

COLOMBIA

The economy is fine: the country is not



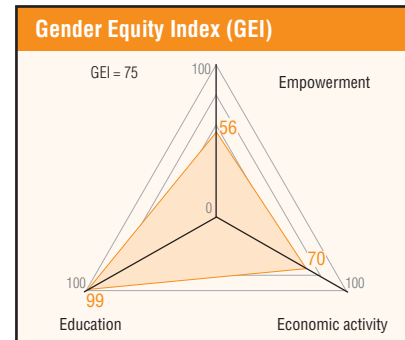
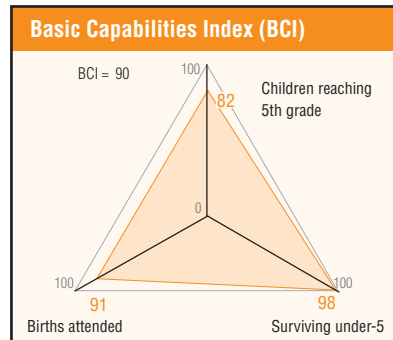
Sixty years after the Universal Declaration, for most Colombians human rights are goals yet to be achieved. Lately a system has been implemented in which there is economic growth and guarantees for investment, but nil distribution of riches and few guarantees for the rights of the entire population. While the armed conflict continues to cause constant violations to human rights, social mobilizations in various sectors of the country have intensified.

Corporación Región¹

Maybe the clearest and most visible characteristic of the new economic model are the huge inequalities it produces, both between the rich and the poor, as well as between regions. According to Alianza por la Equidad,² “more than half the population of the city of Antioquia is poor. Around one million people live in poverty. More worrying still is that 80% of the population outside the Aburra valley is poor or very poor.” There are regions and social groups with higher quality of life rates, while the situation in others is worse than in the poorest country in Africa.

On 7 August 2002 president Álvaro Uribe took office and established “democratic security” as his government’s policy, with the objective of “reinforcing and guaranteeing the rule of law throughout the national territory by strengthening democratic authority, the free exercise of the authority of the institutions, the observance of the law and the active participation of the citizens in matters of common interest.”³ In 2006, following a controversial constitutional reform⁴ that allows immediate re-election, Uribe was elected to office once more.

Social policies during Uribe’s two periods are based on two strategies: security and economic growth. For the period 2002-2007, the economy grew from 1.9% to 7.5% and the investment rate from 12% to 28.5%. This however does not imply a redistribution of wealth. According to the general balance produced by the National Planning Department, in the 2002-2006 period inequality decreased from 0.58 to 0.54 based on the Gini index; according to others⁵ the Gini index has kept rising permanently reaching 0.58 at present. Poverty registered its lowest level in the last two decades (45.1%), while extreme poverty reached 12%; 27.6% of Colombians



have unmet basic needs, 10.4% live in inadequate housing, 11% live in critically overcrowded housing and 7.4% of households have inadequate public services.⁶ The reason for this picture is that public social expense, as a percentage of GDP, grew from 14.27% in 2003 to 16.42% in 2007. However in 2003 the Government did not respect the regulation that prohibits percentage decreases in the investment budget in relation to the previous year regarding the total expense of the corresponding allocations law, when it reduced it by 1.6% in relation to 2002.

Budget and basic services

Plans for the 2008 budget allocate 48% of the resources to poverty reduction policies; 20% to democratic defence and security policies; 17% to sustainable growth policies and 15% to environmental management, improved State development and special development dimensions. By sector, social protection has been allocated COP 5.1 trillion (USD 2.93 billion) (24%), of which COP 682.8 billion (USD 392.65 million) are destined to the subsidized health system and COP 857.85 billion (USD 493.33 million) to education. Social action gets COP 1.6 trillion (USD 920.12 million) (7.7%), of which COP 211.48 billion (USD 121.61 million) to help displaced people; housing and environment, COP 843.62 billion (USD 485.14 million) of which COP 407.67 billion (USD 234.44 million) are for housing subsidies and COP 220.45 billion (USD 126.77 million) for culture, sports and recreation.

While the budget is thus organized, numbers show that for 2008, the value of the family basket is COP 898,346.19 (USD 516.61). Taking into consid-

eration the legal minimum salary, the conclusion is that it would require 1.94 minimum salaries to have access to it: two people holding jobs per household. In fact 35% of salaried people in the formal sector are paid a legal minimum salary.⁷

Although there have been improvements in some areas, they are nowhere near satisfying the needs of the population. In the last few years the Government’s assistance in educational matters has focused on increasing coverage, efficiency and quality, and has made progress in the former, at the level of basic education: an overall coverage of 90% and a drop-out rate of 5.8% in 2006. But in terms of quality the result is poor: the percentage of official institutions classified as belonging to the top category for high performance in the ICFES⁸ State tests went from 7.6% in 2002 to 24.09% in 2006; official institutions classified as having superior performance or very superior performance went from 1.5% to 7.59%.

There has also been greater coverage in the area of health. Between 2002 and 2007 coverage for SISBEN⁹ Levels 1 and 2 grew from 374,821 to 1,693,207 enrolled in the subsidized system, with a goal of 8,729,965 (19.39%) for 2010. With respect to public services and basic sanitation, fresh water coverage reaches 88.32% in the last four years and sewerage, 74.1%. The study of the quality of water reported by the Ombudsman in 2006 indicates that 801 municipalities do not provide water suitable for human consumption; this means that over 13 million people drink unhealthy water. The Ombudsman’s office points out “the lack of compliance of the State

1 The following people took part in the production of this report: Natalia Muñoz, Martín Ossa, Astrid Torres, Antonio Javier Jaramillo y Rubén Fernández.

2 Department of Antioquia. Alianza por la Equidad. Medellín, 2006.

3 Presidency of the Republic, Ministry of National Defence (2003). “Política de Defensa y Seguridad Democrática”, p. 12.

4 In the run-up of the project for constitutional reform in the first Committee of the House of Representatives, government representatives allegedly paid bribes to buy votes to pass the law that would allow consecutive re-election.

5 Sarmiento, L. (2006). “El proyecto social del uribismo” in: *Caja de Herramientas*. Year 15, No. 115, Bogotá.

6 National Administrative Department of Statistics. Survey 2005.

7 Family Subsidy Office.

8 Colombian Institute for Higher Education Development.

9 System for the Selection of Beneficiaries for Social Subsidies.

with its obligations, particularly in three aspects that should be taken into account in order to guarantee the supply of water, which according to the human right to water are: i) availability; ii) physical and economic accessibility, no discrimination and access to information; and iii) quality.”¹⁰

Threats and violation of human rights

According to the Ombudsman’s report 2007,¹¹ the rights that are most affected given the registered complaints are, in corresponding order, the right to health (denial to provide health service, deficient and inappropriate medical assistance and non payment of the health system fees); right to petition (not to resolve the petition, not to respond according to the terms dictated by the law, not to observe the procedures in the law or regulations); the right to life (death threats, arbitrary or illegal executions, multiple homicides); the right to personal integrity (cruel, inhuman or degrading treatment, tortures) and the right of the displaced (denial of humanitarian food assistance, habitat and public sanitation, irregular process of enrolment of people displaced by violence, denial of humanitarian emergency assistance in transient lodgings).

Armed conflict and forced displacement

During the last ten years, with the intensification of the armed conflict, the human, economic, social, cultural and environmental rights of Colombians have been attacked. Crimes against humanity, massacres, torture, detainment, forced ‘disappearance’, political persecution and forced displacement, perpetrated either by the guerrilla, the paramilitary or the State’s armed forces, have left an unprecedented number of victims in the recent history of the country; their systematic and massive practices have most seriously affected women, older people, children, peasants, Afro-descendants and indigenous people.

According to figures of the National Government (Acción Social), up to 6 August 2007 there were registered 2.15 million people in the System for Displaced Population, of which 66% were women and children; while according to the Consultancy for Human Rights and Displacement, between 1985 and 2007 there were more than four million displaced people. The National Survey to verify the rights of displaced populations¹² shows that 3.7% of the displaced people identify themselves as indigenous; 21.2% as black or Afro-Colombian. Displaced households have 45.2% female heads of household; 54.8% have male heads and 78.8% have only one

head (female heads of household). Generally speaking, most displaced people are women, girls and adolescents.

In a context of constant rights violation, it was due to the mobilization of the displaced population and the constant pressure of social organizations from civil society, and by introducing a writ of injunction, that was possible for the Constitutional Court to pass Sentence T-025 in 2004, in which it urges the National Government to eliminate all obstacles that may impede the enjoyment of human rights to forcefully displaced people. The Court ratifies that not enough budgetary efforts, whether national or regional, have been made and that there is urgent need to reaffirm the human rights approach in the strengthening of public policies.

Although the sentence has allowed progress in the State’s financial and institutional commitments and has opened up spaces for participation of the population in policy-making, the follow-up made by the Constitutional Court and the social institutions shows that there is a great distance between a legal mandate and government actions.

The report by the Follow-up to Public Policy Committee on Forced Displacement (January 2008) established that only 19.3% of the population included in the Register of Displaced Population have received immediate aid, which is less than the humanitarian emergency aid provided in previous years.

The current government’s agrarian policy¹³ (Rural Statute - the ‘Agriculture, safe income’ Law) does not protect the traditional rural forms of production (indigenous, peasant, of Afro descent) and does not promote land reform or the protection of the possessions of the uprooted population. It can also be stated that the implementation of Justice and Peace law 975 of 2005 has not guaranteed the full indemnification of the victims of the armed conflict.¹⁴

The policies implemented so far have lacked a differential approach as pointed out in the eighth report of the Women and Armed Conflict Working Group. According to the report, “the formulation of policy towards forced displacement contained in the National Development Plan implies a regressive vision of the protection and reparation of women victims’ rights. The National Development Plan establishes a ‘family’ approach as guide to its assistance, ignoring the obligation to provide special and different protection according to the specific characteristics of the victims, and more serious yet, ignoring the Constitutional Court’s orders ‘that the public policy of assistance to displacement be handled in

observance with the specific criteria derived from the mandate to guarantee the rights of particularly vulnerable people’.”¹⁵

Overall, the situation of the female population continues to be highly vulnerable. Their socio-economic conditions do not allow for the development of their capacities and the gap in relation to job opportunities and gender policies is still significant. Women’s unemployment is at 14.2% as opposed to 10.8% for men; for every 100 women who work, only 39 qualify for the pensions system; the salary gap is 14.28%.¹⁶

In much the same way the children’s population has been seriously affected by the internal conflict. According to UNICEF, the political and social armed conflict has displaced around one million boys and girls. Among this group, chronic malnutrition among children under five is 22.6%, 10 percentage points above the national average; 18% of displaced children are breast fed on an exclusive basis for an average duration of 1.5 months, while WHO recommends a minimum of six months, which represents a violation of the right to life and physical and mental integrity of children.

Social mobilizations: 2002-2008

The last seven years in Colombia have seen the intensification of social mobilizations of the various sectors of the country. Quite frequently the rural population, the displaced, the indigenous people, Afro-descendants, women, the movement of the victims of crimes committed by the State, the unions and human rights activists, have pronounced themselves against the constant violation of rights, the need for a negotiated peace in the political and social armed conflict and the serious humanitarian crisis.

The actors who participated most in the mobilizations in the period 2002-2006 are urban inhabitants (49%); salaried employees (20.9%); women and LGBT-lesbians, gays, bisexuals and transvestites (12.6%); students (11.7%); ethnic groups (3.7%); rural inhabitants (3%) and displaced people (2.5%).

The year 2008 started with two large mobilizations, the 4 February demonstration in which civil society demanded the immediate release of all the hostages kidnapped by the Revolutionary Armed Forces of Colombia-People’s Army (FARC-EP) guerrillas and a political ending to the armed conflict. The other great demonstration that took place on 6 March, convened by the National Movement of Victims of State Crimes and social organizations, condemned the crimes committed by paramilitary and State agents. ■

10 Ombudsman’s Office (2007). “Decimocuarto Informe del Defensor del Pueblo al Congreso de la República”. Bogotá: Imprenta Nacional, p. 128.

11 *Ibid.*, p. 38.

12 National University of Colombia. “Encuesta Nacional de verificación de los derechos de la población desplazada”. November 2007.

13 Mondragón, H. “El estatuto rural: hijo de la parapoltica”. <www.etniasdecolombia.org/actualidad/étnica>.

14 Colombian Commission of Jurists. “Colombia: el espejismo de la justicia y la paz. Balance sobre la aplicación de la ley 975 de 2005”. <www.coljuristas.org>.

15 Women and Armed Conflict Working Group (2007). “VII Informe sobre violencia sociopolítica contra mujeres, jóvenes y niñas en Colombia”. Bogotá.

16 Campaign “Comercio con justicia: mis derechos no se negocian”.