

UNITED NATIONS HUMAN RIGHTS COUNCIL

**16th Session of the Working Group on the Universal Periodic Review**  
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**COMPARISON OF ICJ SECOND CYCLE RECOMMENDATIONS FOR THE UPR OF COLUMBIA  
WITH CORRESPONDING FIRST CYCLE RECOMMENDATIONS AND COMMITMENTS**

<b>Concerning impunity for human rights violations and access to justice</b>		
<i>Second cycle ICJ recommendations</i>	<i>Corresponding 1<sup>st</sup> cycle recommendations</i>	<i>Corresponding 1<sup>st</sup> cycle voluntary commitments</i>
<p>i) Take concrete measures to end impunity for gross human rights violations, in particular those implicating State agents in cases of alleged extrajudicial killings and violence against trade union members and business corporations;</p>	<p>Corresponding recommendations:</p> <p>87(7) and 43. (Brazil). Continue efforts to combat impunity and human rights violations, and achieve the voluntary human rights goals approved by the Council in its resolution 9/12 – <i>Accepted</i></p> <p>87(11) and 25(b), 45(a). (Canada). Increase its efficiency to investigate and prevent extrajudicial killings (Sweden); fully prosecute extrajudicial killings... – <i>Accepted</i></p> <p>87(29) and 27(b). (France). Take effective measures to significantly reduce the number of extrajudicial executions and bring those responsible before civil jurisdiction – <i>Accepted</i></p> <p>Related recommendations:</p> <p>87(44) and 30(f). (Switzerland). High-ranking State officials publicly express the recognition of the importance of the role played by human rights defenders, in order to support and protect the legitimate work of ... trade union workers – <i>Accepted</i></p> <p>87(46) and 27(c). (France). Recognize and guarantee the legitimacy of the work of human rights defenders, as of that of trade unions workers and ... ensure their protection and that violations of their rights are prosecuted –</p>	<p>Related statements:</p> <p>Doc 10/82, 76. It reported on the creation of a special commission with a mixed composition pushing for investigations into cases of extrajudicial execution. In this context, new directives have been issued, such as one that asks all military forces to prioritize demobilization and capture those involved in conflict.</p> <p>Doc 10/82, 9. Colombia has also created several units of prosecutors for cases of special concern, such as aggressions against trade unionists. In 2000 and 2001, only two sentences were issued. Since 2002, 153 sentences have been issued, and 233 people have been sentenced for violent acts against trade unionists.</p> <p>Related voluntary commitment:</p> <p>Doc 10/82/Add.1, 48. Voluntary commitment of Columbia on access to justice by:</p> <ul style="list-style-type: none"> <li>• Improving coverage in rural and remote areas.</li> <li>• Expanding protection programmes to cover third parties involved in criminal proceedings.</li> <li>• Setting up the data system and designing</li> </ul>

	<p><i>Accepted</i></p> <p>87(49) and 55(c). (Australia). Acknowledge publicly the work of ... trade unionists as legitimate and refrain from making public statements that could be seen as delegitimizing these groups or linking them with illegal guerrilla groups – <i>Accepted</i></p> <p>87(50) and 55(d). (Australia). Ensure that human rights abuses committed against ... trade unionists and other advocacy groups are investigated thoroughly and those responsible are prosecuted – <i>Accepted</i></p> <p>87(52) and 34(a), 45(d), Do everything possible ... to protect ... trade unions workers ... and take necessary political measures to protect them and respect their human rights (Albania); take greater measures to ensure the safety of all its people, including directly targeted groups such as... trade unionists (Canada)... - <i>Accepted</i></p> <p>87(54) and 35(d). (Denmark). Step up efforts to protect trade unionists – <i>Accepted</i></p>	<p>a means of making the State information systems on human rights violations interoperable.</p> <ul style="list-style-type: none"> <li>• Increasing technical investigative capacity.</li> <li>• Boosting confidence in the judiciary.</li> <li>• Improving coverage in rural and remote areas.</li> <li>• Expanding protection programmes to cover third parties involved in criminal proceedings.</li> <li>• Setting up the data system and designing a means of making the State information systems on human rights violations interoperable.</li> </ul>
<p>ii) Consider a reform of its national criminal law to develop corporate criminal liability in cases involving serious human rights abuses;</p>	<p>No corresponding recommendation</p>	<p>No corresponding voluntary commitment</p>
<p>iii) Increase technical capacity within the police and the public prosecutor’s office to investigate complex crimes involving corporate actors;</p>	<p>No corresponding recommendation</p>	<p>No corresponding voluntary commitment</p>
<p>iv) Reject any reform proposal that would serve to eliminate or reduce investigation or prosecutions of serious human rights violations, or impede access to effective remedies;</p>	<p>No corresponding recommendation</p> <p>Not taken up as a recommendation:</p> <p>27. (France). Noted also that the Justice and Peace Law made possible the demobilization of about 31,000 paramilitaries and a considerable reduction in violence, but was concerned at the low rate of criminal prosecutions and that the rights of victims to justice, truth and reparations was not sufficiently integrated. It</p>	<p>No corresponding voluntary commitment</p>

	asked how the rights of victims would be specifically addressed.	
v) Reject any reform proposal that would expand the jurisdiction of the military justice system to cover allegations of serious human rights violations;	<p>Related recommendations:</p> <p>87(24) and 19(a). (Chile). Ensure that human rights abuses are appropriately investigated and that those responsible are processed and sanctioned by civil courts; grant better facilities and financial resources to the judiciary, to accomplish this task efficiently... - <i>Accepted</i></p> <p>87(26) and 30(j), 19(b), 24(c). That Colombian justice complete its work designed to establish the truth, putting an end to impunity and protect the human rights (Switzerland); prevent anyone in the military, paramilitary or guerrilla forces who is accused of grave human rights violations and crimes against humanity from benefitting from the amnesty laws (Chile); intensify its efforts to address the issue of impunity (Turkey) - <i>Accepted</i></p> <p>87(28) and 42(b). (Portugal). Adopt measures to ensure that the military justice system does not claim jurisdiction in human rights cases involving members of the security forces. - <i>Accepted</i></p>	<p>Related statement:</p> <p>UN Doc 10/82, 8. Columbia noted the amendment of the Military Criminal Justice to limit its jurisdiction to offences relating to the service;</p>
<b>Concerning human rights defenders</b>		
<i>Second cycle ICJ recommendations</i>	<i>Corresponding 1<sup>st</sup> cycle recommendations</i>	<i>Corresponding 1<sup>st</sup> cycle voluntary commitments</i>
vi) Conduct prompt, independent and effective investigations into allegations of threats, intimidation and violence against human rights defenders;	<p>Corresponding recommendation:</p> <p>87(50) and 21(b), 55(d). Effectively investigate and prosecute crimes and violations against human rights defenders, and ensure that those responsible are punished (Norway); ensure that human rights abuses committed against human rights defenders ... groups are investigated thoroughly and those responsible are prosecuted (Australia) - <i>Accepted</i></p>	<p>Voluntary commitments:</p> <p>UN Doc 10/82/Add.1, 91. The Colombian State gives the following undertakings in respect of human rights defenders, reporters and trade unionists:</p> <ul style="list-style-type: none"> <li>• To improve guarantees of the exercise of their rights.</li> <li>• To remain in communication with them.</li> <li>• To act on its commitments in the case of the tripartite agreement with ILO</li> </ul>

	<p>Related recommendations:</p> <p>87(41) and 40(a), (Czech Republic). In relation to high number of threats and attacks on human rights defenders, adopt further measures to ensure effective protection of personal safety of these groups, eliminate impunity of perpetrators of crimes against them, adopt concrete steps against stigmatization of human rights defenders and promote awareness-raising programmes for the public and officials about the importance and legitimacy of human rights advocacy – <i>Accepted</i></p> <p>87(43) and 21(a). (Norway). Forcefully denounce at the highest level attacks against human rights defenders and give human rights defenders legitimacy and recognition through supportive statements – <i>Accepted</i></p> <p>87(45) and 60(d). (Uruguay). Give strict orders to security forces not to make mistakes by qualifying as “terrorists” those who in reality are human rights defenders and members of nongovernmental organisations – <i>Accepted</i></p> <p>87(46) and 27(c). (France). Recognize and guarantee the legitimacy of the work of human rights defenders... and ensure their protection and that violations of their rights are prosecuted – <i>Accepted</i></p> <p>87(47) and 49(a). (United Kingdom). Deepen its engagement with ... human rights defenders and minority groups, and ensure their safety, with specific mechanisms in place if necessary, including through supportive public statements on the important role they play in democracy – <i>Accepted</i></p> <p>87(48) and 54(a). (Ireland). Fully implement Presidential Directive 7 of 1999, and, in particular, give public recognition and support to human rights defenders, sanction those who make unsubstantiated allegations against</p>	<ul style="list-style-type: none"> <li>• To encourage investigations of crimes against these groups.</li> </ul> <p>To foster a culture in which it is easier for human rights defenders, reporters and trade unionists to operate.</p> <p>Related statements:</p> <p>UN Doc 10/82, 15. The Government is implementing different policies to grant all guarantees to political parties, trade unionists, human rights defenders, ethnic groups, social leaders, journalists and witnesses of the Peace and Justice proceedings, among others, and has developed a permanent dialogue with them. The President has held prolonged meetings with the defenders and every 45 days he chairs a meeting with union leaders. The delegation cited a survey by Latinobarometer, which indicated that the legitimacy of Colombian democracy has doubled between 2002 and 2008 to more than 60 per cent, and that voters in the 2007 regional elections increased 30 per cent over the number registered for the elections in 2003. It stated that the Government had publicly rejected any attack against human rights defenders and wanted a more constructive relationship with human rights organizations, saying that dialogue constitutes the only way to enrich the different positions and benefit the enforcement of human rights in Colombia. It expressed willingness to carry out any reasonable effort to improve this relationship.</p> <p>UN Doc 10/82, 65. Concerning human rights defenders, it was noted that a special memorandum of 3 June 2008 was promoted for the adoption of a strategy for the investigation of cases of threats to these peoples. Colombia provided data on the number of investigation, persons in preventive detention, cases being prosecuted and convictions for human rights violations against human rights defenders and</p>
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	<p>human rights defenders, strengthen the protection programme and investigate and punish crimes against human rights defenders – <i>Accepted</i></p> <p>87(51) and 20(a). (Spain). Give priority to the fight against criminal and emerging gangs and, in this context, investigate threats and attacks against human rights defenders from these gangs, and grant them the necessary security guarantees – <i>Accepted</i></p> <p>87(52) and 34(a), 38(a), 45(d), 47(a). Do everything possible ... to protect human rights defenders ... and take necessary political measures to protect them and respect their human rights (Albania); better protect human rights defenders, in particular in rural areas ... (Germany); take greater measures to ensure the safety of all its people, including directly targeted groups such as human rights defenders, ...(Canada); continue efforts to ensure the protection of all human rights defenders and reporters (Azerbaijan) – <i>Accepted</i></p> <p>87(53) and 57(a). (Hungary). Put an equal emphasis on the implementation of the Ministry of the Interior’s protection programme to defend human rights defenders in the field, bearing in mind the joint statement of the Special Representative of the Secretary-General on the situation of human rights defenders with other Special Rapporteurs who expressed concerns about the situation and called for appropriate measures to be taken by Colombia – <i>Accepted</i></p>	<p>journalists. It also provided similar type of information on forced displacements and the question of criminal gangs.</p> <p>UN Doc 10/82, 83. The President has rejected attacks against non-governmental organizations. Special attention is being paid to investigations into these allegations.</p> <p>UN Doc 10/29, 633. Colombia was also concerned about complaints relating to threats and harassment of human rights defenders. The Government has asked the Prosecutor-General’s Office to do its best to establish the facts, and to identify and punish those responsible. It hoped that dialogue with civil society would help identify effective measures to work together towards establishing the right climate for the work of human rights defenders. The Government reiterated its conviction that dialogue with and the participation of civil society the enjoyment of human rights in Colombia.</p>
<b>Concerning international human rights instruments and mechanisms</b>		
<i>Second cycle ICJ recommendations</i>	<i>Corresponding 1<sup>st</sup> cycle recommendations</i>	<i>Corresponding 1<sup>st</sup> cycle voluntary commitments</i>
vii) Become party to: the OP to the ICESCR, the OPCAT, and the Third OP to the CRC;	No corresponding recommendations	Related statements: UN Doc 10/82, 11. Answering questions on

		<p>economic, social and cultural rights, the delegation stated that the drafting of the Colombian Development Plan for 2006-2010 included a rights perspective and was intended to comply with the Millennium Development Goals</p>
<p>viii) Accept the requests of the Special Rapporteur on adequate housing, the Special Rapporteur on the right to food, the Special Rapporteur on extreme poverty and the Working Group on mercenaries to undertake official missions in Colombia at the earliest possible opportunity, and extend to them all reasonable cooperation and assistance to facilitate a timely and effective country mission;</p>	<p>No exact corresponding recommendations.</p> <p>Related recommendations:</p> <p>87(2) and 40(g). (Czech Republic). Thoroughly and timely implement standing invitations to special procedures. <i>–Accepted.</i></p> <p>87(63) and 49(b). (United Kingdom). Increase efforts to tackle poverty and give its attention to the most vulnerable groups in society, including indigenous groups – <i>not known whether accepted or not.</i></p> <p>87(64) and 52(a). (South Africa). Accelerate the poverty alleviation programmes with a view to addressing the uneven distribution of wealth, access to health and the high level of social exclusion of indigenous peoples and Afro-Colombian groups. – <i>not known whether accepted or not.</i></p>	<p>Voluntary Commitment:</p> <p>UN Doc 10/82/Add.1 102. The aim with these programmes is to reduce the poverty index to 28 per cent and the extreme poverty index to 8.8 per cent by 2015, as called for by the first of the eight Millennium Development Goals.</p> <p>Related statement:</p> <p>UN Doc 10/82, 11. It also said the Government had implemented a policy of conditional subsidies to the poorest sectors of the population, which paired with the sustained economic development of recent years have helped reduce poverty from 55.7 per cent to 45.1 per cent, and of extreme poverty from 21.6 per cent to 12 per cent between 2002 and 2006. It also reported that the budget for supporting social interest housing had increased from \$75 million to \$330 million per year; \$125 million were allocated yearly to housing for internally displaced population.</p>
<p>ix) Present to the Council, as soon as possible after adoption of the outcome document for the UPR of Colombia, a national plan of action for the implementation of accepted recommendations and voluntary pledges and commitments; and</p>	<p>Related recommendations:</p> <p>87(4) and 27(a), 56(b), 25(b), 54(d). Reopen dialogue with the representatives of organizations of civil society in order to make possible coordinated and rapid implementation of the national plan of action on human rights and international humanitarian law (France); adopt measures to protect human rights defenders and cooperate with human rights organizations in adopting a national plan of action for human rights and in the implementation of the recommendations</p>	<p>No corresponding voluntary commitment</p>

	<p>resulting from the universal periodic review (Romania); intensify efforts to complete the work on the national plan of action in accordance with the recommendation of OHCHR ... (Sweden); use the new national plan of action on human rights and international humanitarian law to address the issue of extrajudicial killings comprehensively (Ireland) – <i>Accepted</i></p> <p>87(42) and 20(e). (Spain). Ensure dialogue with important sectors of civil society, leaving aside stigmatizing speech and anything that would be unjustified on one side or the other; in this context, it is especially important to finalize the agreed national human rights plan of action – <i>Not known whether accepted or not</i></p>	
<p>x) Present to the Council, two years after adoption of the outcome document, a mid-term progress report on the status of implementation of recommendations and voluntary pledges and commitments.</p>	<p>Related recommendations: 87(4) and 56(b), 25(b), 54(d). Adopt measures to protect human rights defenders and cooperate with human rights organizations in adopting a national plan of action for human rights and in the implementation of the recommendations resulting from the universal periodic review (Romania); intensify efforts to complete the work on the national plan of action in accordance with the recommendation of OHCHR, with particular attention to efforts to improve the situation regarding sexual violence against women (Sweden); use the new national plan of action on human rights and international humanitarian law to address the issue of extrajudicial killings comprehensively (Ireland) – <i>Accepted</i></p>	<p>No corresponding voluntary commitment</p>