



What is the UPR?

- The UPR is the new evaluation mechanism of the United Nations Human Rights Council to oversee the compliance on the part of the nations with the different international commitments regarding Human Rights.
- This assessment, contrary to the analysis of indicative situations previously performed by the Human Rights Commission, is the same for all countries worldwide, which is based on their observance of egalitarian, impartial, objective and non-selective principles.
- The UPR is an excellent opportunity to overcome the difficulties the selective evaluation entailed for the country when the HR Commission existed.
- The new Council intends to base its task on the cooperation relations between nations, instead of reporting the nations' flaws or weaknesses.

International background

- Colombia supported and actively participated in the discussions regarding the creation of the Human Rights Council and the UPR.
- It is important to remember that Colombia played a major part in the reform of the former Human Rights Commission. The nation agreed with the main opinions of those who considered it was time this entity was renewed, freed of politics and strengthened its tools as to ensure an effective improvement of the HR situation worldwide.
- Colombia supported in 2005, 2006 and 2007 the creation of the new Human Rights Council (HRC) and the creation of its most powerful follow-up mechanism: the Universal Periodic Review, which began to be implemented in 2008.

Phases of the Assessment

The UPR occurs in 4 phases to be complied with by the States subject to this assessment:

1. **Phase One** – Preparing the reports to be considered by the 47 Member States of the HRC;
2. **Phase Two** – Interactive dialogue: 3-hour session in Geneva, during which 3 reports prepared during phase 1 are considered. The Country subject to the



evaluation shall make a verbal presentation of the report, respond to questions and receive the recommendations.

3. **Phase Three** – Adopting the final report with the recommendations to be implemented by the nation subject to the assessment;
4. **Phase Four** – Supporting the recommendations and preparing for the next evaluation.

PHASE ONE

COLOMBIA GETS READY FOR THE REVIEW

With the support received from the international entities for the promotion and protection of HR, Colombia volunteered to the first year of the Review, although the system has set forth that the selection of the countries to be evaluated shall be made by drawing.

- Colombia's turn was set for December 10, 2008 in Geneva, Switzerland.
- Colombia submitted its written supporting report on September 1 of that year.
- The preparation process leading to the Review was headed by the Director of the Presidential Program for Human Rights, Mr. Carlos Franco, with the permanent support of the Ministry of Foreign Affairs and the Ministry of the Interior and of Justice.
- The preparation of the UPR was based on a broad consultation and divulgation task, with the cooperation of all three branches of the public power, control entities and civil society.
- Consultations were made with:
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 - 31 State entities,
 - 118 social organizations,
 - 1.102 municipal ombudsmen,
 - The Office of the High Commissioner for Human Rights in Colombia,
 - The Member States of the G24 (informal working group regarding HR and IHR composed of countries who are friendly to Colombia),
 - The Solicitor General,
 - The Ombudsman, and
 - Several representatives of civil society.

Likewise, a consultation with the general population was also arranged through the website



of the HR Presidential Program.

PHASE TWO

VOLUNTARY PRESENTATION OF COLOMBIA

- Colombia arrived to the event in Geneva on December 10 of that year as the other volunteer country, along with Switzerland, and as the sole developing country to do so.
- This “*voluntary*” presentation is consistent, in the international scenario, with the National Government’s policy that transparency in the observance of human rights is the cornerstone of a Nation’s legitimacy.
- Colombia was grateful for the opportunity presented by this review to discuss, among Nations, the HR situation in the country. The review is based on the cooperation relations among countries, and the not the report of a country’s flaws or weaknesses.
- Colombia’s explicit purpose was to improve its own HR situation. The UPR is not only a Review made in Geneva, but has also worked for Colombia as a basic mechanism to promote the improvement of the HR situation “at home”.
- The OUTCOME, which was approved by consensus, includes the human rights-related recommendations formulated to Colombia by the different countries (75 recommendations, similar to the average received by other countries), as well as the position of Colombia regarding the subject (Colombia accepted 65 recommendations, declined 8 and differed on the review of 2 of them).
- The Outcome was approved through an Addendum prepared by the Government of Colombia, in which the Nation expresses the reasons for not accepting some of the recommendations, made a few observations regarding others that were accepted and reiterated its voluntary commitment to improve those with which it committed for the UPR (71).

The most important result, in addition to the broad discussion of the analysis, was the assumption, at an international level, of a series of voluntary commitments to improve the HR situation nationwide.



PHASE THREE

ADOPTING COLOMBIA'S UPR

On March 20, 2009, Colombia adopted in Geneva the Final Report of the Human Rights Council regarding the UPR of Colombia.

During this session, **11 NGOs intervened**, which made the following general points:

- Repudiation for the homicide of Mr. Edwin Legarda.
- Concern for:
 - The situation of HR advocates in Colombia, which was noted as a main issue in the UPR's recommendations.
 - The infringement of human rights on the part of the Public Forces (homicides of protected persons, arbitrary detentions, forced disappearances, targets of the armed conflict).
 - The situation of vulnerable populations (discrimination, poverty).
 - The decision to maintain the reserve of the Rome Statute of the International Criminal Court.
 - The ineffective demobilization of the para-military groups.
- Statement whereby Colombia must accept the Conscientious objection.
- Statement whereby Colombia must ratify the international instruments granting competences to international HR entities (Optional Protocol to the Convention against Torture, Convention and Declaration against forced disappearances, etc).
- The need to issue regulations to strengthen, cover and sustain jurisprudential decisions regarding LGBT
- Certain interventions noted a few partial advancements in human rights (children, journalists and LGBT)
- Gratitude was expressed for the recommendations of the Nations. The hope for them to lead to improvements was also manifested.

Finally, the **Government of Colombia** adjourned the session with a brief intervention prepared by the Nation regarding the status of the unionists, the Justice and Peace Law indictments (the first conviction having taken place on the day before the session), and the actions to prevent HR and IHR infringements on the part of the Public Forces (over 3.500 members dismissed, a low percentage of reports in spite of the increase in the number of



operations of the public forces).

The National Government also expressed its repudiation for the crime against Mr. Legarda and promised to inform the international community once the facts have been determined by the Attorney General and the Solicitor General.

As for the dialogues with civil society, the Government manifested it has made great efforts to ensure the dialogue, that the difference in opinions must be respected and not hinder the discussions.

As for freedom of press and freedom of speech, the Government mentioned the extension and the plurality of the means in place in Colombia and explained its reaction in the specific case of Hollman Morris (in which the evidence pointed to an illegitimate relation of the journalist with armed actors).

The Government recognized the need to issue laws to consolidate jurisprudential decisions regarding LGBT.

It concluded by stating that the challenges may be overcome with the constructive labor of the international community, human rights and civil society organizations, on the basis of the rejection of all forms of violence and by strengthening the institutions.

PHASE FOUR

Supporting the recommendations and preparing for the next review.

In this case, Colombia committed to submit progress reports four times a year on the advancements made regarding their recommendations, until the date of the next review scheduled for 2012.

FINAL CONCLUSIONS

- The UPR process of Colombia in 2008 was a task with significant results. Important agreements concerning the actions adopted and to be adopted to face the most relevant difficulties of the Nation regarding human rights were promoted and created.
- It is important to highlight that the advancements and achievements in HR were valued and positively recognized by the greater part of the international community. Likewise, the transparency, openness and the public debates with which the National Government handled the different HR issues during the preparation and the presentation of the Evaluation were highlighted as well.



- This exercise made the concern for HR of our Government evident to the international community and that the State and the civil society must make great joint efforts as to ensure their effective protection and guarantee.
- The UPR constitutes another step, with encouraging results, in the policy for the observance and guarantee of human rights on the part of the National Government, as well as the importance it gives to the open and constant scrutiny of the international community to this regard.