

**COLOMBIA**  
**COUNTRY REPORT**  
**OCTOBER 2003**

**Country Information & Policy Unit**

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**1. SCOPE OF THE DOCUMENT**

**1.1** This report has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information obtained from a wide variety of recognised sources. The document does not contain any Home Office opinion or policy.

**1.2** The report has been prepared for background purposes for those involved in the asylum/human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum/human rights claims made in the United Kingdom.

**1.3** The report is referenced throughout. It is intended for use by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain. These sources have been checked for currency, and as far as can be ascertained, remained relevant and up to date at the time the document was issued.

**1.4** It is intended to revise the report on a six-monthly basis while the country remains within the top 35 asylum-seeker producing countries in the United Kingdom.

## 2. GEOGRAPHY

**2.1** The Republic of Colombia was one of three countries that emerged from the collapse of Gran Colombia in 1830 (the others are Ecuador and Venezuela). It is located in the northern part of South America, bordering the Caribbean Sea, between Panama and Venezuela, and bordering the North Pacific Ocean, between Ecuador and Panama. **[3]** Colombia covers a total of 1,138,910 square miles and has a population of 41,008,227. **[3]** Colombia shares many features with the other Latin American countries and particularly with its Andean neighbours. **[1]**

**2.2** The Andes mountain range divides into three mountain ranges (cordilleras) when it enters Colombia. The Pacific coast is largely jungle and mangrove swamps. The 60 percent of the country to the east of the Andes is divided between Llanos (savannah, much of which is flooded for nine months of the year) and Amazonian jungle. Many places are only accessible by air. Climate conditions vary with altitude, from tropical in coastal regions, temperate on the plateau to cold in the Andes mountains. **[1]**

(For more information on geography please refer to the Europa Yearbook - Regional Surveys of the World - South America, Central America and the Caribbean 2003 - 11<sup>th</sup> Edition - Source **[1]**).

## 3. ECONOMY

**3.1** Colombia is a country of significant natural resources, and has a diverse culture reflecting the indigenous Indian, Spanish and African origins of its people. It is the fourth largest and third most populous country in South America, Colombia is endowed with substantial oil reserves and is a major producer of gold, silver, emeralds, platinum and coal. **[17]**

**3.2** The mainstay of the Colombian economy has always been agriculture, including forestry, fishing and hunting. In 2000, agriculture (including forestry and fishing) employed 22.7 percent of the labour force (compared with 39.7 percent of the workforce in 1970 and 51.4 percent in 1960). In 2002 coffee remained Colombia's leading legal cash and export crop. **[1]**

**3.3** The illicit drugs trade has undoubtedly contributed to the country's economic growth and hindered it. Marijuana and coca have long been grown in the country but the drugs trade really took off with the processing of cocaine from the late 1970. **[1]**

(For more information on economy please refer to the Europa Yearbook - Regional Surveys of the World - South America, Central America and the Caribbean 2003 - 11<sup>th</sup> Edition - Source **[1]**).

## 4. HISTORY

**4.1** Colombia entered new territory with the electing of Alvaro Uribe Velez in May 2002. The electorate chose for the first time a President who was not the official candidate of either the Liberal or Conservative party. Nor was he leader of a faction within his own Liberal party. None the less he gradually managed to secure the support of both the Liberals and the Conservatives. **[1]**

**4.2** In Uribe Colombia had elected the first President who showed he had a greater commitment to mobilising the country's resources to control its whole territory and protect all its citizens. Uribe faces an immense task with the internal conflict reaching unprecedented levels. **[1]** In June 2003, Uribe unveiled a long-awaited security plan, intended to end the war and the drugs trade which fuels it. The plan aimed to establish a police presence in all parts of the country and to eradicate all drugs crops. **[17]** In 2003, 1,329 members of the illegal armed groups demobilised and a total of 2,049 have demobilised since the start of the Uribe administration. **[36]**

**4.3** The Colombian Government news agency published figures on kidnapping and crime. In September 2003 figures showed that for kidnapping, from January 2003 to August 2003, there was an overall reduction of 32 percent, compared with the same period in 2002. The biggest reduction in kidnapping came in August 2003, when it was down by 75 percent - 179 fewer cases than in August 2002 - with another 183 kidnapping cases being prevented. In 2003 up until September state agencies managed to rescue 305 victims. Highway robbery was reduced by 8 percent, from 1,036 to 955 cases. Car thefts dropped 23 percent - 2,882 fewer cases and bank robberies decreased by 33 percent from 180 to 120 cases. **[28d]**

## **5. STATE STRUCTURES**

### **THE CONSTITUTION**

**5.1** A three hundred and eighty Article Constitution drafted by a 74 member National Constituent Assembly took effect from 6 July 1991. This Constitution retained the institutional framework of a directly- elected President with a non-renewable four-year term of office together with a bicameral legislature composed of an upper house or Senate of Representatives (with 161 members, to include at least two representatives of each national department). A Vice-president is elected at the same time as the President, and also holds office for a term of four years. **[1]**

**5.2** The new Constitution contained comprehensive provisions for the recognition and protection of civil rights, and for the reform of the structures and procedures of political participation and of the judiciary. **[1]**

**5.3** The fundamental principles on which the constitution is based are embodied in Articles 1-10 as follows:

Article 1: Colombia is a lawful state organised as a single Republic, decentralised, with autonomous territorial entities, democratic, participatory and pluralist, founded on respect for human dignity, on the labour and solidarity of its people and on the prevalence of the general interest.

Article 2: The essential aims of the state are; to serve the community, to promote general prosperity and to guarantee the effectiveness of the principles, rights and obligations embodied in the Constitution, to facilitate the participation of all the decisions which affect them in the economic, political, administrative and cultural life of the nation; to defend national independence, to maintain territorial integrity and to ensure peaceful co-existence and the validity of the law. The authorities of the Republic are instituted to protect the residents of Colombia, in regard to their life, honour, goods, beliefs and other rights and liberties, and to ensure the fulfilment of the obligations of the State and of the individual.

Article 3: Sovereignty rests exclusively with the people, from whom public power emanates. The people exercise power directly or through their representatives on the manner established by the Constitution.

Article 4: The Constitution is the highest authority. In all cases of incompatibility between the Constitution and the law or other judicial rules, constitutional dispositions will apply.

It is the duty of nationals and foreigners in Colombia to observe the Constitution and the law, and to respect and obey the authorities.

Article 5: The State recognises, without discrimination, the primacy of the inalienable rights of the individual and protects the family as the basic institution of society.

Article 6: Individuals are solely responsible to the authorities for infringements of the Constitution and of the law. Public servants are equally accountable and are responsible to the authorities for failure to fulfil their function or abuse of their position.

Article 7: The State recognises and protects the ethnic diversity of the Colombian nation.

Article 8: It is an obligation of the State and of the people to protect the cultural and natural riches of the nation.

Article 9: the foreign relations of the State are based on national sovereignty, with respect for self-determination of people and with recognition of the principles of international law accepted by Colombia.

Similarly, Colombia's external policies will be directed toward Caribbean and Latin American integration.

Article 10: Spanish (Castellano) is the official language of Colombia. The languages and dialects of ethnic groups are officially

<http://www.ind.homeoffice.gov.uk/ppage.asp?section=190&title=Colombia%2C%20Country%20Inform...> 11/17/2003

recognised within their territories. Education in communities with their own linguistic traditions will be bilingual.

**[1]**

## Citizenship and nationality

**5.4** Article 96 of the Constitution states that the following hold Colombian citizenship:

## 1. Citizens by birth:

If born in Colombia providing that the father or mother are natives or Colombian citizens.

By the child of non-Colombian parents, if either parent is domiciled in the Republic at the time of birth.

The children of a Colombian father or mother who were born abroad and then became domiciled in Colombia. **[9]**

## 2. Citizens by naturalisation:

Non-Colombians who have applied for their naturalisation card, in accordance with the law.

Citizens by birth from Latin America and the Caribbean who are domiciled in Colombia, and who with the permission of the Government and in accordance with the law and the principle of reciprocity, request that they be registered as Colombians in the municipality where they reside.

Members of the indigenous (Indian) people who share border areas, with application of the principle of reciprocity according to public treaties. **[9]**

**5.5** No Colombian by birth will be stripped of his/her citizenship. The status of Colombian citizenship cannot be lost by virtue of the fact of acquiring another citizenship. **[9]**

**POLITICAL SYSTEM**

**5.6** Colombia is a constitutional, multiparty democracy in which the Liberal and Conservative parties have long dominated politics. On 10 March 2002, voters elected a bicameral legislature with a mix of Liberal, Conservative, and independent members. On 26 May 2002, voters elected independent Alvaro Uribe as President. Both elections were generally free and fair, in spite of a concerted campaign by terrorist organisations such as the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia - FARC) to disrupt them. **[2]**

**5.7** Executive power is exercised by the President assisted by the Cabinet. Legislative power is vested in two chambers, consisting of a Senate (102 members elected for four years) and the House of Representatives (165 members elected for four years). The country is divided into 32 departments and one Capital; District. The 1886 Constitution was reformed by a Constituent Assembly in 1991. **[10]**

**5.8** Two major political parties - the Conservatives and the Liberals - have traditionally dominated Government, alternating in power over the last 130 years. The only period of military rule in the 20<sup>th</sup> Century was from 1953 to 1957. The 2002 Elections confirmed that the two traditional parties no longer dominate political life as the Government is now a coalition. Congress is learning how to handle coalition politics following the success of a number of independent candidates and representative of political movements. **[10]**

**5.9** A key feature of the country's democratic system is its resilience. This is reflected in the strong tradition of elected civilian Governments broken only twice, for a cumulative total of less than five years of non-civilian rule, since the founding of the Republic in 1819 giving the country the longest democratic legacy among the Latin American countries. **[10]**

**5.10** Alvaro Uribe Velez was elected as President on 26 May 2002. He received 53 percent of the vote. He took office on 7 August 2002 with Francisco Santos taking the position of Vice President on the same day. The President is both chief of state and head of government. The Cabinet consists of a coalition of two dominant parties - the Liberal Party (PL), the Conservative Party (PSC) - and independents. **[3][8]**

**JUDICIARY**

**5.11** The Constitution provides for an independent judiciary, and the civilian justice system was independent of the executive and legislative branches in both theory and practice; however, the suborning or intimidation of judges, witnesses, and prosecutors was common. Impunity remained the single greatest problem threatening the credibility of the Government's commitment to human rights. The university-affiliated Corporation for Judicial Excellence, which was preparing a study on impunity, reported that the overall level of impunity cited by a variety of governmental and non-governmental sources was between 80 and 95 percent. [2]

**5.12** Judges have long been subject to threats and intimidation, particularly when handling cases involving members of the public security forces or of paramilitary, guerrilla, and narcotics trafficking organisations. During 2002, violent attacks and threats against prosecutors, defence attorneys, and judges continued. Prosecutors reported that potential witnesses in major cases often lacked faith in the Government's ability to protect them and so were unwilling to testify, hindering chances for successful prosecutions. [2]

**5.13** In December 2002, two prosecution witnesses failed to appear at the trial of three members of the Irish Republican Army who were accused of training members of the FARC. One of the witnesses could not be found, and the other said that he feared for his life. [2] Prosecutors have portrayed the trio as evil men who trained the rebels in explosives and terrorist tactics and have asked for the maximum sentence of 20 years to be awarded to each of the men. At the time of writing this report the hearing continues. [32a]

**5.14** According to a statement issued by the Supreme Court, as of 16 July 2002, terrorist organisations such as the FARC and the United Self-Defences Forces of Colombia (Autodefensas Unidas de Colombia - AUC) had threatened judicial officials working in at least 368 courts in 231 municipalities. As of 30 August 2002, 408 judges and 396 prosecutors from 248 municipalities felt obligated to work out of offices in departmental capitals for reasons of security. [2]

**5.15** The civilian justice system is a separate and independent branch of government that uses a Napoleonic legal system incorporating some accusatorial elements. The military justice system, which is part of the executive branch, also relies on a mixed system, although accusatorial aspects predominate. [2]

**5.16** On 16 December 2002, Congress approved constitutional changes designed to convert the current mixed judicial system into a purely accusatorial system. The reforms will go into effect in January 2005, prior to which major changes will have to be made to the penal, criminal procedure, and evidence codes. After that date, judges, rather than prosecutors, will issue arrest warrants and decide pre-trial motions. Cases will be tried in open court and decided on the basis of oral trial proceedings, rather than an exhaustive written dossier. Prosecutor General Luis Camilo Osorio has predicted that the reforms will reduce the average investigatory phase of a case from 3 years to 6 months. [2]

**5.17** The judicial system was overburdened. Based on information collected from 77 percent of the nation's courts, as of September 2002 the administrative chamber of the Supreme Council of the Judiciary (CSJ) reported that the civilian judiciary suffered from a backlog of at least 1,14 million cases, approximately 140,000 of them criminal. [2]

**5.18** The civilian justice system is composed of four functional jurisdictions: civil, administrative, constitutional, and special. The civil jurisdiction is the largest jurisdiction within the civilian justice system, and handles all criminal, civil, labour, agrarian, and domestic cases involving non-military personnel. The civil jurisdiction is divided into 31 judicial districts, each containing at least one judicial circuit encompassing one or more municipalities. A superior tribunal serves as each district's court of appeals. [2]

**5.19** Specialised circuit courts within the civil jurisdiction try cases involving crimes designated as grave threats to the administration of justice, such as narcotics trafficking, terrorism, paramilitarism, torture, and money laundering. [2]

**5.20** The Supreme Court is the highest court within the civil jurisdiction and serves as its final court of appeals. In addition to hearing appeals from lower courts, the Supreme Court has original jurisdiction in trials of the President, cabinet ministers, heads of independent government agencies, admirals and generals, and magistrates of the Supreme Court, Council of State, Constitutional Court, and CSJ. [2]

**5.21** The Supreme Court elects the Prosecutor General from a list of three candidates selected by the President. The Prosecutor General serves a 4-year term that overlaps two presidential administrations. The Office is independent of both the executive and judicial branches and is divided into national, regional, and local offices. The Office has its own corps of armed investigators known as the Corps of Technical Investigators (CTI). The Office has significant judicial functions; however, consistent with constitutional reforms passed in December 2002, it will be converted by 2005 into a purely investigatory and prosecutorial agency. [2]

**5.22** The Prosecutor General created the Human Rights Unit in 1995. As of October 2002, the Unit's 41 prosecutors had 1,369 open cases involving 1,618 suspects, including 173 members of the state security forces. During 2002, the Human Rights Unit arrested 57 members of the state security forces and filed charges against 25 for a variety of crimes including murder, torture, kidnapping, and collaboration with paramilitary groups. However, impunity continued to be very widespread. [2]

## **MILITARY JUSTICE SYSTEM**

**5.23** The military justice system, as part of the Ministry of Defence, falls under the executive branch. To improve the accountability and independence of the military justice system, the military judicial code was amended in 2000 so that military prosecutors report directly to the director of the military justice system, rather than to their local unit commanders. The director of the military justice system reports directly to the civilian Minister of Defence. Nevertheless, impunity for members of the public security forces - particularly high-ranking officers - accused of human rights abuses or collaboration with paramilitaries remained a problem. [2]

**5.24** Some military justice personnel investigating sensitive cases reported they were pressured to make particular rulings and threatened or harassed for not doing so. [2]

**5.25** The military justice system is composed of the Superior Military Tribunal, which serves as the court of appeals for all cases tried in the military justice system, and 40 military trial courts. The military judiciary may investigate, prosecute, and try active duty military and police personnel for alleged crimes "related to acts of military service." Civil courts must try retired personnel, even for service-related acts committed before their retirement. [2]

**5.26** Criminal procedure within the military justice system is similar to that within the civilian justice system, with the exception that the military justice system has already incorporated many accusatorial elements. Defendants are considered innocent until proven guilty and have the right to timely consultation with counsel. However, there is no military equivalent to the civilian public defender system; defendants generally must retain counsel at their own expense. [2]

**5.27** Presidential Decree 1790 of 2000 allows senior military commanders, at their discretion, to separate from service any uniformed members of the security services regardless of time of service. From October 2000 until the end of 2001, the military dismissed approximately 600 members; no figures were available on how many were discharged during 2002 under the authority of Decree 1790. No information was available from the MOD regarding the specific reasons for any of the dismissals, nor were the names of those dismissed made public. The MOD confirmed the claims of many human rights NGOs that a large number of those dismissed subsequently entered the ranks of illegal paramilitary groups. [2]

## **LEGAL RIGHTS/DETENTION**

**5.28** The Constitution and criminal law explicitly prohibit torture, and cruel, inhuman, or degrading treatment or punishment; however, there were reports that the police, military, and prison guards mistreated and tortured detainees. The Military Penal Code directs that trials of members of the military and police accused of torture be held in civilian courts. During 2002, the Inspector General's Office (Procuraduria) received 103 complaints of torture by state agents. The Centre for Investigation and Popular Research (CINEP) reported that state security forces tortured 16 persons during the first 6 months of 2002; 14 of these cases were attributed to the army and 2 to the police. [2]

**5.29** All crime is encouraged to be reported, with anonymous direct lines advertised. Victims of crime are required to make sworn statements (*denuncias*) at the start of an investigation, and are encouraged to do so as soon as possible after the crime. The police, or likewise the Fiscalía, will then bring a charge (*querrela*) if they arrest a suspect. [33]

**5.30** The Constitutional Court's decision was consistent with its 11 April 2002 ruling of turning down the National Defence and Security Act of 2001, which had threatened to infringe on the due process rights of persons detained or investigated by the military. Among other things, the Act had not specified the maximum period detainees might be held by the military before being turned over to civilian authorities. [2]

**5.31** The law prohibits incommunicado detention. Even in Rehabilitation Zones, anyone detained by law enforcement authorities must be brought before a senior prosecutor within 36 hours of his or her detention. A senior prosecutor must then rule on the legality of the detention within an additional 36 hours. Despite these legal protections, there continued to be allegations of arbitrary detention. [2]

**5.32** Conditional pre-trial release is available for minor offences or after unduly long periods of investigative detention. In the case of most crimes, detention prior to the filing of formal charges cannot exceed 180 days, after which a suspect must be conditionally released. In the cases of crimes deemed particularly serious, such as murder or terrorism, authorities are allowed up to 360 days to file formal charges before a suspect must be conditionally released. [2]

**5.33** Backlogs had created large numbers of pre-trial detainees. In October 2002, the President of the Council of State complained that the Council was facing a 6 to 8 year backlog. The Prosecutor General's Office (Fiscalia) reported that approximately 220,000 arrest warrants were still outstanding. [2]

**5.34** Paramilitaries in the city of Barrancabermeja, Santander department, exercised illegal "social controls," such as curfews for children, ad hoc punishments for domestic violence and petty crimes, and the issuance of paramilitary-produced identification cards to bona fide local residents. [2]

### **Death penalty and extra-judicial killings**

**5.35** Colombian law does not provide for the death penalty for any crime. The death penalty was abolished in 1910 with the last known execution in 1909. [10]

### **INTERNAL SECURITY**

**5.36** The civilian-led Ministry of Defence (MOD) is responsible for internal and external security and oversees both the National Police and the Armed Forces (including the army, air force, and navy, which includes the coast guard and the marines). In addition to the armed forces and the National Police, the public security forces include armed state law enforcement and investigative authorities such as the Administrative Department of Security (DAS), which has broad intelligence gathering, law enforcement, and immigration control functions, and the Prosecutor General's Corps of Technical Investigators (CTI). [2]

**5.37** The National Police are responsible for maintaining internal order and security in urban areas, although persistent guerrilla assaults on isolated detachments had compelled the thinly-staffed Police to leave 157 municipalities without a Police presence. [2] This figure has now fallen to 78 and President Uribe has promised to reduce it to zero by the end of 2003. (There are 1,071 municipalities in Colombia) [36] The Armed Forces are responsible for order and security in rural areas and support the National Police in urban areas when called upon. Over the years, the public security forces have taken important steps to improve their human rights record; however, some members of the armed forces and the police continued to commit serious of human rights abuses. [2]

**5.38** Government security forces generally abided by international humanitarian law and respected human rights; however, some members of the security forces violated these standards and committed serious violations of human rights. Data gathered by CINEP indicated that during the first 6 months of 2002, state security forces were responsible for the deaths of 30 civilians during combat operations. Paramilitary groups and guerrillas committed the great majority of abuses. [2]

### **PRISONS AND PRISON CONDITIONS**

**5.39** Prison conditions were harsh, particularly for prisoners without significant outside support. Severe overcrowding and dangerous sanitary and health conditions were serious problems. The National Prison and Penitentiary Institute (INPEC) reported that the nation's daily food allowance per prisoner was only \$1.25 (3,500 pesos). Private sources continued to provide the majority of most prisoners' food. In June 2001, based on a lawsuit filed by prisoners incarcerated in Valledupar, Cesar Department, the Valledupar Supreme Court ordered INPEC to improve prison conditions in the department. [2]

**5.40** Many of INPEC's 10,000 prison guards were poorly trained or corrupt. On 6 March 2002, prison guards at the Valledupar penitentiary beat an unruly prisoner in his cell so severely that he died 36 hours later. The Fiscalia placed the six guards under arrest on suspicion of murder. The Office reportedly was investigating allegations of prison guard brutality in other installations as well. [2]

**5.41** Only four prisons--Valledupar, Acacias, Popayan, and Combita--met international standards for acceptable conditions for prison facilities. Two more prisons designed to meet these standards were under construction in La Porada, Caldas Department, and Palo Gordo, near Bucaramanga, Santander Department. In other prisons, inmates paid to eat, drink, sleep on a mattress, wash clothes, or make telephone calls. Many inmates in such facilities also were forced to pay protection money to fellow inmates or corrupt prison guards. [2]

### **MILITARY SERVICE**

**5.42** The 1991 Constitution provides for compulsory military service. It states that all Colombian citizens are obliged to take up arms when there is a public need for this in order to defend national independence and the public institutions. All men between the ages of 16 and 28 years old are liable for military service. However, despite the minimum legal requirement age, military service is performed between the ages of 15 and 24. Military service for those who have completed secondary education (Bachilleres) lasts for one year, for others it is two years. [11]

**5.43** There are also cases of forced recruitment by guerrilla or paramilitary organisation, especially in the country. Guerrilla incursions, military counterinsurgency operations, guerrilla and paramilitary conscription, and land seizures by narcotics traffickers often forced peasants to flee their homes and farms. **[11]**

### **Conscientious Objection**

**5.44** There is no procedure to achieve conscientious objection status. Those who announce they are conscientious objectors have no clear guarantee that they may leave the armed forces. They either have to perform their military service in the police force as prison guards or they have to desert and remain in hiding. If they refuse to perform military service, they may face the charge of desertion and be imprisoned. **[11]**

### **Draft Evasion and Desertion**

**5.45** The Military Penal code prescribes a penalty for desertion of six months or two years imprisonment. If the desertion occurs during wartime, during a domestic uprising or public unrest or while in the vicinity of rebel forces the punishment may be doubled. Those who do not respond to a call-up may be forced to perform military service. They are considered deserters and cannot enter university or obtain a passport. Draft evaders do not have a military service record and therefore cannot get work, enter university, sign a contract, own a property or leave the country. **[11]**

### **MEDICAL SERVICES**

**5.46** The Constitution of 1991 set out the fundamental points that gave rise to reform of the social security system. This mandate covers standards governing the general system of pensions, professional risks, complementary social services, and the social security system as it relates to health. The important role of promotion and prevention in the new system, the significant increase in the Government's financial contributions to health, the greater spending efficiency gained from competitive arrangements, the strong participation of upper-income groups, and the solidarity inherent in the system are all factors that are expected to contribute to major progress in health. **[13]**

**5.47** With regard to the degree of decentralisation of health services, 17 departments and 4 districts have been decentralised and are directly managing more than US\$ 474 billion, which represents 70% of the national allocation, and 104 municipalities have been certified to independently manage their own fiscal budgets. Health sector reform currently faces a major problem with regard to access of the population, especially the very poor and the unemployed, to health services. **[13]**

**5.48** The public health service network consists of 3,340 jobs in the health sector, 904 health centres, 128 health centres with beds, and 555 hospitals—397 hospitals at the primary level, 126 at the secondary level, and 32 at the tertiary level. In addition, the private sector has 340 clinics. **[13]**

**5.49** Under the health insurance system, the 10 public health promotion enterprises, together with the 20 authorised private and mixed enterprises, have the capacity to handle a total of 21.6 million persons. As of December 1996 a total of 13.9 million Colombians were covered, of which 66.9% (9.3 million people), according to the latest official report dated June 1996, were subscribers under the Social Security Institute, and the remaining 33.1% came under other health promotion enterprises. **[13]**

**5.50** The main health problems affecting children are infectious diseases. **[13]** The law requires the Government to provide medical care for children. However, medical facilities were not universally available, particularly in rural areas. **[2]** The main problems in the adult population are unemployment and underemployment, which create and reinforce precarious living conditions and hence exposure to social and environmental factors that affect health. **[13]**

**5.51** The number one health problem in the Colombian population is injury due to external causes, mainly related to violence, which affects all of society. It was estimated in 1995 there were a total of 1,450,845 years of potential life lost because of violent deaths. **[13]**

**5.52** According to Government statistics, it is estimated that cancer is the second cause of death in Colombia today. During the last five years, several palliative care and cancer pain relief programs have developed in Colombia creating an increase in the demand for opioids for pain control. The issue of drug availability for medical purposes is particularly sensitive for Colombia, a country highly affected by illicit drug traffic and the black market. As a result, strong legislation restricts the manufacture, importation, distribution and prescribing of opioids even for scientific and medical uses. However, a number of steps have been taken at the national level, which have gradually facilitated opioid availability. **[12]**

### **HIV/AIDS**



**5.53** The Pan American Health Organisation has produced a list of antiretroviral drugs available in Latin America and the Caribbean. A copy is annexed. **[14]**

### **People with disabilities**

**5.54** The Constitution specifically prohibits discrimination based on race, sex, disability, language, or social status; however, in practice, many of these provisions were not enforced. The Constitution enumerates the fundamental social, economic, and cultural rights of persons with physical disabilities. However, serious practical impediments prevented the full participation of these persons in society. **[2]**

**5.55** No legislation mandates that buildings provide special access for persons with disabilities. Consequently, the disabled could not access most public buildings and transportation systems; however, the Constitutional Court ruled that persons with physical disabilities must have access to voting stations and receive assistance if they so request. The Court also ruled that the social security fund for public employees could not refuse to provide services for children with disabilities, regardless of the cost involved. **[2]**

## **EDUCATIONAL SYSTEM**

**5.56** The Constitution provides for free public education, which is compulsory between the ages of 6 and 15; however, a study by the National Department of Statistics (DANE) estimated that 14 percent of children ages 5 to 17 did not attend school because of lax enforcement of truancy laws, inadequate classroom space, and economic pressures for children to provide additional family income. Although the Government covered the basic costs of primary education, many families faced additional expenses such as matriculation fees, books, school supplies, and transportation costs, which were significant in rural areas where many children lived far from school. These costs were often prohibitive, particularly for the rural poor. **[2]**

**5.57** Limited educational and economic opportunities and a desire for acceptance and camaraderie increased the appeal of service in armed groups. **[2]**

## **6. HUMAN RIGHTS**

### **6A. HUMAN RIGHTS ISSUES**

[Part I](#)

[Part II](#)

## **6. HUMAN RIGHTS**

### **6A. HUMAN RIGHTS ISSUES**

#### **OVERVIEW**

**6.1** The country's 40-year-old internal conflict--among government forces, several leftist insurgent groups, and a right-wing paramilitary movement nominally supportive of the State - intensified during 2002. **[2]** The paramilitary movement is split into several different groups, each of which has its own agenda. The internal armed conflict, and the narcotics trafficking that both fuelled it and prospered from it, were the central causes of violations of human rights and international humanitarian law. In her 2001 report, UN High Commissioner for Human Rights Mary Robinson noted that all sides in the conflict failed to respect the principles of humanitarian law. **[2]**

**6.2** Colombia's internal conflict intensified in 2002 following the 20 February 2002 collapse of three years of formal talks between the Government and Colombia's largest guerrilla group. Paramilitary groups operating with the tolerance and often support of

units within Colombia's military were linked to massacres (defined in Colombia as the killing of three or more people at the same place and time), selective killings and death threats. There were credible reports of joint military-paramilitary operations and the sharing of intelligence and propaganda, including army-generated appeals to guerrillas to turn themselves in. However, links between the armed forces and the paramilitaries are being eroded under Uribe's rule despite allegations that he had paramilitary ties in the past. This is evidenced by a marked step-up in the military's campaign against the paramilitaries over the last year. [5]

**6.3** The breakdown of the peace talks in February 2002 resulted in a marked deterioration in the human rights situation. More than five hundred people "disappeared" and more than 4,000 civilians were killed for political motives. Forced internal displacement continued to grow dramatically. Over 2,700 people were kidnapped, at least 1,500 of whom were kidnapped by guerrilla groups and paramilitary forces. The cycle of political violence was exacerbated by security policies of the new Government of Uribe, which took office in August 2002. [9b]

**6.4** In April 2002, the Constitutional Court ruled that the Defence and National Security Law, which accorded judicial police powers to the armed forces was unconstitutional. On 11 August 2002, President Uribe declared a state of emergency. This was followed by Decree 2002, which again granted judicial police powers to the armed forces. This Decree also gave special powers to restrict certain rights in designated security zones called Rehabilitation and Consolidation Zones. Several foreign human rights workers were deported from Colombia prior to and following the creation of these zones. [9b]

**6.5** The main victims of violations of human rights and humanitarian law continued to be the civilian population, including the internally displaced, peasant farmers, and members of the Afro-Colombian and indigenous communities living in conflict zones. [9b]

**6.6** According to the Human Rights Watch World Report 2003 covering 2002, compared to the previous year the Government reported more clashes between its troops and paramilitaries, and more arrests of suspected paramilitaries. However, paramilitaries appeared more numerous and militarily stronger than ever. They claimed to have over 10,000 armed and trained members, a number that was not disputed by the Government. [5]

**6.7** The Human Rights Ombudsman's Office stated in its 2001 report that women, who by and large remain socially and economically disadvantaged, continued to be affected disproportionately by violence, particularly in war zones. The Ombudsman's Office also noted a lack of Government programs to address their problems. Female leaders of political and peasant organisations in various regions were the targets of abuse, threats, torture, and executions. Intrafamilial violence, sexual assault, and killing of women remained serious problems throughout the country. More than 30 percent of FARC combatants were female. Several observers criticised the use of female combatants in guerrilla organisations as sex slaves. [2]

**6.8** In the first 11 months of 2002, public security forces killed 183 paramilitaries in combat and captured 1,214. [2] For the first six months of 2003, 145 paramilitaries were killed and 1,244 captured. [36] There were approximately 11,200 paramilitaries in the country, organised into several associations, the largest and most influential of which was the terrorist organisation AUC. The AUC experienced a series of leadership crises during 2002 that led to its temporary break up and a reduction in its membership. The largest of the paramilitary organisations that formally remained a part of the AUC was the United Self-Defence Forces of Cordoba and Uraba (ACCU), which operated in the northern part of the country and was led by the principal organisers of the AUC, Carlos Castano and Salvatore Mancuso. [2]

**6.9** The country's two largest left-wing guerrilla organisations are the 16,500 member terrorist organisation FARC and the 4,500 member terrorist organisation National Liberation Army (ELN). While the FARC has grown larger and more prosperous in recent years, due to drug trafficking and the temporary security of the despeje, the ELN has been in steady decline. In many areas previously dominated by the ELN, the two guerrilla groups worked together to combat government forces and paramilitaries. [2][36]

**6.10** Both the FARC and the ELN systematically attacked non-combatants and violated citizens' rights through unlawful killings, kidnappings, and torture. Guerrillas were responsible for a large percentage of

civilian deaths related to the internal conflict. The Human Rights Ombudsman's Office reported that as of 31 October 2002, 63 percent of complaints it had received regarding violations of international humanitarian law related to abuses by guerrillas. The FARC alone accounted for at least 45 percent of these complaints. The FARC continued to kidnap, torture, and kill off-duty soldiers and policemen as part of its openly acknowledged "Pistol Plan". [2]. Pistol Plan was set up by the FARC to murder policemen and army personnel. [28a]

**6.11** Guerrillas also were responsible for attacks on religious and indigenous leaders and forcibly recruited minors. [2]

## **FREEDOM OF SPEECH AND THE MEDIA**

**6.12** The Constitution provides for freedom of speech and the press and the Government generally respected these rights in practice; however, journalists regularly practised self-censorship to avoid retaliation and harassment by various groups. Individuals criticised the Government both publicly and in private without fear of reprisal. The privately owned print media published a wide spectrum of political viewpoints and were often sharply critical of the Government without fear of reprisals. Media ownership remained highly concentrated. Wealthy families or groups associated with one of the two dominant political parties consolidated their holdings of news media, and regional firms continued to purchase local news media outlets. [2]

**6.13** In September 2002 financial problems forced Colombia's oldest newspaper, El Espectador, to change from a daily to a weekly publication. Economic problems and concentration of media ownership limited the media's resources, causing it to rely heavily on a smaller pool of advertisers, including the Government. The National Television Commission continued to oversee television programming throughout 2002. [2]

**6.14** The Government did not assert "national security" to suppress views that were merely politically embarrassing or objectionable on other grounds. However, Reporters Without Borders criticised the presidential decree that created Special Rehabilitation and Consolidation Zones in highly conflictive areas that foreigners, including journalists, could enter only with special permission from government authorities. The organisation stated that "the possibility of journalists being refused entry into the special zones is a flagrant violation of the Inter-American Human Rights Convention, whose article 13 guarantees freedom of movement for journalists." In accordance with a November 26 decision by the Constitutional Court, the Government announced that it would grant foreign press correspondents registered with the Government's international press office expedited authorisation to visit Rehabilitation Zones. [2]

**6.15** A ban on the publication of evidence pertaining to criminal investigations, based on secrecy provisions of the penal code and an anticorruption statute, also remained in effect. [2]

**6.16** According to the US Department of State Report issued 31 March 2003, covering 2002, during 2002, the Government did not restrict academic freedom. However, paramilitary groups and guerrillas maintained a presence on many university campuses, aimed at generating political support for their respective campaigns and undermining support for their adversaries through both violent and non-violent means. Paramilitaries threatened and killed university professors and students they suspected of leftist sympathies. Paramilitaries have had their greatest influence in the north of the country, where in the last 7 years they are suspected of killing as many as 12 students and professors at the University of Atlantico, in Barranquilla, Atlantico Department. It is also suspected that they killed as many as 10 at the University of Cordoba, in Monteria, Cordoba Department. [2]

**6.17** Both paramilitary groups and guerrillas regularly threatened and killed public school teachers, particularly at the high school level. In November Minister of Education Cecilia Maria Velez reported that

approximately 800 teachers, mostly in rural areas, were working under the shadow of death threats from illegal armed groups, particularly the FARC. According to the National Teacher's Union (FECODE), 83 teachers were killed during 2002, most by paramilitaries. [2]

**6.18** On 28 October 2002, in the village of Media Luna, Pivijay municipality, Magdalena department, four alleged members of the AUC shot and killed Oscar David Polo at the entrance of the school where he taught. Four teachers were killed in this small municipality during 2002, and a total of 9 in the department of Magdalena. A total of 14 teachers were killed in the department of Antioquia, more than in any other department. As a result of these and other incidents, many professors and students assumed a lower profile. Some universities banned extracurricular social activities that addressed controversial topics related to the internal armed conflict. Some academics went into voluntary exile. [2]

### Journalists

**6.19** Police or other public security forces generally did not subject journalists to harassment, intimidation, or violence. However, there were exceptions, as well as reports of threats against journalists from local officials accused of corruption. [2] On 11 July 2003, the Mayor of Barrancabermeja was charged with ordering the murder of a radio journalist who often accused him of being corrupt and having links to outlawed paramilitary groups. Three other officials were detained for their alleged roles in the killing. [30a]

**6.20** During 2002, both paramilitaries and guerrillas intimidated, threatened, kidnapped, and killed journalists. According to information gathered by the International Federation of Journalists (IFJ) and the Colombian Foundation for Press Freedom (FLIP), at least 10 media representatives were killed, 75 threatened, and 12 kidnapped. At least four of the media representatives killed during 2002 were killed as a direct consequence of their work. The number of reported threats was believed to be low, since many targeted individuals did not report threats to government authorities or non-Governmental Organisations (NGOs). [2]

**6.21** Domestic and international NGOs and other international organisations reported self-censorship by the media due to threats from illegal armed groups. In May 2002 the Committee to Protect Journalists included the country on a list of the 10 worst places to be a journalist, noting that 29 journalists had been killed in the country in the last 10 years. [2]

**6.22** CPJ reported that on 21 January 2003 FARC and ELN rebels had detained two journalists who were on an assignment for the Los Angeles Times in Arauca Department. They were travelling on a road south of the town of Saravena with their driver when the three of them were removed from their car at a rebel roadblock. [19b] The journalists were released unharmed on 1 February 2003 after 11 days in captivity. [37] The ELN said on clandestine radio that they were holding the journalists and that they would free them when "the political and military conditions permit" and they were "prepared to guarantee the lives and security of these journalists". According to the report they were believed to have been reporting on the arrival of dozens of US Special Forces who were there to train Colombian troops to protect a vital pipeline that runs through the region which is bombed by rebels. [19b]

**6.23** In May 2003, in a report the CPJ expressed concern for two Colombian journalists who fled their home. Jose Ivan Aguilar Castaneda had fled after he was shot and Diogenes Cadena Castellanos left after receiving death threats. Both men reported frequently on the country's 40-year old civil war. Aguilar had left for Bogota seeking the help of the government's protection program for journalists. [19a]

**6.24** During 2002, threats of violence drove at least 13 journalists into exile. Vice President Francisco Santos, former editor of the country's largest circulation newspaper, Bogota's El Tiempo, and founder of the Free Country Foundation, a prominent anti-kidnapping NGO, returned from exile to assume the responsibilities of the vice-presidency. [2]

**6.25** On 22 August 2003 suspected members of the FARC killed a journalist and wounded another after the vehicle carrying the radio reporters failed to stop at a rebel roadblock in Putumayo state. [32g]

