international community for support in his struggle against narco-traffickers.

**1990** After long and difficult negotiations, M-19 guerrillas demobilise and establish a democratic political movement

**1991** Constituent Assembly (with former-guerrillas well represented) drafts new constitution.

**1991** New Constitution legalises divorce, prohibits the extradition of Colombians wanted for trial in other countries and guarantees indigenous peoples' democratic rights, but without addressing their territorial claims.

**1991-92** Various rounds of peace talks between government of President Gaviria (1990-94) and FARC and ELN guerrillas fail to make headway

**1993** Pablo Escobar, infamous head of Medellin drug cartel, killed by police in Medellin

**1994-1998** Administration of President Samper (Liberal) dogged by drug-related corruption scandals. But progress is made in dismantling Cali-drug cartel. FARC and ELN guerrillas show little interest in negotiating with Samper government.

**1998** Andres Pastrana (Conservative, but standing as an independent) wins Presidential elections

**1998** Pastrana grants FARC a safe haven the size of Switzerland in the south-east to help move peace talks along. The zone is off-limits to the army.

**1999** Peace talks formally launched but proceed in a stop-start fashion. Pastrana and FARC leader Marulanda meet.

**2001** The FARC return to peace talks after a meeting between Pastrana and Marulanda.

**2001** FARC rebels free 359 police and troops in exchange for 14 captured rebels. FARC accused of using safe haven to re-arm, prepare attacks and conduct drug trade.

**2002** President Pastrana breaks off three-year old peace talks with FARC, and terminates their demilitarised zone. Peace talks with ELN break down and attempts to restart them stall.

**2002** Alvaro Uribe (dissident Liberal, standing for independent Primero Colombia Movement) wins Presidential elections. Inaugurated 7 August.

**2003** US special forces deploy in eastern province of Arauca - USA's first direct involvement in the civil war. US forces aim to train Colombian troops and protect key oil pipeline.

**2003** Guerrillas execute Antioquia state governor Guillermo Gaviria and nine other hostages after a failed rescue attempt.

[10][18]

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## Annex B (i)

### Political Organisations

**Alianza Democratica-M-19 (AD-M-19):** f. 1990; alliance of centre-left groups (including factions of Union Patriótica, Colombia Unida, Frente Popular and Socialismo Democrático) which supported the M-19 campaign for elections to the National Constituent Assembly in December 1990; Leader DIEGO MONTANA CUELLAR.

**Alianza Nacional Popular (ANAPO):** f. 1971 by supporters of Gen. Gustavo Rojas Pinilla; populist party; Leader MARIA EuGENIA ROJAS DE MORENO DIAZ.

**Democracia Cristiana:** f. 1964; Christian Democrat party; 10,000 members; President: JUAN A. POLO FIGUEROA; Sec.-Gen. DIEGO ARANGO OSORIO.

**Frente Social y Politico:** f. 2001; left-wing; Presidential Candidate LUIS EDUARDO GARZON.

**Frente por la Unidad del Pueblo (FUP):** extreme left-wing front comprising socialists and Maoists.

**Movimiento 19 de Abril (M.19):** f.1970 by followers of Gen. Gustavo Rojas Pinilla and dissident factions from the FARC (see below); left-wing urban guerrilla group, until formally constituted as a political party in Oct. 1989; Leaders ANTONIO NAVARRO WOLFF, OTTY PATINO.

**Movimiento Colombia Unida (CU):** left- wing group allied to the UP; Leader ADALBERTO CARVAJAL.

**Movimiento Nacional Conservador (MNC):** Sec.- Gen. JUAN PABLO CEPERA MARQUEZ.

**Movimiento Nacional Progresista (MNP):** Sec.-Gen. EDUARDO AISAMAK LEON BELTRAN.

**Movimiento Obrero Independiente Revolucionario (MOIR):** left-wing workers' movement; Maoist; Leader HECTOR V ALENGA.

**Movimiento de Salvacion Nacional MSN):** f. 1990; split from the Partido Conservador Colombiano.

**Movimiento Unitario Metapolitico (MUM):** f. 1985; populist-occultist party; Leader REGINA BETANCOURT DE LISKA.

**Mujeres para la Democracia:** f. 1991; women's party; Leader ANGELA CUEVAS DE DOLMETSCH.

**Partido Conservador Colombiano (PCC):** f. 1849; 2.9m. members; President: CARLOS HOLGUIN SARDI; Sec.-Gen. HUMBERTO ZULUAGA MONEDERO.

**Partido Liberal Colombiano (PL):** f. 1815; divided into two factions, the official group (HERNANDO DURAN LUSSAN, MIGUEL PINEDO) and the independent group, Nuevo Liberalismo (New Liberalism, led by Dr ALBERTO SANTOFIMIO

BOTERO, ERNESTO SAMPER PIZANO, EDUARDO MESTRE); President LUIS FERNANDO JARAMILLO.

**Partido Nacional Cristiano (PNC):** President LINO LEAL COLLAZOS.

**Unidad Democratica de la Izquierda (Democratic Unity of the Left):** f. 1982; left-wing coalition incorporating the following parties:

**Firmes:** democratic party.

**Partido Comunista Colombiano (PC):** f. 1930; Marxist-Leninist party; Sec.-Gen. ALVARO VASQUEZ DEL REAL.

**Partido Socialista de los Trabajadores (PST):** workers' socialist party; Leader MARIA SOCORRO RAMIREZ.

**Union Patriotica (UP):** f. 1985; Marxist party formed by the FARC (see below); obtained legal status in 1986; Pres. ERNAN PASTRANA; Exec. Sec. OVIDIO SALINAS. Since 1999, the UP faded from any position of political significance, and have not featured as being active in any news reports.

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## Annex B (ii)

### Active guerrilla groups and illegal organisations

**Autodefensas Campesinas de Cordoba y Uraba (ACCU):** right-wing paramilitary org; Leaders CARLOS CASTANO, SALVATORE MANCUSO.

**Autodefensas Unidas de Colombia (AUC):** right-wing paramilitary org; 10,000 members.

**Ejercito de Liberacion Nacional (ELN):** Castroite guerrilla movement; f. 1965; 3,500 members; political status recognised by the Govt in 1998; Leaders NICOLAS ROGRIGUEZ BAUTISTA, ANTONIO GARCIA; factions include:

**Corriente de Renovacion Socialists (CRS):** (ceased hostilities in December 1993).

**Frente Simon Bolivar:** ceased hostilities in December 1985.

**Frente Antonio Narino:** ceased hostilities in December 1985.

**Frente Domingo Lain:** formed splinter group in October 1993; armed wing.

**Ejercito Popular de Liberacion (EPL):** Maoist guerrilla movement; f. 1969; splinter group from Communist Party; abandoned armed struggle in March 1991; joined the political mainstream as the **Partido de Esperanza, Paz y Libertad (EPL)**; Leader FRANCISCO CARABALLO.

**Frente Popular de Liberacion Nacional (FPLN):** f. 1994 by dissident members of the ELN and the EPL.

**Fuerzas Armadas Revolucionarias de Colombia (FARC):** formerly military wing of the Communist Party; composed of 39 armed fronts and about 17,000 members; political status recognised by the Govt in 1998; Leader MANUEL MARULANDA VELEZ (alias TIROFIJO).

**Movimiento de Autodefensa Obrera (MAO):** workers' self-defence movement; Trotskyite; Leader ADELAI DA ABADIA REY.

**Movimiento de Restauracion Nacional (MORENA):** right-wing; Leader ARMANDO VALENZUELA RUIZ.

**Muerte a Secuestradores- (MAS - Death to Kidnappers):** right-wing paramilitary organisation; funded by drugs dealers.

**Nuevo Frente Revolucionario del Pueblo:** f. 1986; faction of M-19; active in Cundinamarca region.

**Partido Revolucionario de Trabajadores (PRT):** left-wing; abandoned its armed struggle in 1991 and announced its intention to join the political mainstream as part of the Alianza Democratica.

**Patria Libre:** f. 1985; left-wing guerrilla movement.

In late 1985 the **M-19**, the **Comando Ricardo Franco-Frente Sur** and the **Comando Quintin Lame** (an indigenous organisation active in the department of Cauca) announced the formation of a united front, the **Coordinadora Guerrillera Nacional (CGN)**. In 1986 the **CGN** participated in joint campaigns with the **Movimiento Revolucionario Tupac Amaru (Peru)** and the **Alfaro Vive Carajo (Ecuador)**. The alliance operated under the name of **Batallon America**. In late 1987 six guerrilla groups, including the **ELN**, the **FARC** and the **M-19**, formed a joint front, to be known as the **Coordinadora Guerrillera Simon Bolivar (CGSB)** and subsequently as the **Coordinadora Nacional Guerrillera Simon Bolivar (CNGSB)**.

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