

Defence, the General Command of the Armed Forces, the Administrative Department of Security and several prisons. The Constitution stipulates that the rights and duties it sets out will be interpreted in conformity with the international human rights treaties ratified by Colombia.

Economic, Social and Cultural Rights

Signed: 21 December 1966; ratified: 29 October 1969.

Colombia's fourth periodic report is due 30 June 1999.

Civil and Political Rights

Signed: 21 December 1966; ratified: 29 October 1969.

Colombia's fifth periodic report is due 12 August 2000.

Colombia's fourth periodic report (CCPR/C/103/Add.3) was considered by the Human Rights Committee at its March/April 1997 session. The report prepared by the government is exhaustive in its summary of constitutional, legal and administrative provisions for the protection of human rights under articles 1 through 27 of the Covenant. An Appendix to the report summarizes cases that had been reported to the Committee and the steps the government took to implement the Committee's recommendations.

The Committee's concluding observations (CCPR/C/79/Add.76) acknowledged that widespread armed conflict, in which gross and massive human rights violations have and continue to occur, hinders implementation of the Covenant. The Committee also noted that efforts to restart peace negotiations had not succeeded.

The Committee welcomed: establishment in Colombia of an office of the High Commissioner for Human Rights; ratification of the Additional Protocol II (protection of victims of non-international armed conflict) to the Geneva Conventions of 1949; the creation of institutions and offices to protect and promote human rights, such as the Office of the Ombudsman, the Department for Human Rights within the Office of the Public Prosecutor and the Division for Human Rights within the Office of the Attorney-General; the establishment of programmes concerning women and gender equality and institutional structures aimed at the promotion of women's rights; the decision of the Constitutional Court giving international human rights instruments equal status with the Constitution; adoption of a new Police Code that includes guidelines and principles on the use of force and weapons by police; and, adoption of decrees related to disciplinary measures in case of unlawful behaviour of police officials.

The Committee viewed positively: establishment of a Commission of Inquiry to deal with complaints related to disappearances; establishment of a national registry of disappeared persons; creation of a commission for follow-up on cases of forced disappearance; the creation of remedies for the violation of basic rights of individuals, including habeas corpus and *habeas data*; adoption of legislation establishing a mechanism for compensation of victims of human rights violations; provision for victims of human rights abuses committed by members of the armed forces to be represented as civil parties during proceedings before military courts; and, adoption of legislation to accelerate judicial proceedings and protective measures for victims of domestic violence.

In identifying principle areas of concern the Committee referred to the continuation of gross and massive human rights violations, including extrajudicial executions, murders,

torture and other degrading treatment, disappearances and arbitrary arrests carried out by members of the armed forces, the police and paramilitary and guerilla groups. The Committee also noted that journalists, human rights activists, trade union and political leaders, teachers, members of indigenous populations and judges appear to be specifically targeted.

The Committee expressed concern over: "social cleansing" operations targeting street children, homosexuals, prostitutes and petty delinquents; evidence that paramilitary groups receive support from members of the military; the decree legalizing the constitution of armed civilian groups (Rural Security Cooperatives); the fact that impunity continues to be a widespread phenomenon; the decision of the Higher Adjudication Council to broaden the concept of service-related acts, enabling the transfer from civil courts to military tribunals of many cases involving human rights violations by military and security forces; a lack in the military penal system of the requirements for a fair trial as set out in article 14 of the ICCPR; the constitutional provision that allows members of the military to invoke as defence the orders of a superior; the fact that the military exercises the functions of investigation, arrest, detention and interrogation; the fact that threats against members of the judiciary compromise the independence and impartiality of the judiciary; the length of judicial proceedings which creates an unacceptable backlog of cases; the use of "faceless judges"; and, the proposals for constitutional reform aimed at suppressing time-limits on states of emergency and introducing a number of elements that reduces the ability of the civilian authorities to exercise their responsibilities under a state of emergency.

Referring to other concerns, the Committee noted that: despite some improvements women continue to be subjected to *de jure* and *de facto* discrimination in all spheres of economic, social and public life; violence against women remains a major threat to their right to life; the high mortality rate of women is the result of clandestine abortions; there is a lack of adequate measures to protect children's rights, particularly in the areas of violence within the family and society at large, forced recruitment by guerrilla and paramilitary groups, employment below the legal minimum age and the murder and abuse of street children by vigilante groups and security forces; and, members of indigenous communities and the black minority continue to suffer discrimination.

The Committee recommended that the government:

- ▶ investigate and punish support given by military personnel or security forces to paramilitary groups;
- ▶ take immediate steps to disband paramilitary groups and consider repealing the decree legalizing Rural Security Cooperatives;
- ▶ adopt stringent measures to ensure that all allegations of human rights violations are promptly and impartially investigated, the perpetrators prosecuted and appropriate punishment imposed;
- ▶ ensure the permanent removal of officials convicted of serious offences and suspension of those against whom allegations of such offences are being investigated;
- ▶ adopt special measures, including protective measures, to ensure the exercise of their rights and freedoms by, particularly, journalists, human rights activists, trade union and political leaders, teachers, members of indigenous populations and judges;