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Universal Periodic Review – 16th Session
Stakeholder Submission - Christian Solidarity Worldwide
COLOMBIA

Introduction

Christian Solidarity Worldwide (CSW) wishes to draw attention to Colombia's domestic human rights and religious freedom situation over the period 2008-2012 with respect to its international obligations. In particular CSW wishes to highlight violations of freedom of religion or belief with respect to Colombia's internal conflict and to issues arising in relation to its indigenous groups.

Scope of International Obligations

Colombia has obligations under the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic Social and Cultural Rights (ICESCR) as well as the other key internationally monitored human rights treaties. Colombia also has obligations under the American Convention on Human Rights. It is particularly encouraging that Colombia has recently ratified the International Convention for the Protection of All Persons from Enforced Disappearance in July 2012.

Recommendation: Colombia should be praised for ensuring that its domestic legal framework is in full accord with international human rights standards and law, but should also further ensure that there is full compliance with these international obligations at all levels of domestic governance. Colombia should increase its efforts to educate civil society in their understanding of their rights and responsibilities as prescribed by Colombia's international obligations and to ensure that all of Colombia's citizens enjoy their full complement of rights.

Right to Freedom of Religion or Belief

With respect to violations related to conflict

While many Colombians exercise their right to meet and worship freely, the daily reality for a significant percentage of Colombian Christians is very different. These men and women, particularly those living in conflict zones or areas controlled by illegal armed groups, are targeted by the armed groups because of their faith. Currently, an estimated 200 churches are believed to be forcibly closed across the country. In some regions, religious activity has been forbidden by order of the armed groups. Entire Christian communities have been displaced and church leaders have been marked for assassination. In many cases these threats have been carried out.

During 2011 and the early part of 2012 the security situation in some parts of the country improved and President Santos' administration passed important legislation pertaining to victims' rights and land reform. Unfortunately, in certain regions illegal armed groups grew in number and consolidated power over significant swathes of the country. Religious leaders in many of these areas, including Cauca, Southern Cordoba, Caquetá, Guaviare, Meta, La Guajira, and Chocó report that the overall security situation, as well as the specific issue of religious liberty, has deteriorated over the past year.

Left-wing guerrilla groups, the Revolutionary Armed Forces of Colombia (FARC-EP) and the National Liberation Army (ELN) as well as neo-paramilitary groups, or "Bacrim", fighting the government and each other for territory, specifically target church leaders and Christians. A sweeping 2010 FARC-EP order in a large area including parts of Meta, Caquetá and Guaviare forbidding all Christian activity still stands. In other parts of the country, neo-paramilitary groups have threatened and assassinated church leaders, and have

ordered churches to shut down in specific locales. Work as a church leader, pastor or priest is particularly dangerous and UN reports by various Special Rapporteurs have named church representatives as a category of human rights defender under particular threat. An estimated total of 20-30 church leaders are murdered by the armed groups each year. Protestant pastors have been declared a legitimate military target by some leaders of the FARC-EP, while 2011 saw a sharp increase in the number of assassinated Catholic priests. All of the illegal armed groups, including the FARC-EP, the ELN and Bacrim, are responsible for assassinations of and threats against church leaders.

In 2011, these targeted murders continued. In February, Los Rastrojos, a Bacrim, opened fire on a pastor during a Sunday morning service, killing him, his nine-year old daughter, 26-year-old sister-in-law and severely wounding his nine-year old nephew. The pastor had defied an order by the group to shut down the church and stop all religious activities. In the first two weeks of September, two priests, Father Reinel Restrepo Idárraga and Father Gualberto Oviedo Arrieta, were found murdered in the provinces of Caldas and Chocó respectively, raising the total of assassinated Catholic priests in the first nine months of the year to six.

In addition to these targeted assassinations, many more church leaders have been forcibly displaced while others live and work under constant threat. In late December, Pastor Salvador Alcántara, was forced into hiding after receiving death threats from masked men, believed to be members of a neo-paramilitary group operating in Southern Bolívar. Pastor Alcántara is a target because of his leadership position in the El Garzal community which has repeatedly been threatened with mass forced displacement by paramilitary groups linked to the drug lord Manuel Enrique Barreto, alias "Don Pedro" who claims the land as his own.

In addition to targeted acts of violence against church leaders, rank and file Christians also pay a high price for actions rooted in their faith. Christian adults and youths who refuse to join illegal armed groups for reasons of conscience and converts to Christianity who wish to leave the armed groups must go into hiding or be killed. Christian families and communities who resist the armed groups' demands, including payment of protection money and involvement in the illegal drug trade, which they find incompatible with their faith, often face horrific consequences. The majority of these victims come from already historically marginalised communities with little public voice; a significant percentage are "campesinos", small-scale and subsistence farmers, living in rural parts of the country, and many are from Afro-Colombian or indigenous communities.

Recommendations: That Colombia take the lead in guaranteeing respect for the rights associated with religious freedom. This includes ensuring that these rights, as set out in Colombia's Constitution as well as in the American Convention on Human Rights (San Jose Pact), the Universal Declaration on Human Rights and the ICCPR are upheld for all inhabitants and citizens of Colombia;

That Colombia set an example in respecting the rule of law and should ensure that anyone working on behalf of the Colombian Government, including government leaders, members of the intelligence services and members of the police and military, strictly follow international humanitarian law and meet international human rights standards, including those relating to freedom of religion and conscience;

That Colombia, through the offices of the Attorney General, initiate and carry out investigations into assassinations, attacks and threats made against church leaders, including cases of forced disappearance, and offer adequate protection and security for witnesses and others who denounce human rights violations;

That Colombia consider adding church leaders to the category of "vulnerable groups" along with trade unionists, journalists and human rights defenders and affording them the security mechanisms that this implies;

That Colombia take strong measures to ensure that its security forces do not forcibly induct minors into the military or use children as operatives including as message runners and informants.

With respect to indigenous groups

Religious freedom is guaranteed for all citizens under the Colombian Constitution. At the same time, a "Law of Autonomy" pertaining to the approximately 90 indigenous communities in Colombia gives the leadership of those communities the right to protect and maintain their cultural integrity. While the Law of Autonomy states that indigenous authorities must act in accordance with the Colombian Constitution, in practice this condition has not been followed.

While many countries in Latin America have similar legislation giving indigenous communities differing degrees of autonomy, virtually all also have put in place clear guidelines regarding the implementation of autonomy and affirming the legal precedence of the rights guaranteed in their respective national constitutions. Attempts to pass legislation that would clarify the relationship of the Law of Autonomy to the Colombian Constitution have thus far been unsuccessful. Further muddying the waters, the Colombian Constitutional Court has ruled that the indigenous authorities have the right to compel members of their communities to follow and participate in traditional religious beliefs and practices, in effect making the Law of Autonomy legally superior to the Constitution.

Over the past three years, documented violations of religious freedom within indigenous communities have increased. CSW has received persistent reports of forcible church closures and threats and attacks on Christians, particularly indigenous church leaders. There have also been documented cases of corporal punishment, including the use of stocks and caning, meted out to members of indigenous communities who do not wish to participate in traditional religious ceremonies. Massive forced displacements have occurred, with no response from the Colombian Government, when Christians have been forced off indigenous reserves as punishment for refusing to reconvert back to traditional beliefs.

Despite calls from Christians from within the different indigenous groups to the Colombian Government to address their situation and to protect their rights as Colombian citizens, the Government has shown little will to do so. Unfortunately the legal ambiguity has led to the emergence of a parallel justice system open to abuse. In some senses it has also created a second-class citizenry who no longer have recourse to the fundamental rights as laid out in the Colombian Constitution.

Recommendations: That Colombia draft and enact legislation that will clarify the relationship between the Law of Autonomy, Colombia's Constitution, and its international obligations;

That Colombia ensure that religious liberty is upheld for all Colombian citizens regardless of their ethnicity;

That Colombia investigate and prosecute allegations of criminal acts, including beatings and arbitrary detention, by indigenous authorities;

That Colombia ensure that no member of an indigenous community is discriminated against regarding special benefits including the right to a university education.