THE IMPACT OF THE HIGH COMMISSIONER ON HUMAN RIGHTS PROTECTION IN COLOMBIA

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BACKGROUND

Large, systematic violations of human rights in the context of historical structural violence – an armed conflict that has been raging for over 50 years – justified the establishment of a field presence of the Office of the UN High Commissioner for Human Rights (hereinafter “OHCHR”) in Colombia in 1997. Since that time, significant changes have occurred in the country. Meaningful progress has been made in human rights protection and strengthening democratic institutions and the rule of law. The government has taken steps in the right direction to establish a transitional justice process through the adoption of laws relating to compensation to victims of armed conflict. Nevertheless, Colombia remains ‘two different countries’: Bogota, the capital, and other main cities where the rule of law and functioning democratic institutions exist; and the rest of the country, especially those departments where the state’s institutional presence is weak and it lacks exclusive control over the territory.

To argue that levels of violence in Colombia have declined solely because of the presence of the OHCHR in the country would be pretentious. However, there is no doubt that the Office has provided great support for a significant increase in the promotion and protection of human rights in Colombia. Indeed, the on-the-ground activities of the Office, as well as its annual reports and its press releases, have provided added value. In sum, these efforts have increased the visibility of human rights in Colombia and improved Colombians’ understanding of their rights and how to claim them; encouraged the government to more vigorously pursue implementation of human rights treaties; and contributed to the strengthening of the country’s democratic institutions.

1 Based on remarks delivered at “The UN High Commissioner for Human Rights: Conscience for the World,” (conference convened by the Jacob Blaustein Institute for the Advancement of Human Rights, New York, NY, February 7–8, 2012).
The Context of Violence

Colombia is a country with human rights problems shared by many Latin American countries, but with the addition of international humanitarian law violations stemming from the internal armed conflict. This is the most important difference between Colombia and other Latin American countries.

Colombia is facing a long-standing internal armed conflict which began in the 1950s and which has intensified during the past 20 years. Today, following a restructuring of the parties to the conflict, the main actors are, first, two groups of ‘guerrillas,’ the Revolutionary Armed Forces of Colombia (FARC in Spanish) and the National Liberation Army (ELN in Spanish); paramilitary groups united under the umbrella of the United Self-Defense Forces of Colombia (AUC in Spanish); and the state, represented by the Armed Forces of Colombia.

After years of traditional military engagement, the nature of the conflict in Colombia changed, as irregular groups became involved in the production and trafficking of drugs. As a result, they have become known as ‘narco-guerrillas’ and ‘narco-paramilitaries.’ The armed conflict has thus ‘mutated’ from an ideological revolutionary struggle to an illegal effort to control territory and overseas production and distribution channels for cocaine.

In the coming years, a number of very complex issues and challenges must be addressed to ensure a successful transition away from conflict. These include ensuring demobilization, including by increasing the dismantling of armed groups and the gradual reintegration of their members into society to ensure that the events that led to previous gross violations of human rights will not be repeated.

THE OHCHR FIELD PRESENCE IN COLOMBIA

Background to the Establishment of the Office


3 The FARC is the largest and most belligerent group.