



EXECUTIVE SUMMARY

Contribution to May 2018 Universal Periodic Review – Colombia

The Red de Hermandad y Solidaridad is a network of human right and defenders process organized since 1994. in this report we want to share the actual situation of ongoing threats to human rights and attacks against social movement leaders in Colombia , the ongoing practice of torture, the penal policy and prison overcrowding, rights of peasants in Colombia and environmental conflicts and land rights.

RECOMMENDATIONS

1. Effectively guarantee the right of rural and urban communities to consultation, and to have the results of consultation respected.
2. Adopt urgent mechanisms allowing for the immediate release of persons in custody, taking account of criteria relating to the nature and circumstances in which the crime was committed, the magnitude of the sentence, and the health status of the prisoner, so as to lessen the problem of overcrowding.
3. Urgently enact laws designed to a) regulate custody, expedite access to privileges and passes, and eliminate the systematic denial of privileges; b) incorporate effective crime prevention mechanisms through programs that give special attention to populations whose vulnerability makes them crime-prone; c) operationalize proportional sentencing; d) decriminalize hunger-driven crime and activities associated with social protest.
4. Ratify the OPCAT and establish an independent mechanism for intake and investigation of prisoner complaints.
5. Strictly enforce the prison-related recommendations of the OHCHR and the CAT.
6. Refrain from indiscriminate imprisonment in response to any and all criminal behaviour.
7. Refrain from conducting “trials by media,” thus violating guarantees of due process and judicial independence and impartiality.
8. In concert with the social movement, adopt specific policies concerning the application of judicial guarantees for members of judicialized rural and urban communities, so as to guarantee their right to be informed of an investigation and to defend themselves from the outset, as well as to avoid preventive detention.
9. Keep military prosecutors out of any investigation against members of peasant communities, social activists, students, trade unions, and so forth.
10. Promptly and effectively investigate reported acts of torture, regardless of the context in which they occur, adopting administrative measures designed to suspend the official in question from his duties and/or transfer him to a different position while the investigation is in progress, with a view to preventing re-victimization or obstruction of justice.
11. Establish an internal policy for the prosecutor’s offices regarding the investigation of crimes against human rights defenders and social movement leaders.
12. Pursue the decentralization and continuation of investigations.
13. Provide ongoing support for victims, family members, and organizations.
14. Engage in interinstitutional cooperation and purge corrupt elements from the prosecutor’s offices. Cases of corruption and co-optation of officials by illegal groups are still occurring at the national and regional levels.
15. Produce in-depth analyses of all types of aggression and attacks.

- 16.** All relevant institutions must work together, within the framework of a clear policy on defence and protection of movement leaders and human rights defenders, to ensure that justice is done.
- 17.** The Ministry of the Interior must produce risk maps for vulnerable populations defined in Resolution 1085 of 2015 so as to ascertain the nature, size, and location of groups affected by threats and attacks, and thereby to adapt protection services to local contexts.
- 18.** The Post-Conflict, Human Rights, and Security Office must monitor compliance with programs relating to the post-conflict era and their alignment with the governance plan, as well as playing a more active role in human rights promotion.
- 19.** The Procuraduría (office of the public service prosecutor) and the Ombudsman's office must effectively activate and articulate timely alerts involving the responsible authorities, including the police, the public prosecutors, and other bodies.