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**Promotion and protection of all human rights, civil,
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including the right to development**

Visit to Colombia

Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabián Salvioli*

Summary

The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabián Salvioli, presents his report on his visit to Colombia, in which he assesses the transitional justice measures taken by the Government to address the serious violations of human rights and international humanitarian law committed during the armed conflict.

The Special Rapporteur recognizes the progress that has been made with the construction of a sophisticated normative, institutional and programme-based mechanism for transitional justice; he highlights the establishment of holistic processes in the five pillars of the mandate, which involve considerable participation by victims and a differentiated ethnic and gender approach, and identifies the remaining challenges.

* The summary of the report is being circulated in all official languages. The report itself is contained in the annex and is being circulated in the language of submission and English only.



Annex

Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence on his visit to Colombia

I. Introduction

1. The Special Rapporteur visited Colombia from 19 to 29 September 2023. He thanks the Government for its extensive and efficient cooperation during the preparation of the visit as well as during the visit and the Country Office in Colombia of the Office of the United Nations High Commissioner for Human Rights (OHCHR) for its invaluable support.
2. The Special Rapporteur visited Bogotá, Cali and Valledupar and made field visits to sites at which the history of the armed conflict is preserved. He met with government officials, victims, representatives of civil society organizations, international and regional organizations and the diplomatic community.

II. Context

3. During the fifty years of armed conflict in Colombia, there were countless serious violations of human rights and international humanitarian law. The Commission for the Clarification of Truth, Coexistence and Non-Repetition (Truth Commission) established that between 1985 and 2018 there were 450,664 victims of homicide, 80 per cent of whom were civilians, and 121,768 victims of enforced disappearance; between 1990 and 2017, there were 50,770 victims of kidnapping and 16,238 victims of forced recruitment of children, while between 1982 and 2020 approximately 8 million persons were displaced and more than 1 million went into exile.¹
4. Peace negotiations that began in the 1980s led to the adoption of incipient transitional justice mechanisms. In 1991, the Constituent Assembly approved a new national constitution enshrining human rights. Between 2003 and 2006, more than 35,000 members of the paramilitary group Autodefensas Unidas de Colombia (United Self-Defence Forces of Colombia) demobilized. The entry into force of Act No. 975 of 2005, the Justice and Peace Act, sought to facilitate the demobilization and reintegration into civilian life of members of paramilitary groups and the investigation and punishment of perpetrators of serious violations, albeit with reduced and hybrid penalties that prompted sharp criticism from society and the international community. Other laws, including Act No. 782 of 2002 and Act No. 2272 of 2022, moved peace talks forward.
5. The transitional justice mechanisms were made more robust starting in 2011, the year of the adoption of Act No. 1448 (the Victims and Land Restitution Act) and Decree Laws No. 4633, No. 4634 and No. 4635, pursuant to which a comprehensive reparation programme, mechanisms for the preservation of memory, procedures for the restitution of land to the victims of the armed conflict and new implementation institutions, such as the Comprehensive Victim Support and Reparation Unit, the Land Restitution Unit and the National Centre for Historical Memory, were established.
6. The signing of the Final Agreement for the Termination of the Conflict and the Construction of a Stable and Lasting Peace (Peace Agreement) between the Government and Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (Revolutionary Armed Forces of Colombia – People’s Army) (FARC-EP) in 2016, which was the impetus for the creation of the Comprehensive System of Truth, Justice, Reparation and Non-Repetition, made up of the Special Jurisdiction for Peace, the Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict (Search Unit) and the Truth Commission, all of a temporary nature, resulted in the establishment of a holistic transitional

¹ See www.comisiondelaverdad.co/hallazgos-y-recomendaciones-1, p. 179.

justice process. The System, provided for in item 5 of the Peace Agreement, was incorporated into the Constitution. The System seeks to guarantee the rights of victims to truth, justice, reparation and non-repetition. It focuses on the victims and incorporates ethnic, regional and gender approaches into the processes, components and activities of these institutions. Despite this significant progress, it is estimated that by late 2022 little had been done to give effect to 37 per cent of the provisions of the Peace Agreement and that nothing had been done to give effect to 13 per cent of them.²

7. Under the policy of total peace adopted by the current Government, negotiation and surrender processes involving other armed groups³ and armed criminal organizations are taking place. There is still no progress towards the type of transitional justice process that would support these peace negotiations or a clear account of what will be done to involve victims in the design of the process. Victims and civil society are, as a result, greatly concerned.

8. Likewise, the evident increase in violence in some parts of the country creates new challenges, which have an impact on the current negotiations and on the work of the new justice mechanisms, for the achievement of a lasting peace. Since 2018, there has been an upsurge, including six observed hotspots, in violence related to the armed conflict and an increase in the number of massacres, sexual violence, the recruitment of children, forced displacement, use of anti-personnel mines, lockdowns and threats or killings of human rights defenders, social leaders and former combatants.⁴

III. Truth

A. Clarification of truth

9. On its creation, the Truth Commission was given a three-year mandate, extended to four years, to seek the truth about what happened during the internal armed conflict. In June 2022, as its mandate came to an end, it submitted a final report with observations and recommendations. The considerable work done by the Commission, which included amassing a broad and varied collection of information by taking a differentiated approach, organizing 58 recognition forums, hearing 28,580 persons and making arrangements for 1,009 coexistence initiatives, is a significant step forward for the clarification and recognition of the violations that occurred during the armed conflict and for the guarantee of the rights of the victims, including ethnic communities and victims of gender-based violence.

10. The purpose of the Follow-up and Monitoring Committee, which was established pursuant to Decree Law No. 588 and is regulated by the Truth Commission, is to monitor the steps taken in follow-up to the recommendations made by the Truth Commission. It began its work in June 2022 and produced an initial report on the follow-up to and dissemination of the Commission's final report. Since the Committee was set up as a body without legal personality or administrative or financial autonomy, it had difficulty using its budget and contracting. The Special Jurisdiction for Peace regulates the Committee's use of its resources and has established a technical secretariat for the Committee. The Peace Agreement Implementation Unit and a governance committee were set up to help the Follow-up and Monitoring Committee with its work. Inter-institutional dialogue on implementation is under way, but the insufficient participation of some public institutions could hinder the work.

11. On 2 May 2023, the Senate, provoking criticism from various sectors of society, decided to remove article 8, in which State institutions were urged to progressively adopt the recommendations contained in the report of the Truth Commission, from the bill on the National Development Plan submitted by the Government. The Plan nonetheless includes several of the recommendations made in the report. In July 2023, in view of the importance of the recommendations and at the request of the Government, the Human Rights Council

² See www.fondoeuropeoparalapaz.eu/wp-content/uploads/2023/07/Seis-anos-de-implementacion-del-Acuerdo-Final-Instituto-Kroc.pdf, p. 50.

³ Act No. 2272 of 2022.

⁴ [A/HRC/55/23](https://www.un.org/es/story/2018/07/1437332), paras. 10–17. See also [news.un.org/es/story/2018/07/1437332](https://www.un.org/es/story/2018/07/1437332).

gave OHCHR an enhanced mandate to provide Colombia with technical assistance for the implementation of the recommendations.⁵

B. Search for and identification of disappeared persons

12. Colombia established several mechanisms to search for persons who disappeared during the conflict. The urgent search mechanism was established pursuant to Act No. 971/2005. The databank of genetic profiles of disappeared persons, which is administered and coordinated by the Office of the Attorney General of the Nation, was created pursuant to Act No. 1408 of 2010, regulated by Decree No. 303 of 2015, to store genetic data on the remains of victims and biological samples from their relatives.

13. On its establishment pursuant to the Peace Agreement, the Search Unit was given a 20-year mandate (renewable) to coordinate the humanitarian action taken to search for and locate the persons deemed disappeared during the armed conflict. The Unit took steps to strengthen its work, such as the adoption of a national search plan that, by ensuring that social groups, including women, were involved in searches and that regional search plans, of which there were 92 in 2024, were developed, made it possible to enhance inter-institutional coordination. The Unit reported that, as of April 2024, it had found 21 living persons, recovered 1,483 bodies, turned over the remains of 259 victims, made progress towards consolidating a national register of graves, illegal cemeteries and burial sites, including information on 8,493 sites at which bodies were disposed of, and collected 14,280 biological samples from family members. Civil society organizations acknowledged this important work but identified delays in the Unit's work and expressed dissatisfaction with the results.

14. The Transitional Justice Directorate of the Attorney General's Office, which also has a role in searching for and exhuming the remains of disappeared persons, reported that, despite earlier delays, a total of 11,841 bodies had been exhumed from 2006 to August 2023 and that the remains of 6,084 persons had been handed over. Several of the Special Rapporteur's interlocutors expressed concern about the slow pace of the work of the Attorney General's Office.

15. The National Institute of Forensic Medicine and Science, for its part, uses forensic techniques to identify disappeared persons. The Institute is attached to the Attorney General's Office but is a legal entity in its own right and has its own administration and budget. It is represented at 147 service centres countrywide, and its specialists, who are experts in different disciplines, are responsible for identifying persons who disappeared during the armed conflict. The work requires specialist knowledge, but the country is short of specialists with expertise in forensic medicine and genetics, a situation that makes recruiting difficult. Consequently, the Institute offers in-service specialized training, but not academic certification, to its personnel. Access to technological resources is a challenge because, although the Institute has some of the technological resources it needs, what it has is not enough to meet the growing demand, and the sustainable procurement of supplies, especially reagents, is costly and sometimes difficult. Several authorities reported that, in a development that had led to considerable challenges, the increase in the financial, technical, structural and regional coverage resources provided for in Decree Law No. 589 had not materialized. In addition, threats from criminal groups led to the closure of offices, such as the basic unit in Cauca.

16. Several of the Special Rapporteur's interlocutors reported that the Institute has a significant backlog of forensic analyses of the remains of disappeared persons to complete. Institute officials explained that the insufficient number of DNA samples from family members in the databank of genetic profiles of disappeared persons and the problems caused by irregular burials in cemeteries with mass graves (ossuaries) of people who were or were not victims of the armed conflict are major obstacles to their work. The Institute reported that the interdisciplinary work of the relevant entities led to the processing of 577 bone samples and the inclusion in the databank of 4,613 biological samples, as a result of which the remains of 51 persons were identified and there were 48 dignified returns of remains.

⁵ Resolution 53/22.

17. International cooperation and support from foreign counterparts in terms of specialized training and technical resources are helpful, but they are not extensive and could be expanded to meet the Institute's needs and help it rise to the enormous challenge posed by the number of cases it handles. Both the Institute and specialized international entities or donors should consider establishing cooperation projects to address what many stakeholders view as a troubling bottleneck.

18. The insufficient coordination and exchanges of information by the institutions responsible for searching for and identifying disappeared persons and the challenges posed by this insufficiency were mentioned by many of the Special Rapporteur's interlocutors. The Government reported that it is taking measures to address the difficulties of coordination and that both the Institute and the Search Unit are making coordination with the Special Jurisdiction for Peace and the Attorney General's Office more robust by developing working agreements, protocols for the search and recovery of bodies and a strategic search plan to facilitate the adoption of relevant precautionary measures. The creation of the National Group for the Support of the Comprehensive System makes coordination and resource improvements possible for these entities. The Disappeared Persons and Recovered Bodies Information Network is also being strengthened. The National Search System, adopted within the framework of the National Development Plan 2022–2026, was set up in May 2023 to bring together the relevant public agencies and formulate a comprehensive public policy. The Ministry of Foreign Affairs is making arrangements for an inter-institutional and transnational search in areas on the border with Ecuador and the Bolivarian Republic of Venezuela.

IV. Justice

19. The justice and peace chambers, where the legal proceedings brought against demobilized members of paramilitary groups accused of serious violations of human rights and humanitarian law have been conducted since 2005, were created pursuant to Act No. 975. The Justice and Peace Court reported that it had handed down 90 judgments that covered a total of 18,000 criminal acts and led to the conviction of 900 defendants and the recognition of 84,837 victims. The Court's rulings made it possible to characterize the dynamics of the paramilitary groups, their links with the Colombian military and the participation of third parties in the armed conflict, although neither the highest ranking members of those groups nor third parties were prosecuted.

20. The Court has, however, proceeded very slowly. Several judicial officials reported delays, which slowed the proceedings down, in receiving statements from the Transitional Justice Directorate of the Attorney General's Office. Representatives of the Court reported that 74 third parties were charged between 2020 and 2023 but that the Court's progress had been stymied by the inaction of the Prosecution Service of the ordinary judicial system, which had not produced the 17,000 certified copies of documents in the relevant case files.

21. On numerous occasions, the ordinary courts, particularly the Attorney General's Office, were criticized for their failure to investigate and prosecute those responsible for serious violations during the conflict.

22. Representatives of the Attorney General's Office acknowledged that there was a delay between 2006 and 2019 and reported significant progress between 2020 and 2023, a period during which the number of judgments that were handed down increased from 22 to 64, the number of acts for which charges were filed increased from 56,401 to 79,720 and the assets seized from convicted persons, which are earmarked for the Victims' Compensation Fund, increased by 205 per cent to a total of 1,541,779,821,444 Colombian pesos (Col\$). The amounts paid by the members of paramilitary groups who were prosecuted did not, however, cover the compensation awards ordered by the courts.

23. The Special Jurisdiction for Peace, a creation of the Peace Agreement and one of the main institutions of the Comprehensive System of Truth, Justice, Reparation and Non-Repetition, was established in 2017 with a temporary mandate to investigate, try and punish members of FARC-EP and members of the military or National Police who committed crimes in the context of the armed conflict before 1 December 2016. Its work focuses on the

most serious and most highly emblematic crimes committed during the armed conflict, selected and prioritized as defined by the law and the courts. The Peace Agreement states that some crimes committed in the context of the armed conflict are so serious that there can be no amnesties or pardons for them.

24. Commendably, the State, with the support of the international community, has channelled resources to the development of the Special Jurisdiction for Peace and its subsidiary units and activities. The Special Jurisdiction has 38 staff judges, three chambers, a peace court, an investigation and indictment unit and an executive secretariat, as well as a broad regional presence with offices in many parts of the country. More than 14,000 people have answered for their deeds before the Special Jurisdiction for Peace, and 340,832 victims have been given official recognition. The Special Jurisdiction took a regional approach involving the establishment of representative offices and the holding of hearings countrywide, thereby ensuring that the judicial proceedings, and their restorative effect, were in closer proximity to local communities. In accordance with the Peace Agreement, it also took differentiated approaches to the proceedings it instituted.

25. The Special Jurisdiction for Peace establishes two mechanisms to try and punish those whom it hears. There is a mechanism consisting of dialogue, which is available to those who comply with requirements to contribute to the clarification of the truth, accept responsibility for the crimes they have committed, help make the victims whole and commit to non-repetition. When the dialogue concludes, those found guilty are given restorative sentences that, although not custodial, limit their exercise of their rights. Adversarial proceedings, on the other hand, are instituted against those who do not comply with the aforementioned requirements and can lead to prison sentences of up to 20 years for those who do not accept responsibility before being sentenced.

26. The Special Jurisdiction, which instituted 11 proceedings in connection with macro-level crime, the so-called macro cases, adopted case selection and prioritization strategies, in accordance with the Constitution. The Special Rapporteur welcomes the opening in September 2023 of macro case 11, on gender-based violence, as requested by victims, civil society and the Attorney General's Office. The absence of a macro case on enforced disappearance, however, has prompted considerable criticism, as it makes the mass commission and autonomous nature of this crime imperceptible, even though it is investigated in the context of other macro cases.

27. By constitutional mandate, the Special Jurisdiction focuses on prosecuting those "most responsible". Individuals who do not officially become parties to the proceedings are subject to non-punitive conditions, thereby contributing to truth and reparation. Victims of crimes committed by such individuals expressed dissatisfaction with what they viewed as an absence of punishment for those crimes.

28. Although the possibility is provided for in the Peace Agreement, other victims expressed concern about possible appearances before the Special Jurisdiction of members of the security forces who have already been prosecuted and given prison sentences in the ordinary justice system, as they may be granted conditional release.

29. In accordance with the legal framework, individuals being held to account by the Special Jurisdiction must contribute to the clarification of the truth and the determination of liability if they wish to be given restorative sentences in place of prison sentences. The Special Rapporteur heard numerous complaints from representatives of civil society, some State bodies and the international community about the scant contributions to such clarification – which were not, in their view, the whole, detailed and exhaustive truth required in the Peace Agreement – made by many of the persons being held to account by the Special Jurisdiction for Peace.

30. Likewise, victims and representatives of civil society expressed concern that consideration has been given by the Judicial Panel for Acknowledgement of Truth, Responsibility and Determination of Facts and Conduct to restorative sentences proposed by the persons being held to account, sentences that the victims have rejected in the belief that they would not make them whole (and would in some cases even lead to their revictimization), whereas no such consideration has been given to restorative sentences proposed by the victims. Victims expressed concern that the Special Jurisdiction for Peace would, in such

cases, impose not a real sentence but a sentence that, designed by the persons being held to account themselves, would not be an act of justice or make the victims fully whole. The Special Jurisdiction explained that the Judicial Panel would evaluate the victims' proposals as it conducted proceedings.

31. The Special Rapporteur was informed that, although the law establishes that the ordinary courts must continue their criminal investigations until the Special Jurisdiction issues decisions in each macro case, the Attorney General's Office makes little progress once the persons being held to account by the Special Jurisdiction are brought before it. He was also informed that the courts of the Special Jurisdiction do not coordinate sufficiently and that those special courts and the ordinary courts exchange little information, leading, according to the Special Rapporteur's interlocutors, to delays in judicial processes. The authorities noted that Administrative Agreement No. 0093/2019, Agreement No. 001/2023 and Directive No. 005/2023 had been adopted to make coordination between the ordinary justice system and the Special Jurisdiction more robust.

V. Reparation

32. Victims may obtain reparation by going through the ordinary justice system or by seeking the help of transitional justice mechanisms, most of which have been in place since 2005.⁶ The ordinary reparations systems includes criminal proceedings, civil proceedings and proceedings to determine State administrative liability, all of which are instituted in the ordinary justice system. In addition, the State created transitional justice mechanisms exclusively for the reparation of victims of the armed conflict.

33. The first transitional justice instrument was established in accordance with Act No. 975, which provides for the Victims' Compensation Fund, composed of assets of members of paramilitary groups who participated in the justice and peace process or were not allowed to participate and from third parties. The Fund administers those assets and pays the compensation awarded in court rulings issued in accordance with Act No. 975. The authorities must ensure that the seized assets are used only for reparations for victims. The assets managed by the Fund also come from the national budget, domestic or foreign donations and other sources.

34. Under the Victims and Land Restitution Act, under which the right to comprehensive reparation, which includes measures of satisfaction, rehabilitation, compensation, restitution and guarantees of non-repetition, was established, the eligibility criteria for and the scope of reparations were expanded. New entities, such as the Comprehensive Victim Support and Reparation Unit (Victims Unit), the Land Restitution Unit and the Central Register of Victims, were established pursuant to the Act and the implementing regulations thereto. The Victims Unit makes individual and collective reparation awards and provides psychosocial rehabilitation and humanitarian and emergency assistance. The programme providing psychosocial support and comprehensive health care to victims, administered by the Ministry of Health, takes measures to help victims with physical, psychological and social rehabilitation.

35. In accordance with the Peace Agreement, the existing reparations system is a component of the Comprehensive System of Truth, Justice, Reparation and Non-Repetition; the emphasis is on victim participation, rehabilitation, collective reparations and the recognition of responsibility.

36. With these processes, Colombia established a holistic and ambitious reparations system to which large numbers of victims have access. More than 9.5 million people, of whom 7.5 million are entitled to support and/or reparations, are registered with the Central Register of Victims.⁷

37. The Victims Unit, represented at 220 locations in all the country's departments, administers individual and collective compensation awards, implements comprehensive

⁶ Act No. 387/1997 is a precedent.

⁷ See www.unidadvictimas.gov.co/es/registro-unico-de-victimas-ruv/37394.

plans for the reparation of 937 collective victims entitled to reparations, takes psychosocial rehabilitation measures and organizes symbolic reparation events.

38. The authorities noted that, as of August 2023, 1,377,240 individuals, approximately 13 per cent of those registered, had received compensation. Because of the very large number of registered victims, insufficient resources, poor institutional coordination and bureaucratic obstacles, however, the payment of compensation to the remaining victims is taking too long. Under Decision No. 1049/2019, which was adopted in view of budgetary constraints, population groups in situations of greater vulnerability are given priority. It is possible to register as a victim for up to three years after the victimizing event took place, a time period that may be too short for victims who, for various reasons, are unable to lodge a timely complaint. The limit does not apply in cases of proven force majeure. Under Act No. 2343 of December 2023, the deadline for registering without having to prove force majeure was extended by one year.

39. The programme providing psychosocial support and comprehensive health care to victims involves activities, informed by an interdisciplinary approach, to comprehensively address physical and psychosocial harm. Numerous informants and beneficiaries, however, reported that the programme has neither the resources, human or financial, nor the capacity to address the urgent needs of the victims. The Government reported that, in 2022, in addition to technical instructions, Col\$ 37,352,036,904 was allocated to government agencies in 27 departments with a view to financing the programme. The Inspector General's Office has, however, identified shortcomings in the implementation of the programme.

40. In its ruling T-025 of 2004, the Constitutional Court concluded that persons displaced by the conflict had been subjected, in what was an unconstitutional state of affairs, to large-scale violations of their rights as a result of the structural flaws of the response of the country's institutions. In 2016, the special judicial panel for follow-up to the ruling held that these victims' right to be made whole had not been entirely respected, as only 1.3 per cent of them had received compensation and as their access to physical and psychosocial rehabilitation was increasingly limited.⁸ The authorities reported that, in view of the doubling of the resources set aside for the Victims Unit, the figure rose to 12.8 per cent in 2023.

41. An estimated 6 million hectares of land were seized during the armed conflict. The Land Restitution Unit manages the land restitution and formalization programme for victims of dispossession and forced abandonment. The procedure includes an administrative stage (an entry in the register of seized land) and a judicial stage (a restitution action). The Unit is responsible for designing and administering the register of seized and abandoned land and handles, on behalf of the victims, restitution claims before land restitution judges. This mechanism involves innovative practices such as the legal presumption in favour of the victim.

42. There are nonetheless a number of significant challenges to land restitution, including the high rejection rate of applications in the administrative stage, a judicial backlog and very poor enforcement by the implementing agencies of land restitution judges' rulings in favour of victims. A 10-year extension was granted to address the backlog. The authorities reported that, as of August 2023, restitution or compensation had been ordered in respect of approximately 227,339 hectares. The orders involve interdisciplinary measures for which different public agencies are made responsible; the aim is to offer a comprehensive response. The continuation of the conflict in some parts of the country exposes the victims and the officials involved in restitution to risks.

43. Public apologies were offered in acts of acknowledgement of responsibility and requests for forgiveness by the State, which the Special Rapporteur welcomes. In August 2023, the Ministry of Defence announced a plan to act on the outstanding court and administrative orders to make public apologies, and by late 2023 it had made two regional apologies and one national one.

44. In accordance with an amendment to the Victims and Land Restitution Act, under which the protection, care, registration and participation of victims, including exiled victims,

⁸ See www.corteconstitucional.gov.co/relatoria/autos/2016/A373-16.htm.

are strengthened, the programme providing psychosocial support and comprehensive health care to victims acquires the status of public policy and inter-institutional coordination is made more robust. The amendment was adopted by Congress in May 2024 and is awaiting presidential approval.

VI. Memorialization

45. Colombia has not adopted a national public policy on memorialization, although there is a bill on memory policy, on which civil society made suggestions. The State has nonetheless taken measures and established institutions for the preservation of memory.

46. The National Reparation and Reconciliation Commission, which absorbed the Historical Memory Group, a body that produced numerous public reports to preserve memories of the armed conflict including considerable emphasis on the voices of the victims and their communities, was established pursuant to Act No. 975

47. The Victims and Land Restitution Act establishes an obligation to take measures that guarantee the right to the truth and the preservation of historical memory; the National Day of Memory and Solidarity with Victims was adopted; the National Centre for Historical Memory and the Office of the Director of the Human Rights Archive were established; and the creation of a museum of historical memory, not yet built, is foreseen.⁹ Colombia observes the Day of the Disappeared Detainee and the National Day for the Dignity of Women Victims of Sexual Violence in the Armed Conflict.

48. The National Centre for Historical Memory is involved in research, the preservation of archives, memorialization, the use of a non-judicial mechanism to contribute to truth and historical memory and the application of judicial or administrative decisions regarding symbolic reparation. The Office of the Director of the Human Rights Archive established a special register of human rights and historical memory archives, a virtual human rights archive and a policy for human rights, historical memory and armed conflict archives.

49. The authorities reported that the Centre had conducted 62 investigations, used the non-judicial mechanism for contributing to truth and historical memory to produce 33 reports, supported 186 civil society memory initiatives countrywide, included 246,906 civil society files in the virtual human rights archive, made entries for 1,190 files in the special register of human rights and historical memory archives, documented 362,456 acts of violence in the Memory and Conflict Observatory and was using a strategy to raise public awareness of the legacy of the Truth Commission.

50. Several of the Special Rapporteur's interlocutors noted that, during the previous Administration, the National Centre for Historical Memory had worked more slowly, that its director tended to deny the existence of the armed conflict and that, as a result, social organizations that had lent copies of their archival documents to the Centre took them back for fear of what might be done with them. Numerous concerns were also expressed about the lack of autonomy and independence of the Centre, which is attached to the Department for Social Prosperity.

51. The Comprehensive Victim Support and Reparation Unit undertakes initiatives in respect of memory, satisfaction and non-repetition, including 240 commemorative events to highlight the dignity of the victims and 54 court-ordered acts of recognition of responsibility. The Ministry of Foreign Affairs organized commemorative events and established a memorial site in border areas. The Office of the Presidential Adviser for National Reconciliation is making progress towards the establishment of the research centre "It Is No Time to Keep Quiet".

52. As a follow-up to the recommendations made by the Truth Commission in its report, its information resources were compiled, the Truth Clarification Archive was created and instructional and artistic documents were published to raise awareness of it. State and international cooperation agencies, as well as civil society, help in that regard. These initiatives are a valuable contribution to historical memory. The documentary collection that

⁹ See centrodememoriahistorica.gov.co/museo-de-memoria-de-colombia/.

informed the report was transferred to the National Archives, where, with the help of the Special Jurisdiction for Peace, a protocol for preservation, access and safekeeping is being developed. A copy of the collection is held in Switzerland. Several informants reported that both the circulation of the report and the organization of related memory initiatives, of which there are a limited number outside Bogotá, are usually seen to by civil society. The authorities reported on a project piloted by the Archive and civil society with a view to facilitating countrywide access to the documentary collection and on memory initiatives undertaken by local governments in Bogotá and Valledupar.

VII. Guarantees of non-repetition

A. Security sector reform

53. Security sector reform in Colombia involves several challenges. Since the adoption of the 1991 Constitution, there have been calls for reforms to the National Police and the armed forces, which were linked for years to serious violations of human rights and humanitarian law in the context of the conflict, but Colombia has not adopted a comprehensive policy to reform the sector. Although the country is a constitutional democracy, the Government saw to it that the National Police remained under the authority of the Ministry of Defence and continued to give the armed forces responsibility for maintaining law and order, thereby leading to the considerable militarization of internal security. In previous decades, the primary aim of reforms had been to strengthen the State's monopoly on the use of force, particularly in the context of efforts to combat drug trafficking and armed groups. Moreover, security sector reform was not addressed in any of the peace negotiations or in the Peace Agreement.

54. The report of the Truth Commission showed that the approach to security that prevailed in Colombia was one based on combating internal enemies and controlling territory. This approach did not make it possible to guarantee the security and the rights of the population and led to serious human rights violations. In addition, entire regions of the country were left unprotected. The report called for the adoption of a security policy focused on human security.

55. Although steps have been taken to promote reform and provide training in human rights and international humanitarian law in the armed forces, the Special Rapporteur has no information on the existence of a policy of comprehensive reform of organizational, regulatory and oversight matters in respect of the armed forces. Nor has he received information on a purge of the security apparatus to ensure that officials suspected or accused of serious violations do not remain in their positions while their legal situation is being clarified. According to sources in the military, however, where there was evidence for such suspicions or accusations, the officials concerned were dismissed.

56. In view of the serious incidents of police violence during the social unrest of 2021, the Government announced measures to reform the National Police to respond to social demands, including by introducing a new human rights and human rights training policy and restructuring the Office of the Inspector General of the National Police. A comprehensive transformation of the National Police, the aims of which are to modernize and professionalize the force, as well as to enhance the transparency of its operations and help it win the trust of the public, has been under way since 2021; the transformation is underpinned by Act No. 2179 of 2021 on the Professionalization of the Police, Act No. 2196 of 2022, pursuant to which the police disciplinary regulations were issued, and Decree No. 113 of 2022, pursuant to which a new organizational structure, including a Human Rights Commissioner for the National Police attached to the Police Inspector General's Office, was adopted. The process includes the implementation of a new model, focused on respect for human rights, for operations of the discredited mobile riot squad. In addition, the National Police handbook on responding to peaceful public assemblies and demonstrations and on riot control, which is based on the relevant international standards, was adopted in 2023. Guidelines to familiarize police personnel with the report of the Truth Commission were adopted in 2022.

57. The current Administration has committed to having a human security policy replace the former security policy. A comprehensive strategy whose aims are humanization of the maintenance of law and order and coexistence with differentiated, accessible and locally driven policing services was adopted. The Security, Defence and Citizen Coexistence Policy: Guarantees for Life and Peace (2022–2026), the aim of which is to create secure conditions in urban and rural settings and regain control of those settings, was also adopted.

58. Although the public has demanded that the National Police be separated from the Ministry of Defence, no such separation, which is nonetheless being considered by the authorities, was provided for in the reform package. The expected reform of the military and police criminal justice system was not taken forward either, but an adversarial system of criminal justice was put in place. Likewise, training in human rights and humanitarian law is offered to security sector officials, steps were taken to bring the Military and Police Criminal Justice System into line with international standards and orders were issued investigations, including those related to human rights violations, to other jurisdictions.

B. Demobilization and reintegration

59. The justice and peace process, the Victims and Land Restitution Act and the Peace Agreement provide for measures to reintegrate former members of paramilitary groups and former FARC-EP fighters into society and prevent their return to armed violence.

60. In accordance with Acts No. 975 and No. 1592, the Agency for Reintegration and Normalization designed a differentiated reintegration process, based on the public reintegration policy laid out in a 2008 document of the National Council on Economic and Social Policy, for demobilized parties to the justice and peace proceedings.¹⁰ The Agency operates within the framework of the Government's comprehensive human security policy and the Strategic Security and Protection Plan.

61. The Victims and Land Restitution Act provides for non-repetition measures such as the demobilization and dismantling of illegal armed groups, the dismantling of the political and economic structures that sustained them, the reintegration of recruited children and the adoption of reconciliation policies. It also establishes measures to prevent violence against groups at risk, such as women, children, social leaders, trade unionists, human rights defenders and victims of forced displacement.

62. Item 3 of the Peace Agreement outlines measures, including a ceasefire, the demobilization, disarmament and reintegration of combatants and the provision of security in the areas most severely affected by the violence, to end the conflict.

63. The Agency for Reintegration and Normalization, which is the lead agency countrywide, relies on a package of monetary, food, educational and employment promotion measures or production initiatives to organize the provision of support for the reinsertion and reintegration of former combatants and to ensure that they are brought to justice. It is currently helping more than 16,000 former FARC-EP members taking part in reinsertion and reintegration processes or the special support process and 1,362 people taking part in the special justice and peace reintegration process. It will assist members of the armed forces and law enforcement officials who are being held to account by the Special Jurisdiction for Peace. It also prepares risk assessments before transfers, administers the adaptation of former regional training and reintegration venues and makes logistical arrangements, including by taking technical, financial, political and housing support measures, as well as measures for the prevention of stigmatization, to facilitate transfers of the persons it assists.

64. The reintegration of demobilized combatants nonetheless involves major challenges, including security challenges and challenges related to the coverage of production initiatives,

¹⁰ See www.reincorporacion.gov.co/es/la-reintegracion/centro-de-documentacion/Documentos/Documento%20Conpes%203554%201%20Pol%C3%ADtica%20nacional%20de%20reintegraci%C3%B3n%20social%20y%20econ%C3%B3mica%20para%20personas%20y%20grupos%20armados%20ilegales.pdf.

the effectiveness of efforts to promote education and employment and long-term sustainability, all of which complicate reinsertion.

C. Recovery of the affected areas

65. Within the framework of the Peace Agreement, including item 1 on comprehensive rural reform, the Regional Renewal Agency coordinates the steps taken by national and regional agencies in rural areas affected by the conflict by implementing plans for economic and social recovery and institution-building. It also coordinates the regionally focused development programmes, which seek to achieve the structural transformation of living and working conditions in the affected areas. These programmes are implemented in 170 municipalities of 16 subregions.¹¹ The authorities reported that the programmes are implemented within the framework of 16 action plans for regional transformation that are composed of 33,007 initiatives (designed by regional actors), for 44 per cent of which there is an active implementation pathway, and that total spending between 2017 and 2024 amounted to Col\$ 20.56 billion.

66. The Victims Unit also takes regional recovery measures, such as “*Tejiéndonos*”, a strategy to strengthen the social fabric of 117 returned and/or relocated communities, help them regain trust in institutions and promote peaceful coexistence.

D. Culture and education

67. The Special Rapporteur appreciates the active role played by the authorities in conflict management and reconciliation through culture and education. The National System of Artistic and Cultural Training and Education for Coexistence and Peace was created within the framework of the National Development Plan 2022–2026. In addition, numerous regulations provide for the promotion of national reconciliation, the creation of a culture of peace and tolerance, the reconstruction of the social fabric, the protection of the rights and cultural heritage of the countryside and the preservation of the memory of the conflict. The Public Policy for Reconciliation, Coexistence and Non-Stigmatization was established pursuant to Decree No. 1444 of August 2022. The National Reconciliation and Coexistence Model, which focuses on the prevention of violence, the reconstruction of the social fabric and the promotion of rights and cultures of peace, was formulated in 2023.

68. Regional meetings and a national dialogue forum have also been organized, and teaching recommendations on peace education have been developed; human rights training is offered to public servants and social workers, and teacher training on stigmatization is being prepared in the parts of the country prioritized by the Agency for Reintegration and Normalization.

69. The Ministry of Cultures, Arts and Knowledge is responsible for artistic initiatives related to the conflict, including the promotion of cultural rights among victim communities (in response to court orders); communal artistic projects, such as the Women Weavers of Life Programme and the Art, Peace and Knowledge Countrywide Programme; collective memorialization processes; productions, workshops and scholarships for training and audiovisual research on the culture of peace; and cultural activities in compliance with court decisions. It adopted the Culture of Peace Strategy in 2023. The Ministry of Foreign Affairs organizes conferences on transition experiences.

70. The Ministry of Education reported on measures for history education, human rights and a culture of peace, such as the programme “Grow”, which is intended for the educational community, the programme Educapaz (Peace Education), the Peace Chair, school museums of memory and the initiative “Schools Embrace the Truth”. However, the Special Rapporteur was informed that, as a result of departmental educational autonomy, there is not a national educational policy on historical education and a culture of peace, a lack that, in the opinion of civil society, contributes to the scant education on these topics in many parts of the country.

¹¹ See www.renovacionterritorio.gov.co.

E. Threats to peace

71. The demobilization of FARC-EP and the implementation of the Peace Agreement made significant contributions to the decrease in violence. Violence has continued, and in some parts of the country, especially in areas far from urban centres, it has even intensified. As a result of the State's failure to develop an effective strategy (including as part of the previous demobilization and peace agreements) or policies to have its armed forces, police force and social services fill the power vacuums left in areas formerly under the control of groups that have since demobilized, there are several criminal or non-State armed groups fighting for control over those and other areas. This is a pending task that requires urgent and concerted action and would benefit from the attention and support of the international community. These armed groups, which are expanding, include groups dedicated to illicit trade, dissident groups and guerrilla and paramilitary groups that have rearmed or transformed into criminal groups.

72. The reintegration of demobilized combatants presents major security challenges. In 2022, the Constitutional Court found that the massive violation of the rights to life, physical integrity and security of former FARC-EP combatants was an unconstitutional state of affairs.¹² The Agency for Reintegration and Normalization reported that it was aware of the murder of 431 who were undergoing the reintegration process. Yet more cruel evidence of violence was an alarming rise in the number of murders of and attacks on human rights defenders, social leaders and environmental activists, which, in 2023, led the Constitutional Court to issue a similar ruling regarding this group.¹³ The Attorney General's Office reported that there had been 1,197 killings of human rights defenders between 2016 and 2024. Likewise, ethnic and campesino communities in the countryside are experiencing persistent violence, forced displacement and armed confrontation.

73. Numerous informants expressed great concern about the recent upsurge in violence and conflict and how it is affecting society and jeopardizing the legitimacy of the Peace Agreement. Guarantees of non-repetition, which are not yet firm, seem an elusive goal. Illicit trade continues to expand, fuelling the cycle of violence.

74. The authorities reported that, in response to these challenges, they are strengthening the application of Decrees No. 2078/2017 and No. 660/2018 for the protection of communities and organizations countrywide; continuing to take individual measures for the protection of social leaders and human rights defenders; and monitoring the situation with the help of the Human Rights Observatory and the National Human Rights Information System. The Agency for Reintegration and Normalization mediates with the armed forces and the National Police to offer security guarantees to former combatants in the regional training and reintegration venues. The National Commission on Security Guarantees implements the public policy for dismantling criminal organizations that undermine peacebuilding, including the so-called paramilitary successor groups and their support networks, to eliminate the causes of the phenomenon in priority areas, overcome institutional weaknesses and address the social and cultural drivers of crime. The action plan for 2024 was also adopted.

75. Unfortunately, the corresponding local agencies do not respond as they should to the early warnings issued by the Ombudsman's Office, a vital tool in this context, thereby leaving harmed people and communities in a situation of defencelessness. There was considerable evidence of this inappropriate response, including one case in which local law enforcement officials failed to intervene despite having been expressly asked to do so by the judicial authorities, a failure that resulted in the death of several inhabitants of a local community. The Special Rapporteur, like many of his interlocutors, expresses alarm at this situation and urges the government authorities to put responding to early warnings at the top of the State's agenda and make it a priority in the implementation of the Peace Agreement.

76. According to the Government, the National Commission on Follow-up to Rapid Response and Early Warnings, a Public Legal Service entity, was created to encourage a

¹² Judgment No. SU 020 of 2022.

¹³ Judgment No. SU 546 of 2023.

response to the warnings and, where appropriate, define disciplinary liability for non-compliance; it adopted a workplan to monitor 44 early warnings after beginning its work in 2023. The Special Rapporteur hopes that these agencies will be given the ability and powers to fulfil their role effectively.

VIII. Conclusions and recommendations

77. During his visit, the Special Rapporteur focused explicitly on analysing the measures in the areas of truth, justice, reparation, memorialization and guarantees of non-repetition adopted by Colombia to address the legacy of the serious violations of human rights and international humanitarian law committed in the context of the armed conflict. This set of measures is, of course, intrinsically related to the implementation of the Peace Agreement, but it does not encompass it in its entirety and, at the same time, it transcends it.

78. Colombia has taken a succession of measures in the five areas mentioned above; despite the different scopes of those measures and the different rates at which they are being implemented, they have led to the creation of a complex and sophisticated legal, institutional and programme-based transitional justice mechanism. The processes resulting from the adoption of the Justice and Peace Act, the Victims and Land Restitution Act and the Comprehensive System of Truth, Justice, Reparation and Non-Repetition gave rise to an institutional framework whose aim, often attained, is to provide a holistic response to the needs of Colombian society as it moves towards peace.

79. In respect of the violations committed in the context of the conflict, Colombia has made commendable progress towards identifying the roots, circumstances, characteristics, structures and responsibilities. The Special Rapporteur holds the holistic, impartial and qualified work of the Truth Commission, which should be highlighted, in the highest esteem. Government institutions must make decisive progress towards the implementation, still incomplete, of the Commission's important recommendations by providing the necessary resources, showing the necessary political will and ensuring that it has the necessary capacity.

80. An essential dimension of the search for truth is the clarification of the fate and whereabouts of persons subjected to enforced disappearance. The Special Rapporteur welcomes the establishment of the Search Unit and the creation of the National Search System. However, he expresses concern about the insufficient results achieved by the National Institute of Forensic Medicine and Science, the Attorney General's Office and the Search Unit itself. Although there are obvious structural difficulties, such as the characteristics of the country, the mechanisms used by the perpetrators to dispose of the bodies, the passage of time and the obstacles to access to the victims' families, the entities must intensify and coordinate their efforts, including through the new National Search System, and set the necessary resources aside, including with international support, to make systematic and expeditious progress in the search for and identification of disappeared persons. The systematic collection of genetic samples from as many victims as possible, the speed of forensic genetic analysis and progress in the search and exhumation of bodies of persons presumed disappeared cannot wait.

81. The State adopted numerous processes to promote accountability before the law for members of paramilitary forces, other armed groups and the members of the military and police officers accused of the aforementioned serious violations. The Special Rapporteur notes the immense efforts devoted to this difficult task in the context of an armed conflict, with all the associated risks and difficulties. The judgments handed down by the Justice and Peace Court made it possible for the victims to obtain justice and learn the truth in cases that were seen through to completion and helped identify the groups involved, although the liability of high-ranking officials was not established. Despite these efforts, the Special Rapporteur noted with concern the marked delays in the processing of the Court's cases and the difficulty of implementing the reparation measures it ordered.

82. The work being done by the Special Jurisdiction for Peace to investigate and elucidate the mass collective crimes and establish liability for many of the serious violations committed during the conflict, the differentiated approaches to accounting for the victimization that took place then and the opportunity for dialogue and restoration that it seeks to promote between victims and those appearing before it are a very important contribution to accountability. The prosecution of very senior military commanders, high-ranking officers not tried in the ordinary justice system, is also noteworthy. No less important is the contribution of the Special Jurisdiction for Peace, which showed how systematic and widespread such war crimes and crimes against humanity were, to the achievement of a break with the denialism on issues such as the so-called false positives.

83. The Special Rapporteur notes with concern the criticism of the insufficient participation of victims in the definition of the restorative sentences, which have hitherto been informed chiefly by the perpetrators' views and do not genuinely make the victims whole. He also notes with concern the criticism of the failure of some of the persons being held to account by the Special Jurisdiction to comply fully with the requirement (set forth in the Peace Agreement) to state the whole, detailed and exhaustive truth if they wish to be given sentences more lenient than those they would have been given by the ordinary courts.

84. The Special Rapporteur emphasizes, in connection with the shortcomings of both jurisdictions, that justice delayed is justice denied and that the victims of violations that occurred decades ago have the human right to a prompt and effective remedy and to justice. It is the obligation of States to investigate, prosecute and punish promptly and appropriately, in a manner commensurate with the gravity of the crime, serious violations of human rights and humanitarian law, in accordance with international standards.¹⁴ The Special Rapporteur considers it important to point out that offering unduly lenient sentencing alternatives in cases of serious human rights violations (such as non-custodial sentences handed down in disregard of the international standard according to which punishment should be commensurate with the gravity of the offence) leads to de facto injustice and impunity. The authorities and contracting and guarantor parties in current and future peace negotiations are urged to give due consideration to these standards.

85. During the visit, the Special Rapporteur interviewed numerous victims of the armed conflict. Their accounts shed light on the acts of cruelty to which millions of people were subjected and on the continued commission of many of those acts after the signing of the Peace Agreement. The number of victims, more than 9.5 million, is simply devastating. With great effort and to its great credit, Colombia created an institutional mechanism, which focuses on the victims and is informed by the principle of comprehensive reparation, to provide reparations to victims, thereby complying, on the whole, with the relevant international standards. Providing reparations to so many victims, the tremendous number of whom is still growing, is a great challenge.

86. To respond effectively to the financial challenge, it is necessary to propose financing mechanisms for the reparations programme that complement those for which provision is made in the national budget, such as temporary taxes, the seizure of assets from perpetrators (clearly insufficient to date) and the clear separation (not juxtaposition) of the budget of the Victims Unit, dedicated to compensating victims, from that for humanitarian or emergency assistance for victims. Colombia also requires support from the international community, which is urged to study and adopt alternatives in this field.

87. It is troubling that victims who have been prevented from registering with the Victims Unit within the stipulated period bear the burden of proving that they were prevented from doing so as a result of force majeure, when it is clear that the armed conflict was the greatest obstacle to timely registration. The physical, psychological and

¹⁴ [A/HRC/48/60](#), paras. 20–27, and [A/HRC/54/24](#), paras. 43–45.

social rehabilitation of the victims has been unsatisfactory and requires immediate shoring up.

88. The sluggish pace of land restitution, even where there the Land Restitution Unit has ordered that land be returned to the victims, is of great concern and requires greater coordination of inter-institutional efforts to allow effective and secure access to land for communities, mostly campesino, Indigenous and Afro-Colombian, affected by forced displacement.

89. The Special Rapporteur takes note of the memorialization and historical education efforts that have been made in respect of the conflict and the important institutions created to work in this area and stresses the need to adopt a comprehensive public policy on memory and historical education on the armed conflict that guides the public policy of national and regional agencies and is informed by the findings of the Truth Commission and the relevant court rulings. It will also be essential to guarantee the autonomy and independence of the National Centre for Historical Memory and the national museum of memory, making them impervious to political swings that could lead to revisionist views of past violations.

90. Guarantees of non-repetition in Colombia are clearly linked to the implementation of the provisions of the Peace Agreement and previous regulations, and in many respects those guarantees require urgent attention. The insufficient implementation of essential aspects of non-repetition set forth in the Peace Agreement and other regulations is a source of serious violations of the human rights of Indigenous victims, Afro-Colombian victims and peasant victims, human rights defenders and former combatants. There are obstacles to the full implementation of guarantees of non-repetition, and significant delays passed down from the previous Administration. The Special Rapporteur highlights the renewed efforts of the current Government to take forward peace negotiations with armed and criminal groups (negotiations that should include, without delay, the victims and civil society) and the incipient proposal for much-needed and long-delayed agrarian reform.

91. However, these responses must include strategies for effective State presence in the areas most severely affected by the conflict, effective and immediate action in response to early warnings, comprehensive reparations for victims, including land restitution, and assurances of sustainable conditions for the return of victims, the reintegration of former combatants and the work of human rights defenders and social leaders. Security sector reform, reform of military structures in particular, where progress has been slower, must also be prioritized to contribute to peacebuilding and the full respect for human rights in all parts of the country.

A. Recommendations for the State

92. The Special Rapporteur recommends that the authorities:

(a) Ensure that the Follow-up and Monitoring Committee has the financial, technical and human resources and the executive capacity to do its work – namely, monitoring the steps taken in follow-up to the recommendations made in the report of the Truth Commission;

(b) Ensure that all relevant State institutions take immediate measures to implement the recommendations contained in the report of the Truth Commission, make technical collaboration with the Follow-up and Monitoring Committee more robust and broaden the dissemination and teaching activities outlined in the report in all parts of the country, with a view to guaranteeing that the public takes ownership of them;

(c) Ensure that the National Institute of Forensic Medicine and Science, the Search Unit and the Group for the Search, Identification and Handover of Disappeared Persons of the Attorney General's Office redouble their efforts to accelerate the search for disappeared persons. To this end, they must have the necessary operational and technical capabilities, including training and certification of their personnel in

accordance with international standards and access to the necessary technological, financial and human resources;

(d) Ensure that those three entities step up their efforts to harmonize their activities and to exchange information, including through the new National Search System, with a view to making decisive and rapid progress in connection with searches, exhumation, genetic and forensic analyses and the identification of disappeared persons;

(e) Ensure that the three entities intensify their efforts to collect genetic samples by organizing ongoing campaigns, publicized appropriately, throughout the country. They should also ensure that all samples are properly processed, classified and recorded in databases accessible to the agencies responsible for searches for disappeared persons, in accordance with international standards;

(f) See to it that the Justice and Peace Court redoubles its efforts and has the human, technical and information resources it needs to step up the pace at which it handles the cases related to the armed conflict in its jurisdiction and thus to reduce the case backlog. The relevant public agencies must ensure that the measures of reparation ordered by the Court are taken without delay;

(g) Have the Attorney General's Office expedite the investigation and prosecution of those responsible for serious violations during the armed conflict and thus reduce the case backlog. Where persons are being held to account by the Special Jurisdiction for Peace, prosecutors should continue investigating until the Special Jurisdiction issues decisions in each macro case;

(h) Make certain that persons being held to account by the Special Jurisdiction for Peace comply fully with the requirement to state the whole, detailed and exhaustive truth if they wish to be given sentences more lenient than those they would have been given by the ordinary courts and that, in proposals for restorative sentences, the victims' opinions are, with a view to ensuring that the victims are made genuinely whole, a primary consideration;

(i) Ensure that the Special Jurisdiction for Peace exchanges more information with the ordinary courts and that its own courts exchange more information with each other;

(j) Ensure that the ordinary justice system and the Special Jurisdictions see to it that proceedings instituted against perpetrators of the aforementioned serious violations involve compliance with the obligation to investigate, prosecute and punish promptly and appropriately, in a manner commensurate with the gravity of the crime, serious violations of human rights, in accordance with international standards, thereby enabling victims to exercise their right to justice and reparation, as detailed in the Special Rapporteur's previous reports.¹⁵ The authorities and contracting and guarantor parties in current and future peace negotiations should give due consideration to these standards.

(k) Have the agencies with a mandate related to the comprehensive reparation of victims, including the Victims Unit, the programme providing psychosocial support and comprehensive health care to victims and the Land Restitution Unit, take the measures necessary to making progress towards the comprehensive reparation of victims, including compensation, restitution and rehabilitation;

(l) Evaluate, with respect to the financing of the reparations programme, the establishment of mechanisms complementary to the national budget, such as those described in the report of the Special Rapporteur on the financing of reparation,¹⁶ including tax policy; strengthen the means of financing the Victims' Compensation Fund, including by seizing assets from perpetrators of human rights violations, and consider separating (avoiding juxtaposition) the budget of the Victims Unit, dedicated

¹⁵ [A/HRC/48/60](#) and [A/HRC/54/24](#).

¹⁶ [A/78/181](#).

to the compensation of victims, from that for humanitarian or emergency assistance for victims, ensuring that both budgets are sufficient;

(m) Ensure that, in the process of registering with the Victims Unit, victims need not prove that they were prevented from registering within the stipulated period by events that, taking place during the conflict, were outside their control;

(n) Ensure that, to respond to the needs of the victims, there are sufficient financial and human resources and the necessary technical capacity to provide the physical and psychosocial rehabilitation offered under the programme of psychosocial support and comprehensive health care for victims;

(o) Take the measures necessary to reducing the administrative and judicial backlogs in land restitution cases; step up inter-institutional efforts to give access to land to people and communities that have won their cases; review the causes of the high rate of rejection of applications in the administrative stage and put an end to this situation if it is shown that the rejection of these applications involves irregularities;

(p) Adopt a comprehensive State policy on memorialization of the conflict that guides the public policy of national and regional agencies and is informed by the findings of the Truth Commission and the relevant court rulings;

(q) See to it that the local and national authorities redouble their work in the area of historical memory of the armed conflict in their respective jurisdictions, including by creating memorials at the location of serious human rights violations;

(r) Have the Ministry of Education adopt a national educational policy of historical education on the conflict, ensuring that such education is part of the curriculum of the different levels of formal education, to guarantee the application of the policy throughout the country.

(s) Create a national museum of memory and ensure that it and the National Centre for Historical Memory are autonomous, including by making sure that they are impervious to swings in politics;

(t) Adopt a transparent policy for the storage of and access to the archives of the Truth Commission held in the National Archives;

(u) Ensure that victims take part in peace negotiations with armed and/or criminal groups so that the resulting decisions and mechanisms are compatible with their rights to truth, justice and reparation;

(v) Make progress towards security sector reform, delayed reform of military structures in particular, and towards reform of the military and police criminal justice system, in accordance with international standards. The National Police should be separated from the Ministry of Defence and the military justice system;

(w) Move towards the implementation of the Peace Agreement by urgently adopting strategies to make the State present in the areas most severely affected by the conflict through the sustained work of the relevant public agencies in the areas of security, public goods and services, access to land and work opportunities;

(x) Guarantee sustainable living conditions and personal security to enable the return of displaced victims, the reintegration of former combatants and the work of human rights defenders and social leaders without risk or interference;

(y) Ensure that the national and territorial agencies with a mandate to respond to the early warnings issued by the Ombudsman's Office coordinate the steps and allocate the resources needed to guarantee an immediate response. The effectiveness of the early warnings should, moreover, be monitored countrywide, including with the assistance of the National Commission on Follow-up to Rapid Response and Early Warnings, a commission of the Public Legal Service, and relevant monthly figures should be published.

B. Recommendations for the international community

117. The international community, including, where appropriate, United Nations agencies, should:

(a) Support the funding of the victim reparation programme, in particular by contributing to allocations for physical and psychosocial rehabilitation services and financial compensation, including through supplementary funding mechanisms such as those described in the report of the Special Rapporteur on the financing of reparation;¹⁷

(b) Provide technical and financial support, including the necessary equipment, resources and highly complex forensic training, to supplement, in view of the current backlog, existing capacities for the search and identification of disappeared persons;

(c) Provide urgent assistance and support for the design and implementation of strategies and policies to address the alarming hotbeds of conflict in Colombian territory; take measures to protect communities and social groups vulnerable to such violence; and help restore the presence of the State, including the presence of the military and the police as well as that of the institutions that provide essential public services, in areas freed from the control of armed or criminal groups or affected by their activities.

¹⁷ Ibid.