

THE HUMAN RIGHTS SITUATION IN COLOMBIA

ISSUE

The human rights situation in Colombia continued to give cause for concern in 1994. Are the reforms proposed by the new government appropriate?

BACKGROUND

Although it is a constitutional and functional democracy and a signatory of most of the international conventions, Colombia is faced with a serious problem of violence. In fact, it has the world's highest homicide rate: 77 per 100,000 population. The challenge facing the Colombian government is to ensure respect for the law in one of the world's most violent countries without losing sight of the need to protect human rights.

Human rights violations in Colombia are attributable to a number of elements, in particular delinquency, the drug trade, guerilla warfare, paramilitary groups and the police themselves. Nearly 30,000 people died violently in 1994; about 5,000 of these deaths can be attributed to political motives. Like his predecessor, President Ernesto Samper, who was sworn in on August 7, 1994, recognizes that abuses have also been committed by the army and the police, and is seeking to bring peace through democratic institutions. To combat violence, he has decided to concentrate on improving social policies, updating the justice system, protecting human rights and negotiating a settlement with the guerilla groups.

The new constitution of 1991 guarantees the protection of individual rights. In an effort to counter impunity, the previous government reinforced the judicial power, particularly by the creation of a public advocate's office (*Defensor del pueblo*), which works in cooperation with a type of solicitor general (*Procuraduria*) and a public ministry (*Fiscalia General*) judging human rights violators in criminal court. However, these institutions have not yet made much of an impact on Colombian life. President Samper has asked the Congress to adopt the second protocol of the Geneva Convention on Internal Conflicts, and legislation on "forced disappearances". The Colombian government has decided to maintain a separate regime to judge crimes against the military. However, the Defence Ministry has indicated that it is considering reform of the law governing the military.

Violence arising from drug trafficking has diminished since the December 1993 death of Pablo Escobar and the dismantling of the Medellin cartel. The government is still hoping that by including a clause in the constitution prohibiting the extradition of Colombian citizens, it will encourage drug traffickers to turn themselves in and will promote the dismantling of the other cartels.

The guerilla groups continue to attack the forces of law and order, along with former guerillas who have reintegrated into civilian life. The new government has nonetheless taken advantage of the offer to negotiate with still active guerilla groups, in particular the *Ejercito*