

**Independence of judges and lawyers, Special Rapporteur on:** (E/CN.4/1997/32, paras. 11, 12, 17, 25, 35-36, 41-42, 95-98)

The report notes that the Special Rapporteur (SR) visited Colombia from 15 to 17 September 1996. A report of that mission is being prepared for the 1998 session of the Commission. In the section dealing with the issue of "faceless judges" and secret witnesses, the report recalls the SR's previous observation that such special procedures violate the independence and impartiality of the justice system for a variety of reasons. This was one issue identified by the SR as central to his visit to Colombia.

The report notes that urgent appeals sent to the government related to death threats and intimidation against human rights lawyers and lawyers working for people who have been detained for political reasons, including members of a guerrilla group, and the assassination of a municipal ombudsman in the Department of Antioquia. The government had not replied to the appeals by the time the report was finalized.

**Racial discrimination, Special Rapporteur on:** (E/CN.4/1997/71/Add.1)

The Special Rapporteur (SR) on racial discrimination visited Colombia from 28 June to 15 July 1996. The report of the visit reviews the situation of Amerindians and Afro-Colombians and sets the context by observing that: the indigenous and Black populations have been and are marginalized; they are the poorest and most vulnerable groups, and live in unfavourable economic and social conditions, in appalling shanty towns; racial discrimination seems almost natural and unconscious; and, questions on the number or percentage of indigenous and Afro-Colombians in the army or navy, the diplomatic corps or the Catholic hierarchy are met with awkward replies or an embarrassed silence, as if the questions were unusual. The SR referred to the weekly television programme, *Sábados Felices*, stating that it ridicules Blacks; the SR also notes that even the most militant human rights activists only realize the discriminatory nature of the popular programme and its incitement to racial hatred when their attention is drawn to it.

The report provides ethno-demographic data and includes commentary on constitutional and legal guarantees related to non-discrimination. In the section dealing with obstacles to overcoming racism, a number of elements are considered, including economic and social disparities, persistent stereotyping, illiteracy, school enrolment rates, contradictory policies related to land issues, natural resources and development projects, threats posed to the existence of Afro-Colombian and indigenous communities, and ubiquitous violence. On the basis of meetings with the authorities, non-governmental organizations and people in a number of communities, the SR recommended that Colombia should:

- ▶ adopt an act on racism and racial discrimination;
- ▶ ban the television programme *Sábados Felices*;
- ▶ speed up the process of distributing land to Afro-Colombian and indigenous populations;
- ▶ resolve the administrative problems related to subsidies to *resguardos* (territory reserved for an internally-autonomous Amerindian community);

- ▶ provide the army and police with appropriate training on human rights to raise their awareness to forms and incidents of racism and racial intolerance;
- ▶ facilitate greater participation of Afro-Colombian and indigenous populations in decisions affecting them;
- ▶ in the planning and implementation of development projects, give greater respect to the economic, social and cultural rights of the populations concerned; and,
- ▶ take measures to protect vulnerable populations from violence in areas of conflict.

**Sale of children, child prostitution, child pornography, Special Rapporteur on:** (E/CN.4/1997/95, para. 64)

The Special Rapporteur (SR) notes that children who are compelled to leave violent homes are often victimized by a system that uses punishment to "rehabilitate" and "protect" runaways; many of these children live on the street. The SR reports that, between 1986 and 1993 in Bogota alone, there had been a 500 per cent increase in child prostitution among children between 8 and 13 years of age as a result of civil displacement, poverty and drugs.

**Torture, Special Rapporteur on:** (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 86-105)

The Special Rapporteur (SR) welcomed the establishment in Colombia of the office of the High Commissioner for Human Rights and suggested that it could contribute to the implementation of the recommendations formulated following a visit he made to Colombia in 1994, together with the SR on extrajudicial, summary or arbitrary execution. Those recommendations touched on areas related to: the reform of the military criminal justice system as well as the regional justice system, the programme for the protection of witnesses intervening in proceedings on human rights violations, the bill on compensation for victims of human rights violations, the measures to dismantle the paramilitary groups, and the measures to combat the "social cleansing" killings.

A number of cases were transmitted to the government and involved: beatings by members of the Anti-extortion and Anti-kidnapping Unit (UNASE) of the National Police when they entered the maximum security wing for the purpose of transferring the prisoner; a raid on a settlement by the second Mobile Brigade during which local peasants were ill-treated; beatings and ill-treatment by police units and army personnel; torture and ill-treatment by the second Mobile Brigade; ill-treatment following arrest by a military patrol of the battalions Los Guanés and Luciano D'Elhuyar and two paramilitaries; torture by members of the No. 5 Counter-guerrilla Battalion; arrest and ill-treatment by soldiers of the Nueva Granada and Ricaurte battalions; arrest and beatings by members of a paramilitary group; death as the result of numerous blows inflicted by police officers, which caused a brain trauma; and, arrest and torture by armed individuals suspected of being connected with the Battalion of the Presidential Guard.

The response of the government to these cases and others previously transmitted variously stated: cases had been provisionally filed by the Military Court; the military court had decided to close the case; the Office of the Parliamentary Commissioner had not received any complaints; they had been transmitted to the Office of the Attorney-General; the