

- ♦ all parties to the conflict abide by norms of international humanitarian law;
- ♦ the government conduct independent and exhaustive investigations into all violations of the right to life, bring those responsible to justice and properly compensate victims in order to put an end to the spiral of violence and impunity;
- ♦ the government ensure that the draft legislation characterizing the offence of enforced disappearance conforms fully to the provisions of the UN Declaration on the Protection of All Persons from Enforced Disappearance and ensure that the Penal Military Code reform bill conforms fully to relevant international norms;
- ♦ the authorities carry out an effective policy for permanently disbanding paramilitary groups by apprehending, trying, and punishing those who inspire, organize, lead, belong to, support, and finance them;
- ♦ the government remove from the armed forces and police any persons against whom there is reliable evidence of having supported paramilitary groups, through acts or omissions, or having participated or in any way acquiesced in their activities;
- ♦ the authorities take immediate steps to guarantee the full operation of the justice system and the regional justice system be abolished forthwith;
- ♦ the authorities ensure proper recognition of the right of human rights advocates to conduct their activities without interference or unlawful hindrance, and without fear for their lives;
- ♦ the authorities continue to seek effective measures to prevent enforced displacement and ensure the effective exercise of the rights of displaced persons to proper nutrition, medical care, housing and education, both in their present settlements and after their return to their places of origin; and
- ♦ the government redouble its efforts to support publicly, with adequate resources and concrete action, the institutions working to ensure the observance of human rights and the rule of law as well as the bodies responsible for the administration of justice.

Response of the government to the report of the OHCHR

The government's response to the work and report of the High Commissioner's office in Bogota (E/CN.4/1998/135) provides a detailed assessment of the OHCHR report and covers many points including, *inter alia*, that: insufficient weight is given to the impact of the armed conflict as a major source of violations, with the associated failure to appreciate the full extent of the negative consequences the conflict is having on enjoyment of many economic and social rights; the treatment of the phenomenon of drug trafficking reduces it to a question of crime and corruption and does not take full account of

its effects with regard to fuelling, intensifying and exacerbating the armed conflict; there is a failure to mention the role of the guerillas in serious violations of political rights; there is a tendency to underestimate the numerical and economic strength of "private justice" or vigilante gangs; such groups are incorrectly and inappropriately considered with the police and armed forces in terms of violations of a number of rights; there is a failure to recognize the government's policy on pacification which is based on achieving peace and bringing about social, political and cultural change; and the categorization of human rights violations as "systematic" and the assertion that there remain shortcomings in the draft Military Penal Code are not justified.

Following on these and other points, the government's response notes measures taken on a number of areas covered in the report prepared by the OHCHR. The subjects addressed include: the protection of human rights defenders; the draft Military Penal Code; the codification of crimes against humanity; criminalization of the forced disappearance of persons; impunity; forced displacement through violence; regional justice; special security services; and the situation in prisons. The government also provided commentary and information on the measures it has taken, or plans to take, in several areas related to economic, social and cultural rights, including income distribution and poverty, education, health, housing, employment, the environment, and food.

The concluding comments on the operation of the High Commissioner's office in Bogota briefly cover a number of points and state, *inter alia*, that: the Office carried out its tasks in an impartial, independent, objective and transparent manner; the advisory function should be strengthened, with a view to elaborating viable proposals for a concrete response to the difficulties in the country; there is a need to pay special attention to the provision of assistance through citizenship education programmes; the staff in the Office should be reinforced with experts at the most senior levels; the current capacity to visit local areas particularly prone to violence should be maintained and expanded in order to continue to promote preventive action by the authorities and contribute to the reduction of tensions; the Office should strengthen its contacts with the High Commissioner for Refugees and other UN agencies in order to elaborate a comprehensive solution to the problem of displaced persons; and, bearing in mind that the domestic armed conflict is the primary source of human rights violations, the Office should issue a clear and consistent demand, in the name of the international community, that armed outlaw groups must respect international humanitarian standards and engage in a dialogue and reconciliation.

Chairman's statement of the Commission on Human Rights

At its 1998 session, the Commission again agreed to a detailed Chairman's statement.

The Commission, *inter alia*: welcomed the report of the OHCHR and the government's response; noted the will-