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Fifty-eighth session
Agenda item 21 (b)

**REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE
FIFTY-EIGHTH SESSION OF THE COMMISSION**

Draft report of the Commission

Rapporteur: Mr. Frederico Duque Estrada Meyer (Brazil)

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* Documents E/CN.4/2002/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/2002/L.11 and addenda.

A. Opening and duration of the session

1. The Commission on Human Rights held its fifty-eighth session at the United Nations Office at Geneva from 18 March to 26 April 2002. It held 58 meetings (see E/CN.4/2001/SR.1-58) during the session.
2. The session was opened by Mr. Leandro Despouy, Chairperson of the Commission at its fifty-seventh session, who made a statement.
3. At the 1st meeting, on 18 March 2002, Ms. Mary Robinson, United Nations High Commissioner for Human Rights, made a statement.

B. Attendance

4. The session was attended by representatives of States members of the Commission, by observers for other States Members of the United Nations, by observers for non-member States and Palestine and by representatives of the specialized agencies, regional intergovernmental organizations, other entities, national human rights organizations and non-governmental organizations. An attendance list is given in annex II to the present report.

C. Election of officers

5. At its 1st meeting, the Commission elected the following officers by acclamation:

Chairperson: Mr. Krzysztof Jakubowski (Poland)

Vice-Chairpersons: Mr. Walter Lewalter (Germany)

Mr. Siphon George Nene (Republic of South Africa)

Mr. Toufik Salloum (Syrian Arab Republic)

Rapporteur: Mr. Frederico Duque Estrada Meyer (Brazil)

D. Agenda

6. Also at its 1st meeting, the Commission had before it the provisional agenda of the fifty-eighth session (E/CN.4/2002/1 and Add.1-2), drawn up, in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the provisional agenda considered by the Commission at its fifty-seventh session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII) of 1 August 1974.
7. The agenda was adopted without a vote. For the text as adopted, see annex I to the present report.

E. Organization of work

8. The Commission considered the organization of its work at its 2nd meeting, on 19 March 2002, at its 12th meeting, on 22 March 2002, at its 16th meeting, on 26 March 2002, at its 23rd meeting, on 3 April 2002, at its 27th meeting, on 5 April 2002 at its 33rd meeting, on 10 April 2002, at its 45th meeting, on 18 April 2002, at its 51st meeting, on 23 April 2002 and at its 58th meeting on 26 April 2002.
9. For the documents of the fifty-eighth session issued under agenda item 3, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V to the present report.
10. Also at its 2nd meeting, on the recommendation of its officers, the Commission decided to invite a number of experts, special rapporteurs, special representatives, chairpersons-rapporteurs of working groups and other persons to participate in the meetings at which their reports were to be considered.
11. The decision was adopted without a vote. For the text as adopted, see chapter II, section B, decision 2002/101.
12. At its 12th meeting, on the 22 March 2002, the Commission accepted the recommendation of its officers regarding the postponement of the special debate to the next session of the Commission.
13. Also at its 12th meeting, the Commission accepted the recommendation of its officers that document E/CN.4/2002/16, except paragraphs 25, 26, 30, 32, 38, 41, 47, 48 and 54 on which consultation would continue, would guide the work of the Commission.
14. At its 16th meeting, on 26 March 2002, the Commission accepted the recommendation of its officers on measures to overcome difficulties posed by the discontinuation of evening and night meetings. The following steps would be taken:
 - (a) Agreed provisions in document E/CN.4/2002/16 would not be amended and the measures would only be enforced at the 58th session of the Commission;
 - (b) The Chairperson, on behalf of the Commission, would write a letter to the Secretary-General inviting him to minimize the impact on the session;
 - (c) Speaking time with respect to the list of speakers would be reduced by 30 per cent concerned countries under an agenda item would retain the additional 5 minutes' speaking time and dignitaries would be requested to shorten the length of their statements;

(d) Negotiations to reach consensus on draft resolutions would be encouraged and an electronic system would be used for voting;

(e) The time for the introduction of draft resolutions and general statements in relation to voting would be restricted to 2 minutes for the introduction of a consensus draft resolution and 3 minutes for other drafts; 3 minutes for general comments; 10 minutes for concerned countries before the vote; and 2 minutes for explanations of vote, to be exercised only once, before or after the vote;

(f) Chairperson's statements would not be read out in their entirety, only distributed and included in the summary records and the report;

(g) The election of members of the Sub-Commission would take place in plenary meeting at the same time as the general debate on the item;

(h) The Rapporteur of the Commission would, together with the Secretariat look into the procedure for the adoption of the report of the Commission in order to suggest appropriate measures.

15. At the 23rd meeting, on 3 April 2002, the Commission approved the timetable for the consideration of agenda items as proposed by its officers, with the understanding that it could be modified in accordance with decisions the Commission might adopt regarding the organization of its work.

16. At the 27th meeting, on 5 April 2002, the Commission accepted the recommendation of its officers regarding the organization, on 5 April 2002 at the afternoon meeting, of a Special Sitting in response to the High Commissioner's statement, under agenda item 4, on the situation of human rights in the occupied Palestinian territory.

17. At the 33rd meeting, on 10 April 2002, the Commission accepted the recommendation of its officers regarding additional measures to overcome the difficulties posed by the discontinuation of evening and night meetings. The additional measures would be:

(a) Some of the remaining agenda items would be considered concurrently as follows: 12 and 13; 14 and 15; and 16, 17, 18, 19 and 20;

(b) The right of reply would be exercised only once, at the end of an item or cluster of items;

(c) National institutions would be given the opportunity to speak under agenda item 18 for a combined time of one hour;

(d) The report would be adopted ad referendum on Friday, 26 April 2002, it being understood that efforts would be made to ensure that as many chapters of the report as possible would be made available at that time in all the languages.

18. At the 51st meeting, on 23 April 2002, the Commission accepted the recommendation of its officers regarding further measures to overcome the difficulties posed by the discontinuation of evening and night meetings. The further measures would be:

(a) The general debate on agenda items 14, 15, 16, 17, 18, 19 and 20 would be clustered;

(b) The Commission would either avoid introducing or significantly reduce the length of introductions of draft proposals that had been adopted without a vote at previous sessions and would avoid general comments on those drafts;

(c) General comments on other draft proposals would be limited to two delegations in favour and two delegations against;

(d) The Chairperson would apply strictly the speaking limits in the voting process, namely two minutes for introductory remarks, three minutes for general comments and two minutes for explanations of vote.

Situation of human rights in Colombia

19. At the 45th meeting, on 18 April 2002, Ms. Mary Robinson, United Nations High Commissioner for Human Rights, introduced her report on the situation of human rights in Colombia (E/CN.4/2002/17).

20. At the same meeting, statements were made by members of the Commission and representatives of non-governmental organizations. The list of speakers appears in annex III to the present report.

21. At the 58th meeting, on 26 April 2002, the Chairperson, on behalf of the Commission, made a statement concerning the situation of human rights in Colombia. For the text, see paragraph 44 below.

F. Meetings, resolutions and documentation

22. As indicated in paragraph 1 above, the Commission held 58 fully serviced meetings.
23. The resolutions and decisions adopted by the Commission at its fifty-eighth session are contained in chapter II of the present report. Draft decisions for action by the Economic and Social Council are set out in chapter I. For a list of resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V to the present report.
24. Annex III contains a list of speakers in the general debate on agenda items 3 to 20.
25. Annex IV contains a statement regarding the administrative and programme budget implications of resolutions and decisions adopted by the Commission at its fifty-eighth session.
26. Annex VI contains a list of documents issued for the fifty-eighth session of the Commission.

G. Visits

27. During its fifty-eighth session, the Commission heard statements by the following guest speakers:

(a) At the 2nd meeting, on 19 March 2002: Mr. Josep Piqué, Minister for Foreign Affairs of Spain (on behalf of the European Union; Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement); Mr. Nejat Arseven, Minister of State of Turkey in charge of Human Rights; Dr. Dimitrij Rupel, Minister for Foreign Affairs of the Republic of Slovenia; Ms. Anna Lindh, Minister for Foreign Affairs of Sweden, followed by a statement in exercise of the equivalent of the right of reply made by the observer for Turkey. At the 3rd meeting, on the same day, a statement in exercise of the right of reply was made by the representative of Thailand and statements in exercise of the equivalent of the right of reply were made by the observer for Zimbabwe and the observer for Belarus, followed by a statement in exercise of the right of reply by the representative of Sweden.

(b) At the 3rd meeting, on 19 March 2002: Ms. Zeljka Antunovic, Deputy Prime Minister of the Republic of Croatia; Mr. Antanas Valionis, Minister for Foreign Affairs of the Republic of Lithuania, in his capacity as Chairman of the Committee of Ministers of the Council of Europe; Mr. Michael Melchior, Deputy Minister for Foreign Affairs of Israel, in connection with whose statement statements in exercise of the equivalent of the right of reply were made by the observers for Lebanon and Palestine, followed by a statement in exercise of

the equivalent of the right of reply by the observer for Israel; Mr. Kassymzhomart Tokayev, Secretary of State, Minister for Foreign Affairs of the Republic of Kazakhstan; Mr. Antti Satuli, Secretary of State of Finland; Mr. Javier Solana, High Representative for the Common Foreign and Security Policy of the European Union; Mr. Bill Graham, Minister for Foreign Affairs of Canada, in connection with whose statement a statement in exercise of the right of reply was made by the representative of the Sudan; Dr. A. Abdullah, Minister for Foreign Affairs of Afghanistan;

(c) At the 4th meeting, on 20 March 2002: Mr. Ruud Lubbers, United Nations High Commissioner for Refugees; Mr. Siene Oulaï, Minister of Justice and Public Liberty of Côte d'Ivoire; Dr. Nkosazana Dlamini-Zuma, Minister for Foreign Affairs of the Republic of South Africa; Ms. Arta Dade, Minister for Foreign Affairs of the Republic of Albania; Ms. Lydie Polfer, Vice-Prime Minister, Minister for Foreign Affairs of Luxembourg; Ms. Benita Ferrero-Waldner, Federal Minister for Foreign Affairs of Austria;

(d) At the 5th meeting, on 20 March 2002: Dr. José Ramos-Horta, Senior Minister for Foreign Affairs and Cooperation of the Second Transitional Government of East Timor; Mr. Jaime Gama, Minister for Foreign Affairs of Portugal and Chairperson in office of the Organization for Security and Co-operation in Europe; Mr. Włodzimierz Cimoszewicz, Minister for Foreign Affairs of the Republic of Poland; Mr. Joschka Fischer, Minister for Foreign Affairs of the Federal Republic of Germany, in connection with whose statement a statement in exercise of the right of reply was made by the representative of China, followed by a statement in exercise of the right of reply by the representative of Germany; Mr. Mohamed Auajjar, Minister for Human Rights of the Kingdom of Morocco;

(e) At the 7th meeting, on 21 March 2002: Prof. Paulo Sérgio Pinheiro, State Secretary for Human Rights of Brazil; Mr. Indulis Bērziņš, Minister for Foreign Affairs of the Republic of Latvia; Mr. Eduard Kukan, Minister for Foreign Affairs of the Slovak Republic; Dr. Gustavo Bell Lemus, Vice-President of Colombia;

(f) At the 10th meeting, on 22 March 2002: Dr. Wahibah Fara'a, Minister of State for Human Rights of Yemen; Mr. Jan Petersen, Minister for Foreign Affairs of Norway;

(g) At the 11th meeting, on 22 March 2002: Mr. Vartan Oskanian, Minister for Foreign Affairs of Armenia, in connection with whose statement statements in exercise of the equivalent of the right of reply were made by the observers for Azerbaijan and Turkey, followed by a statement in exercise of the right of reply by the representative of Armenia;

(h) At the 15th meeting, on 26 March 2002: Mr. Roberto Rojas López, Minister for Foreign Affairs of Costa Rica; Mr. Luaba Lumu Ntumba, Minister for Human Rights of the Democratic Republic of the Congo; Mr. Jorge Castañeda, Secretary of Foreign Relations of Mexico; Ms. Hanan Ashrawi, Special Envoy of the President of the Palestinian National Authority, in connection with whose statement a statement in exercise of the equivalent of the right of reply was made at the 16th meeting, the same day, by the observer for Israel, followed by a statement in exercise of equivalent of the right of reply by the observer for Palestine; Dr. Surakiart Sathirathai, Minister for Foreign Affairs of Thailand; Mr. Felipe Pérez Roque, Minister for Foreign Affairs of the Republic of Cuba; Mr. Abdul Sattar, Minister for Foreign Affairs of Pakistan, in connection with whose statement a statement in exercise of the right of reply was made at the 16th meeting, the same day, by the representative of India, followed by a statement in exercise of the right of reply by the representative of Pakistan; Mr. Hubert Védrine, Minister for Foreign Affairs of France; Mr. Joseph Deiss, Head of the Federal Department for Foreign Affairs of Switzerland, in connection with whose statement a statement in exercise of the right of reply was made at the 16th meeting, the same day, by the representative of China, followed by a statement in exercise of the equivalent of the right of reply by the observer for Switzerland; Mr. Goran Svilanovic, Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia;

(i) At the 16th meeting, on 26 March 2002: Mr. Pierre-Henri Imbert, Director-General for Human Rights of the Council of Europe; Mr. Gérard Stoudmann, Director of the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe; Mr. Ali Ahmed Karti, State Minister at the Ministry of Justice of the Republic of the Sudan; Mr. Jakob Kellenberger, President of the International Committee of the Red Cross;

(j) At the 18th meeting, on 27 March 2002: Mr. Patrick Anthony Chinamasa, Minister of Justice, Legal and Parliamentary Affairs of Zimbabwe; Mr. Jozias van Aartsen, Minister for Foreign Affairs of the Netherlands, in connection with whose statement a statement in exercise of the equivalent of the right of reply was made by the observer for Zimbabwe; Mr. Yusril Ihza Mahendra, Minister of Justice and Human Rights of Indonesia;

(k) At the 19th meeting, on 28 March 2002: Mr. Malkhaz Kakabadze, Minister for Special Affairs of Georgia; Mr. Georges Chicoti, Vice-Minister for Foreign Affairs of Angola; Mr. Jan Kavan, Deputy Prime Minister and Minister for Foreign Affairs of the Czech Republic, in connection with whose statement a statement in exercise of the right of reply was made by the representative of Cuba and a statement in exercise of the equivalent of the right of reply was made by the observer for Turkey; Mr. Valery Loshchinin, First Deputy Minister for Foreign Affairs of the Russian Federation;

(l) At the 20th meeting, on 28 March 2002: Mr. Petko Draganov, Vice-Minister for Foreign Affairs of the Republic of Bulgaria; Mr. Alphonse Barancira, Minister of Institutional Reforms, Human Rights and Relations with the Parliament of Burundi, in connection with whose statement a statement in exercise of the equivalent of the right of reply was made by the observer for Rwanda;

(m) At the 21st meeting, on 2 April 2002: Mr. Guangya, Wang, Vice-Minister for Foreign Affairs of the People's Republic of China; Mr. Agbéyomé Messan Kodjo, Prime Minister of the Togolese Republic, Ms. Ton Nu Thi Ninh, Deputy Minister for Foreign Affairs of Viet Nam;

(n) At the 23rd meeting, on 3 April 2002: Dr. Peter Piot, Executive Director of the Joint United Nations Programme on HIV/AIDS; Mr. Per Stig Møller, Minister for Foreign Affairs of Denmark; Mr. Juan Manuel Suárez del Toro Rivero, President of the International Federation of Red Cross and Red Crescent Societies; Ms. Cecilia Blondet, Minister for the Promotion of Women and Human Development of Peru; Mr. Rodolphe Adada, Minister for Foreign Affairs, Cooperation and Francophonie of the Republic of the Congo;

(o) At the 25th meeting, on 2 April 2002: Mr. Milovan Blagojevic, Deputy Minister for Foreign Affairs of Bosnia and Herzegovina;

(p) At the 27th meeting, on 5 April 2002: Ms. Kristiina Ojuland, Minister for Foreign Affairs of Estonia;

(q) At the 29th meeting, on 8 April 2002: Mr. M. Abdurrahman Mohamed Shalgam, Minister for Foreign Affairs of the Libyan Arab Jamahiriya;

(r) At the 31st meeting, on 9 April 2002: Mr. François-Xavier Ngoubeyou, Minister for Foreign Affairs of the Republic of Cameroon; Dr. Rubén-Maye Nsue Mangué, Minister of Justice and Religious Affairs of Equatorial Guinea; Dr. Abdelouahed Belkeziz,

Secretary-General of the Organization of the Islamic Conference, in connection with whose statement a statement in exercise of the right of reply was made at the 32nd meeting, the same day, by the representative of India; Mr. Marcel Metefara, Minister of Justice of the Republic of Central Africa;

(s) At the 35th meeting, on 11 April 2002: Mr. Alhaji Sule Lamido, Minister for Foreign Affairs of Nigeria;

(t) At the 37th meeting, on 12 April 2002: Mr. Kofi Annan, Secretary-General of the United Nations; Ms. Margherita Boniver, Vice-Minister for Foreign Affairs of Italy; Dr. Ernst Walch, Minister for Foreign Affairs of Liechtenstein; Prince Torki Ben Mohammed Ben Saud Al-Kabeer, Deputy Minister for Political Affairs of Saudi Arabia;

(u) At the 39th meeting, on 15 April 2002: Mr. Adrian Nastase, Prime Minister of Romania; Mr. Khalaf Khalafov, Deputy Minister for Foreign Affairs of Azerbaijan, in connection with whose statement a statement in exercise of the right of reply was made by the representative of Armenia, followed by a statement, at the 40th meeting, the same day, in exercise of the equivalent of the right of reply by the observer for Azerbaijan;

(v) At the 44th meeting, on 17 April 2002: Mr. Amre Moussa, Secretary-General of the League of Arab States;

(w) At the 45th meeting, on 18 April 2002: Mr. Louis Michel, Deputy Prime Minister and Minister for Foreign Affairs of Belgium; the Rt. Hon. Jack Straw, MP, Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland, in connection with whose statement a statement in exercise of the equivalent of the right of reply was made by the observer for Iraq and a statement in exercise of the right of reply was made, at the 46th meeting, the same day, by the representative of China.

H. Organization of the work of the fifty-eighth session of the Commission

Enhancement of the effectiveness of the working methods of the Commission

28. At the 57th meeting on 26 April 2002, the representative of Cuba introduced draft resolution E/CN.4/2002/L.93, sponsored by Algeria, Angola, Bangladesh, Bhutan, China, Cuba, the Democratic People's Republic of Korea, Equatorial Guinea, India, Indonesia, Iran (Islamic Republic of), Iraq, the Libyan Arab Jamahiriya, Malaysia, Pakistan,

the Philippines, Saudi Arabia, Sri Lanka, the Sudan, the Syrian Arab Republic, Viet Nam and Yemen. Burundi, the Democratic Republic of the Congo, Kenya, Mauritania, Nigeria, the Russian Federation, Sierra Leone, Swaziland, Togo, Uganda and Zambia subsequently joined the sponsors.

29. At the same meeting the representative of Cuba orally revised the draft resolution extensively on the basis of a text provided to the Commission.

30. Statements in connection with the draft resolution was made by the representatives of Canada and Spain.

31. At the 58th meeting, statements in connection with the draft resolution were made by the representatives of Canada, Cuba and Spain (on behalf of the European Union).

32. At the request of the representative of Canada, a recorded vote was taken on the draft resolution, as orally revised, which was adopted by 36 votes to none, with 17 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Armenia, Bahrain, Brazil, Burundi, Cameroon, Chile, China, Costa Rica, Cuba, Democratic Republic of the Congo, Ecuador, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Nigeria, Pakistan, Peru, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Uruguay, Venezuela, Viet Nam, Zambia.

Against: None.

Abstentions: Austria, Belgium, Canada, Croatia, Czech Republic, France, Germany, Guatemala, Italy, Japan, Mexico, Poland, Portugal, Republic of Korea, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

33. For the text of the resolution as adopted, see chapter II, section A, resolution 2002/91.

34. At the 58th meeting, on 26 April 2002, the Chairperson proposed a draft decision concerning the intersessional activities of the Bureau.

35. Statements in connection with the draft decision were made by the representatives of Bahrain, Cuba and Spain.

36. At the request of the representative of Cuba, a recorded vote was taken on the draft decision, which was adopted by 41 votes to none, with 12 abstentions. The vote was as follows:

In favour: Argentina, Armenia, Austria, Bahrain, Belgium, Brazil, Burundi, Cameroon, Canada, Chile, Costa Rica, Croatia, Czech Republic, Democratic Republic of the Congo, Ecuador, France, Germany, Guatemala, India, Indonesia, Italy, Japan, Kenya, Libyan Arab Jamahiriya, Mexico, Nigeria, Pakistan, Peru, Poland, Portugal, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, South Africa, Spain, Sweden, Thailand, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia.

Against: None.

Abstentions: Algeria, China, Cuba, Malaysia, Sierra Leone, Sudan, Swaziland, Syrian Arab Republic, Togo, Uganda, Venezuela, Viet Nam.

37. For the text of the decision as adopted, see chapter II, section B, decision 2002/115.

38. At the same meeting, the Chairperson proposed three draft decisions concerning the organization of the work of the fifty-ninth session of the Commission (additional meetings), statements by non-governmental organizations and the electronic voting system.

39. Statements in connection with the draft decisions were made by the representatives of Algeria, Cuba and the Syrian Arab Republic.

40. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft decisions.

41. The draft decisions were adopted without a vote. For the text of the decisions as adopted, see chapter II, section B, decisions 2002/116, 2002/117 and 2002/118.

I. Concluding remarks

42. At the 57th meeting, on 26 April 2002, Ms. Mary Robinson, United Nations High Commissioner for Human Rights made concluding remarks.

43. At the 58th meeting, the same day, concluding remarks were also made by the following speakers:

(a) Mr. Krzysztof Jakubowski, Chairperson of the fifty-eighth session of the Commission;

- (b) The representative of Canada (on behalf of the Group of Western European and Other States);
- (c) The representative of Nigeria (on behalf of the Group of African States);
- (d) The representative of Chile (on behalf of the Group of Latin American and Caribbean States);
- (e) The representative of Japan (on behalf of the Group of Asian States);
- (f) The representative of Croatia (on behalf of the Group of Eastern European States);
- (g) The representative of the Syrian Arab Republic (on behalf of the Group of Arab States).

Chairperson's statement

44. During the consideration of agenda item 3, the Chairperson made a statement, the text of which reads as follows:

“SITUATION OF HUMAN RIGHTS IN COLOMBIA

“The Commission on Human Rights takes note of the determination of the Government of Colombia to allow the Office of the High Commissioner for Human Rights in Colombia to continue carrying out its activities without any impediments in the fulfilment of its mandate and it trusts that the Government of Colombia will solve the remaining problems which the Office encounters in maintaining a fluid and effective dialogue with the Government. The Commission does note, however, progress in the dialogue between the Office of the High Commissioner for Human Rights in Colombia and the Government, and urges the Government to further strengthen its cooperation with the Office in realizing the full potential of its mandate. It welcomes the very detailed report of the High Commissioner for Human Rights on the situation of human rights in Colombia (E/CN.4/2002/17) and takes note of the document containing the observations of the Government of Colombia on that report (E/CN.4/2002/172), and urges it to comply with the recommendations contained therein.

“The Commission firmly supports the extension of the mandate of the permanent office in Bogotá, as it still believes that this office plays a vital role in the work against ongoing violations of human rights and international humanitarian law in Colombia. The Commission is

encouraged by the effective cooperation of the Government in the enlargement and the extension of the presence of the office, welcomes the opening of the offices in Cali and Medellin and encourages the eventual establishment of other field offices in Colombia.

“Considering that cooperation with United Nations human rights mechanisms continues to be a valuable instrument that contributes to improving the Government’s efforts to promote and protect human rights in the country, the Commission urges the present Government of Colombia, as well as the incoming Government of Colombia, to preserve and further develop the ongoing collaboration not only with the Office of the High Commissioner for Human Rights in the country, but also with the Office of the United Nations High Commissioner for Refugees, given the increasing number of internally displaced persons, by adopting further effective measures to ensure the follow-up to and fulfilment of the recommendations of these Offices.

“The Commission welcomes the visit of the Special Rapporteur on violence against women and the visit of the Special Representative of the Secretary-General on human rights defenders, and calls upon the Government of Colombia to implement the recommendations of all rapporteurs and thematic working groups and to continue to cooperate with them.

“The Commission understands and respects the decision that the President of Colombia took on 20 February 2002, which put an end to the process, initiated in 1998, of dialogue, negotiation and signing of agreements with the Revolutionary Armed Forces of Colombia (FARC), whose condemnable acts of violence demonstrated its unwillingness to make serious progress in the peace process by fulfilling the commitments it has solemnly undertaken with the Government, most recently in the Agreement of 20 January 2002. The Commission reiterates its support for the determined efforts carried out by President Pastrana to seek an end to internal conflict in Colombia through dialogue and negotiation, and highlights the strong willingness of Colombia to achieve peace, in the framework of the rule of law and respect for human rights. The Commission strongly believes that a negotiated political solution is necessary in order to end the conflict. Likewise, it underlines the role played by the international community, in particular by the United Nations through the Special Representative of the Secretary-General, and the Group of Facilitating Countries in the peace process with the FARC and the Group of Friendly Countries in the peace process with the National Liberation Army (ELN).

“The Commission welcomes the process of dialogue and negotiation that is under way between the Government and the ELN, encourages the prompt achievement and fulfilment of commitments, and hopes that this will allow for substantial progress to be made in the search for peace.

“The Commission hopes that a future decrease in the intensity of the conflict and a halt in human rights violations and attacks against the civilian population will contribute to creating an atmosphere of confidence that will allow the continuation of the efforts towards dialogue in the search for peace.

“The Commission strongly condemns all threats, attacks, kidnappings and assassinations of candidates in legislative and presidential elections, as well as of other persons who carry out peaceful political activities, by paramilitary or guerrilla groups. It urges the immediate liberation of kidnapped candidates and reiterates its request to all armed groups to respect persons exercising their political rights. The Commission takes note of and welcomes the institutional effort carried out by both the State and the Government of Colombia to conduct the electoral processes during the first half of this year, with the appropriate guarantees.

“The Commission continues to express its deep concern regarding the grave and persistent breaches of international humanitarian law committed by all the parties to the conflict, mainly paramilitary and guerrilla groups. It also makes an appeal to all illegal armed groups to respect international humanitarian law, especially as it applies to respect protection of the civilian population. Likewise, it urges the immediate release of all kidnapped persons. The Commission is seriously concerned about the grave breaches of international humanitarian law, which protects medical missions and prohibits the blocking of the delivery of food to areas in need.

“The Commission strongly condemns the persistence of impunity in Colombia, especially with regard to violations and abuses of human rights and international humanitarian law. The Commission welcomes the incorporation of breaches of international humanitarian law into the new Criminal Code and urges all parties involved in the conflict to respect that law and end the violations.

“Likewise, it is concerned at the alleged links between the military and the paramilitaries and the persistence of violations of the right to a fair trial, as trials conducted by military tribunals are still being held. In particular, in specific cases of serious violations of human rights

and international humanitarian law, the Attorney-General's Office has declared itself incompetent in favour of military criminal justice. The Commission reminds the Colombian State that, in order to avoid such a situation, the regulations of the new Military Code and the new ordinary Criminal Code must be interpreted in accordance with the relevant international standards and according to the clear criteria established by the decisions of the Constitutional Court of Colombia. The Commission urges the Government to take further necessary measures to address the problem of impunity the country is labouring under. The Commission looks forward to an early conclusion of the ratification process of the Rome Statute of the International Criminal Court and notes the adoption in Congress of the regulations aimed at achieving this goal.

“The Commission welcomes the incorporation of crimes relating to forced disappearances, massacres and genocide in the Criminal Code and its entry into force on 24 July 2001, as well as the adoption by Congress of norms that will facilitate the ratification of the Inter-American Convention on the Forced Disappearance of Persons. The Commission urges the Government of Colombia to implement the provisions of these instruments regarding enforced disappearances, which affect journalists, human rights defenders, trade unionists and political and social activists. There are serious allegations that some of the disappearances involve members of State forces who collaborate with paramilitary groups and consent to or acquiescence in criminal acts. Therefore, the Commission urges the Colombian State to continue to adopt efficient and effective measures to attempt to solve the problem of impunity.

“The Commission takes note of improvements in the human rights performance of the armed forces but remains concerned at continued reports of human rights violations attributed to the armed and security forces, and deplores “momentary captures” or “government arrests” carried out by the security forces and the military. While the Commission notes the legal mechanisms which have led to the dismissal of military personnel in a discretionary manner, it urges the Government of Colombia to further ensure that the members of State forces against whom credible allegations exist are suspended, whilst speedy investigations are undertaken in order to bring those responsible to civilian justice.

“The Commission takes note of the ruling of the Constitutional Court declaring Law 684 of 13 August 2001 on national security and defence unconstitutional, and calls upon the Government of Colombia to interpret and adjust all national legislation in accordance with relevant international human rights norms.

“The Commission condemns all acts of terrorism and other criminal acts committed by all illegal armed groups, such as attacks against life, physical integrity and personal liberty and safety.

“The Commission condemns all breaches of international humanitarian law committed by guerrilla groups. Consequently, it urges all the guerrilla groups, especially the FARC, to comply with international humanitarian law and to respect the national authorities, the legitimate exercise by the population of their human rights and their access to the mechanism and resources that guarantee them.

“Furthermore, the Commission condemns the persistence of grave abuses of human rights and breaches of international humanitarian law committed by paramilitary groups, and is particularly concerned at acts of murder, kidnapping, torture and forced disappearance undertaken by all parties to the conflict. The Commission is furthermore concerned at reports involving members of State forces who collaborate with paramilitary groups and consent to or acquiescence in criminal acts carried out by the latter. The Commission urges the Government of Colombia to implement fully the measures adopted to combat and repress paramilitary groups.

“The Commission is concerned at the poor results following the establishment of the Standing Inter-sectoral Commission for the Coordination and Follow-up of National Human Rights and International Humanitarian Law Policy as well as the Presidential Programme for the Promotion, Respect and Guarantee of Human Rights and of the Application of International Humanitarian Law. As a consequence, it urges the Government of Colombia to design and implement a national action plan that is based on the fight against paramilitarism and impunity, attention to forcibly displaced persons, women and children, as well as the protection of the most vulnerable groups of the population. The Commission points out with concern that the six-point plan aimed at confronting the paramilitary groups has not brought about significant results.

“The Commission deplores attacks against the life, physical integrity and safety and freedom of movement of human rights defenders, trade union leaders and Church dignitaries. It strongly condemns all assassinations, in particular the recent assassination of Archbishop Duarte. The Commission also condemns the violation of the freedom of opinion and expression and the free exercise of political rights that particularly affects these groups. It urges the Colombian State to adopt adequate measures to make effective the full observance of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. It reiterates the request to

maintain a fluid dialogue with non-governmental organizations and recommends that the Government of Colombia further promote Presidential Guideline 07 among public officials and ensure punishment if it should be violated. Likewise, it urges the State to implement the measures adopted to guarantee trade union leaders their right to life, their physical integrity and the ability to function freely, as set out in article 8 of the International Covenant on Economic, Social and Cultural Rights. The Commission urges the Government of Colombia to adopt additional and more efficient measures to guarantee their life and personal safety and strengthen their protection, in particular by implementing recommendations of the International Labour Organization. The Commission encourages the Government of Colombia to continue its task of strengthening and improving the efficiency of the Special Protection Programme for Witnesses and Threatened Persons under the Ministry of the Interior by extending the number of beneficiaries and providing adequate resources to that effect. The Commission recommends that the Government of Colombia follow up and evaluate the measures, guidelines and programmes mentioned above in order to improve the situation of human rights.

“The Commission is also concerned at reported breaches of the presumption of innocence by means of the abuse of pre-trial detention and unjustified delays by members of the judiciary in proceedings that have affected the right to a fair trial. The Commission urges the Colombian authorities to address these issues in the context of the Criminal Code and the new Criminal Procedure Code, both of which have been in force since the second half of 2001. The Commission takes note of the adoption of the *Código Disciplinario Único*, in February 2002 and looks forward to its implementation.

“The Commission requests the Government of Colombia to reform the Penitentiary Code and to adopt all necessary measures to overcome the shortcomings of the administration of justice and to end corruption in the penitentiary system. Among other measures, it will be necessary to reinforce the judicial system and the protection of both members of the judiciary and victims, to improve the conditions of detention centres with due regard to the findings of the international mission on human rights and prisons in Colombia, as well as to avoid the entry of arms in detention centres.

“The Commission firmly condemns the recruitment of a large number of children into paramilitary and guerrilla groups. In this sense, the Commission urges them to stop the

recruitment of children and to demobilize immediately those currently participating in these groups. The Commission is alarmed at the use of anti-personnel landmines by paramilitary and guerrilla groups.

“The Commission welcomes the signature by the Government of Colombia of the two Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and the sale of children, child prostitution and child pornography, and is encouraged by the progress made in Congress towards ratification of the two Optional Protocols and looks forward to their early implementation. Likewise, it welcomes the entry into force of Law 679/2001 against sexual exploitation of children, child pornography and tourism with the purpose of having sex with minors. However, the Commission expresses its concern about the significant deterioration in the rights of the child in Colombia and urges the Colombian State to adopt measures to reduce violence against children; it recommends the harmonization of the *Código del Menor* with the provisions of the Convention on the Rights of the Child.

“The Commission encourages the Government of Colombia to recognize the competence of the committees established under articles 21 and 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and in accordance with article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, as well as to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

“The Commission deplores attacks against indigenous and Afro-Colombian communities and exhorts all actors to respect the special cultural status of minorities. It calls upon the Government of Colombia to adopt effective protection measures for the leaders, defenders and other members of those communities who are under threat. It also exhorts all relevant parties to provide opportunities for dialogue with a view to developing concerted and efficient prevention and protection policies for the members of these groups and to legally ban racial and other forms of discrimination in all circumstances. Likewise, it appeals to the parties to the conflict to respect the identity and integrity of these groups.

“The Commission is alarmed at the fact that the deterioration of the conflict has brought about a considerable increase in the number of internally displaced persons in Colombia, some of whom are under 14 years of age, and about their deteriorating situation of vulnerability and insecurity. The Commission believes that this problem must be tackled effectively. It therefore urges the Government to implement effective mechanisms to deal with the situation of the

general climate of violence and the immediate consequences of the internal displacement of the population, and calls upon all to the conflict to halt all actions that would further aggravate this serious problem. Likewise, it takes note of the acknowledgement by the Government of Colombia of its responsibility to address the situation of the internally displaced and of the implementation of the National System of Care for the Displaced Population. However, the Commission appeals to the Colombian State to implement provisions and mechanisms created by the State, such as those provided for in Law 387, pursuant to the ruling of the Constitutional Court and the Guiding Principles on Internal Displacement.

“The Commission notes with appreciation that the Constitutional Court has made reference to the Guiding Principles on Internal Displacement in support of action in favour of internally displaced and recommends that the Colombian State provide urgent protection and assistance to the displaced persons, in particular women and children, and to ensure their safe return. In this regard, it calls upon the Government of Colombia to continue to implement the recommendations of the Representative of the Secretary-General on internally displaced persons and encourages further cooperation with international bodies, especially the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross, as well as non-governmental organizations, not only through the adoption of protection measures, but also in the field of the prevention, and sanctioning those responsible for causing internal displacement.

“The Commission urges the Government of Colombia to continue its efforts to address, on the basis of the principle of shared responsibility and with respect for human rights and the environment, the problem of the illegal cultivation of drugs and the scourge of drug trafficking.

“In this regard, the Commission encourages the Government of Colombia to step up measures and adopt further policies to revitalize the Colombian economy, to further equal access to the generation of income and to strengthen the rule of law and, therefore, the democratic pillars of Colombian society.

“The Commission requests the High Commissioner for Human Rights to submit to it as its next session a detailed report containing an analysis by her Office of the situation of human rights in Colombia in accordance with the agreement between the Government of Colombia and her Office on the operation of the permanent office in Bogotá.”