

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- 1. Please provide any available information on whether Soacha is a dangerous suburb of Bogota.**
- 2. Please advise if Soacha is on the outskirts of Bogota.**
- 3. Is there information that, since 2003, the Colombian Government has made agreements with the FARC and has then reneged on those agreements?**
- 4. Please provide information on the recent operation of the FARC.**
- 5. Does the Colombian Government currently struggle to provide basic services to the people of Colombia?**

RESPONSE

- 1. Please provide any available information on whether Soacha is a dangerous suburb of Bogota.**
- 2. Please advise if Soacha is on the outskirts of Bogota**

According to the following map from *Microsoft Encarta Interactive Atlas*, Soacha is located to the south west of Bogotá:



(‘Santa Fe de Bogotá’ 2000, *Microsoft Encarta Interactive Atlas 2000* – Attachment 1).

A 2003 report on Colombia commissioned by the Active Learning Network for Accountability and Performance in Humanitarian Action (ALNAP) contains the following map which shows the location of Soacha in relation to Bogotá and within wider Colombia:



(De Geoffrey, V. 2003, *The Case of Colombia*, Active Learning Network for Accountability and Performance in Humanitarian Action website, 16 April, p.11 http://www.alnap.org/pool/files/GS_Colombia.pdf – Accessed 12 November 2009 – Attachment 2).

The Places Online website states that Soacha is a municipality and city located “on the southern periphery of Bogotá”. The website states that the city is mostly comprised of “working class families” and that “in the period from 1995 to 1998, almost 25,800 internally displaced individuals moved to Soacha”. The report states that “Soacha has a population of 398,295 as per the 2005 census” and is “the most populous suburb of Bogotá” (‘Tourist guide Soacha’ (undated), Places online website http://www.placesonline.com/south_america/colombia/soacha/introduction.asp – Accessed 13 November 2009 – Attachment 3).

The previously mentioned 2003 report commissioned by the ALNAP provides information on the situation in Altos de Cazuca, a township within Soacha suburb. The report describes Cazuca as having a high population of internally displaced persons with poor living conditions. The report states that in Cazuca “urban violence mixes with the violence of the conflict” and “neither services nor security is guaranteed”. The report also states that few NGO’s “conduct interventions in the area”. The report contains the following relevant information:

In the Bogotá suburbs, a neighbourhood has emerged shaped by the different ‘layers’ of displaced. Every day, small groups arrive in Cazucá and move in with friends while they build themselves makeshift shelters.

In Cazucá, urban violence mixes with the violence of the conflict. Disappearances, threats and murders are an everyday occurrence. ‘Social cleansing’ is commonplace. Living conditions are not those of an urban environment. Neither services nor security is guaranteed. A newly arrived displaced person has often experienced multiple displacements. They do not want to be ‘classed’ as a displaced person and often forego the benefits offered to them by the Government out of fear of being identified and then harassed by parties to the violence.

Organisations met/visited The headquarters of most international NGOs in Colombia are located in Bogota, however, few conduct interventions in the area. The reasons are diverse: the drip-feed displacement phenomenon makes it hard to identify Cazucá as a displacement zone, particularly where people don’t wish to present themselves as displaced. In this area it is hard to distinguish between emergency and development. The programmes visited often encounter difficulties in achieving community integration and participation due to weak social organisation. We observed the work of:

- MSF-Spain, with health programmes and training of health advocates;
- the Church and other ecclesiastical communities that distribute food;
- World Vision, with ‘community cauldrons’ and soup kitchens;
- RSS and the Colombian Family Welfare Institute (ICBF), responding to the (registered) displaced.

Key characteristics Protracted crisis; final stage of displacement; and the integration of the violence of the conflict into urban dynamics

...In Soacha, the community of Altos de Cazucá is made up of a mix of various displacement flows that arrived at different periods of the crisis.

...According to an MSF-Spain study, 24 per cent of the Soacha inhabitants are displaced persons but only 2 per cent are registered with RSS [Social Solidarity Network]. A major part of the displaced community is afraid and some have received threats. The newspapers talk of ‘social cleansing’ (De Geoffrey, V. 2003, *The Case of Colombia*, Active Learning Network for Accountability and Performance in Humanitarian Action website, 16 April, pp. 32 – 33, 61-62 http://www.alnap.org/pool/files/gs_colombia.pdf – Accessed 12 November 2009 – Attachment 2).

An April 2009 journal article titled ‘Colombia’s Children at Risk of Recruitment into Armed Groups’ provides a case study of a neighbourhood called *La Comuna 4* located in Soacha. The report states that 70% of *La Comuna 4* is comprised of displaced persons. According to the report “between 1999 and 2005 over 275,000 displaced persons inhabited Soacha and Bogotá, primarily in these marginalized areas of la Comuna 4 and Ciudad Bolívar”. The report provides information on the recruitment of children from *La Comuna 4* into armed groups. The report also describes *La Comuna 4* as having poverty, violence, limited access to basic education and health services, limited employment opportunities and domestic violence” (Burgess, R. 2009, ‘Colombia’s Children at Risk of Recruitment into Armed Groups: Exploring a Community-Based, Psychosocial Pedagogy’, *Journal of Education for International Development*, USAID: Journal of Education for International Development website, vol. 4, no. 1, p.3 <http://www.equip123.net/jeid/articles/8/burgess-colombiaschildrenriskofrecruitmentarmedgroupsexploringcommunity-basedpsychosocialpedagogy.pdf> - Accessed 18 November 2009 - – Attachment 4).

A report dated 30 October 2009, published by *Colombia Reports* states that “paramilitary and social cleansing groups are thriving” in Bogota. The report states that “just this week, new reports in El Tiempo suggested that the Medellin-based gang Office of Envigado had sent some of its highest-ranking assassins to reorganize paramilitary factions in Soacha and Ciudad Bolivar” (Mejia. P.R. 2009, ‘They’re back: The alarming return of Colombian paramilitarism’, *Colombia Reports*, 30 October <http://colombiareports.com/opinion/111-colombiamerican/6654-theyre-back-the-alarming-return-of-colombian-paramilitarism.html> – Accessed 13 November 2009 – Attachment 5).

A report dated 5 November 2007 by the Internal Displacement Monitoring Centre provides information on the situation in Soacha. The report states that:

Officially 17,000 displaced persons are believed to live in the shanty town of Cazuca in Soacha municipality where the AUC is gradually taking control

...65% of IDPs arriving in Bogotá end up in Soacha slums (Internal Displacement Monitoring Centre 2007, *Colombia: Resisting displacement by combatants and developers: Humanitarian Zones in north-west Colombia: A profile of the internal displacement situation*, 5 November, Refworld website, p.108 <http://www.unhcr.org/refworld/pdfid/472ef2f42.pdf> – Accessed 13 November 2009 – Attachment 6).

The report also provides excerpts from other sources regarding the situation in Soacha. Information contained in the report indicates the presence of armed groups in Soacha, including the paramilitary. The reports provides the following relevant information:

“Soacha, a grim marginal municipality bordering Bogota to the south, is Colombia’s major reception center for internally displaced people. Approximately 17,000 displaced people live there, according to the official register DANE, though local NGOs believe the figure may be higher. Like other large cities in the country previously relatively unscathed by decades of war, many of its poor neighborhoods (*barrios*) have become battlegrounds for irregular armed actors, in which the paramilitary group called AUC is gradually taking control. Impoverishment, a result of government neglect, has also made it a breeding ground for youth gangs.” (PCS, 4 December 2003) [Project Counselling Service].

“In Soacha in Cundinamarca a census was carried out by the Government indicating that some 363,000 people live in Soacha, 17,751 (5.7 percent) of whom are displaced due to armed conflict. The large majority of them are “living in poverty and have difficulties to integrate into the country’s socio-economic life.” WFP is present in this area with several important activities for school, and pre-school children, nutritional recovery, mother and child projects, and others.” (WFP, 19 September 2003) [World Food Programme]

...While in the past few years the majority of displaced settled in the urban barrios of Ciudad Bolivar, Kennedy, Bosa and Usme [...] located in the south of the city, the reduction of physical space in many of Bogotá’s urban centers has meant that today most displaced settle for the neighboring municipality of Soacha, bordering Bogotá’s urban slums south of Ciudad Bolivar [7]. Here, most people move into marginal areas such as the sprawling Cazuca neighborhood where it is said that 7,000 displaced families [8] are spread over numerous hillsides with their simple shanties of scrap lumber and recycled metal. In Soacha an overwhelming majority of the population are IDPs (Codhes) [Consultoría para los Derechos Humanos y el Desplazamiento].

...”Soacha’s 363,000 inhabitants live in fear, as the town shows alarming levels of violence, the highest in Colombia, according to statistics. “This situation is increasingly affecting the mental health of the population,” explained the local Mayor, who reported that a survey, recently carried out with assistance from PAHO/WHO in the Commune 4, showed that, out of 721 people interviewed, 316 (43%) were screened as possible mental health cases, given the presence of mental health signs. For 40% of this group an imperative need for mental health treatment was confirmed, specifically for anxiety and depression. The survey identified 40 people who had attempted suicide, 19 with epilepsy, and 31 with mental retardation. 11 cases of child abuse were identified, as well as sexual abuse in 9 children. Alcoholism was found at alarming rates.” (PAHO, 10 December 2004) [Panamerican Health Organization].

...”The Mayor’s very skilled staff is making good progress on Health, Education and Development, but more assistance is needed in order to spread lessons learned and monitor further progress. Alto de Cazucá and Ciudadela Sucre, known as Commune 4, are two slums of Soacha where presence of armed groups, displacement, and poverty are responsible for the unhealthy environment which undermines local development. Houses are not yet served by public water and waste systems do not exist. When strong rains come on the hill, a white blanket covers the flooded valley. It is soap residues and human waste dropping downhill from the shelters illegally built on the slopes. Shelters are built with no legal permission on high-risk areas. Many houses are likely to be whipped down during the next water storm. To complete this gloomy picture, there are high risks of contamination due to sand mining and the proximity of industrial areas, which compound the problems presented by the absence of waste systems” (Internal Displacement Monitoring Centre 2007, *Colombia: Resisting displacement by combatants and developers: Humanitarian Zones in north-west Colombia: A profile of the internal displacement situation*, 5 November, Refworld website, pp. 108-109, 186 & 195 <http://www.unhcr.org/refworld/pdfid/472ef2f42.pdf> – Accessed 13 November 2009 – Attachment 6).

On 9 March 2009, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reported that “on 7 February, landslides caused the total destruction of houses in a high zone of the municipality of Soacha”. The report states that:

According to the last population census conducted by the municipality of Soacha on 8 March, 47 houses were totally destroyed and nearly 147 families (around 593 persons), mainly IDPs from different regions of the country who settled in marginal areas of the municipality, had to be evacuated. Nearly 70 houses more would have to be resettled according to the municipality’s estimates. Previous alerts warned of the high risk of landslides in the area, due to sewage filtrations and the illegal exploitation of quarries.

An official census of affected population by the municipality of Soacha is ongoing (United Nations Office for the Coordination of Humanitarian Affairs 2009, 'Colombia-Landslides in Soacha'; Situation Report #1, Relief web, 9 March [http://www.reliefweb.int/rw/rwfiles2009.nsf/filesbyrwdocunidfilename/msao-7pz72q-full_report.pdf/\\$file/full_report.pdf](http://www.reliefweb.int/rw/rwfiles2009.nsf/filesbyrwdocunidfilename/msao-7pz72q-full_report.pdf/$file/full_report.pdf) – Accessed 13 November 2009 – Attachment 7).

3. Is there information that, since 2003, the Colombian Government has made agreements with the FARC and has then reneged on those agreements?

No information was found in the sources consulted regarding peace agreements or political negotiations between the Colombian government and the FARC since 2002. Reports indicate that the current Colombian President, Alvaro Uribe was elected in 2002. Available information indicates that President Uribe's strategy towards the FARC has been marked by aggressive military offensives against the group and a lack of political negotiation. A report by the International Crisis Group (ICG) indicates that in March 2008, the Uribe government used international intermediaries to negotiate a prisoner swap with the FARC in exchange for the release of hostages. The Colombian government reneged on this agreement by instead conducting a military operation to rescue the hostages. The report states that this "operation was questioned because it was camouflaged as a humanitarian effort in which use of the ICRC emblem violated international law". This was the only report found in the sources consulted of a reneged agreement between the government and the FARC (International Crisis Group 2009, *Ending Colombia's FARC Conflict: Dealing the Right Card*, Latin America Report No.30, 26 March, pp. 20 – 23 & 29 http://www.crisisgroup.org/library/documents/latin_america/30_ending_colombias_farc_conflict_dealing_the_right_card.pdf – Accessed 16 November 2009 – Attachment 8; Bouvier, V. M. 2007, *New Hopes for Negotiated Solutions in Colombia*: United States Institute of Peace Working Paper, United States Institute of Peace website, 25 September, pp. 6, 9-11 & 15 – 17 <http://www.usip.org/files/resources/Sept2007.pdf> – Accessed 17 November 2009 – Attachment 9; Freedom House 2009, *Freedom in the World – Colombia (2009)*, 12 January <http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7587> – Accessed 3 November 2009 – Attachment 10).

For further analysis from the above and additional sources see the following information:

An ICG report, dated 26 March 2009 provides an overview of the Colombian government's strategy towards the FARC. The report states that "from the early 1980s until the arrival of Uribe in 2002, all Colombian governments sought in one way or another to negotiate with the FARC". However, the report states the "members of the opposition and other economic and political sectors began to promote a tough stance vis-à-vis the FARC in the 2002 presidential and congressional campaigns". The article reports that the Uribe government, which was elected in 2002, has launched a series of military offensives against the FARC which have successfully weakened the group. The report describes President Uribe's strategy as "aimed at military victory and ending the conflict without political negotiations". The report contains the following information on the Uribe governments approach to the FARC:

Uribe's military successes and overall tough approach with the FARC have allowed him to maintain high support.

...The official line is that the FARC will only negotiate seriously if weakened militarily beyond the possibility of recovery. Although on occasions Uribe has said he would be willing to discuss a constitutional assembly once the FARC agrees to disarm and demobilise, it is clear he prefers outright surrender and prosecution under the Justice and Peace law (JPL), similar to the process with the AUC, to negotiating a substantive political agenda with the FARC. He has launched a national and international campaign to discredit the FARC's political aspirations and deny any justification for its armed struggle, arguing Colombia is a democracy where every group can seek power through peaceful political activity. He consistently labels the FARC a "terrorist group" due to its use of methods proscribed by international humanitarian law.

...Despite the FARC's historic resilience and proven capacity to overcome military and political setbacks, President Uribe's strategy aimed at military victory and ending the conflict without political negotiations began to yield visible results in 2007. The government is confident that further attacks on the insurgents' command- and-control structure, sustained operations in its strongholds and the increasing rate of defections will slowly break the FARC's backbone. In time, units will crumble or splinter into factions that may become interested in negotiating their disarmament, demobilisation and reinsertion (DDR). The remaining FARC Secretariat members and hardline factions would then be more isolated, militarily and politically, and thus easier to defeat.

Uribe's broad popularity is based largely on the tough stance he has taken against the FARC. His political priorities in advance of the 2010 presidential elections and his conviction that the insurgents would again use any political pause to regain strength rather than negotiate seriously give him little motive to assign the same weight to a vigorous political strategy as to his security policy (International Crisis Group 2009, *Ending Colombia's FARC Conflict: Dealing the Right Card*, Latin America Report No.30, 26 March, pp. 20 – 23 & 29 http://www.crisisgroup.org/library/documents/latin_america/30_ending_colombias_farc_conflict_dealing_the_right_card.pdf – Accessed 16 November 2009 – Attachment 8).

The above mentioned ICG report provides the following details on the 2008 reneged hostage agreement between the government and the FARC:

While the Uribe government has sought formulas to obtain release of the hostages, it has also tried to minimise any political or strategic advantage the FARC might gain from promoting a hostages-for-prisoners swap, by refusing to create a demilitarised zone in which to conduct discussions and demanding a guarantee that freed FARC members will not take up arms again. On 27 March 2008, the government issued a decree authorising release of imprisoned insurgents, including those responsible for serious crimes such as kidnapping, if the FARC released hostages. The French government agreed to grant temporary political asylum to freed insurgents. According to sources close to the process, the FARC showed interest in this formula, which did not include a demilitarised zone.

Concurrently, to apply pressure for a unilateral release, the government ordered security forces to form a "humanitarian circle" ("*cercos humanitario*") around jungle and mountain areas where the FARC was holding the hostages. But as French and Swiss delegates sought contact with the FARC to discuss details in late June, the government executed Operation Jaque. That operation was questioned because it was camouflaged as a humanitarian effort in which use of the ICRC emblem violated international law. It also appears that the Uribe administration used the Swiss and French facilitators, who at the time were given authorisation to establish contact with the FARC leadership to lay the groundwork for a new hostages-for-prisoners swap, to confuse the insurgents. Through the dramatic rescue of fifteen hostages, including Ingrid Betancourt and three U.S. contractors, the government gained the upper hand once more, both dealing the FARC a strong blow and deflecting international pressure for a swap (International Crisis Group 2009, *Ending Colombia's FARC Conflict: Dealing the Right Card*, Latin America Report No. 0, 26 March, pp. 23 – 24

http://www.crisisgroup.org/library/documents/latin_america/30_ending_colombias_farc_conflict_dealing_the_right_card.pdf – Accessed 16 November 2009 – Attachment 8).

A September 2007 ‘working paper’ by the United States Institute of Peace provides information on the Colombian government’s relationship with the FARC. The report states that in 2002 due to ‘widespread’ disillusionment with past peace talks with the FARC, Alvaro Uribe was elected President “on a platform committed to a renewed military effort against the FARC”. The report states that from 2002 to 2006 “President Uribe made no public overtures to the FARC, focusing instead on intensifying military pressures against that group”. The report states that “there are currently no peace negotiations underway between the government of Colombia and the FARC” and that “the Colombian government’s strategy toward the FARC ...continues to be primarily military”. However, the report states that President Uribe has come under increasing public and international pressure to enter into a humanitarian accord with FARC regarding the release of hostages (Bouvier, V. M. 2007, *New Hopes for Negotiated Solutions in Colombia*: United States Institute of Peace Working Paper, United States Institute of Peace website, 25 September, pp. 6, 9-11 & 15 – 17 <http://www.usip.org/files/resources/Sept2007.pdf> – Accessed 17 November 2009 – Attachment 9).

A 2009 timeline for Colombia published by *BBC News* indicates that peace talks and political negotiations between the Colombian government and FARC ended in 2002. The report states that in March 2009 President Alvaro Uribe offered “FARC rebels peace talks if they halt ‘criminal activities’ and declare a cease-fire” (‘Timeline: Colombia’ 2009, *BBC News*, 31 October http://news.bbc.co.uk/2/hi/americas/country_profiles/1212827.stm – Accessed 17 November 2009 – Attachment 11).

Freedom House’s *Freedom in the World – Colombia (2009)*, provides information on the governments actions towards the FARC from 2002 when President Uribe was elected. The report indicates that Uribe has taken a strong military approach towards FARC:

Conservative candidate Andres Pastrana won the 1998 presidential election, and as part of the peace process he arranged for the leftist Revolutionary Armed Forces of Colombia (FARC) rebel group to occupy a so-called demilitarized zone in the south. However, in 2001, it became clear that the FARC was using its territory to coordinate military and criminal operations, and the government began a new offensive.

In the 2002 presidential election, Colombians chose Alvaro Uribe, a former provincial governor who ran as an independent and pledged to crush the rebels by military means. Soon after his inauguration, he decreed a state of emergency and created special combat zones in 27 municipalities in which the military was allowed to restrict civilian movement and conduct searches without a warrant. Right-wing paramilitary death squads known as the United Self-Defense Forces of Colombia (AUC) also continued to battle the guerrillas in both rural and urban areas.

...Following a dispiriting 2007, when it emerged that 11 state legislators held captive by the FARC had been shot to death, the government made major gains against the rebels in 2008. On February 4, hundreds of thousands of Colombians joined a march to demand the release of the group’s hostages. On March 1, a Colombian raid across the Ecuadorean border killed a top FARC commander, Raul Reyes, along with over 20 others.

...Finally, on July 2, military personnel posing as nongovernmental organization (NGO) workers clinched the dramatic liberation of former presidential candidate Ingrid Betancourt along with three American contractors and 11 other hostages, many of whom had been held by the FARC for five years or more. Though the ruse was tarnished by the revelation that the military had used the Red Cross logo, an illicit act under international law, the mission's success pushed Uribe's approval ratings above 85 percent and further diminished the FARC's image (Freedom House 2009, *Freedom in the World – Colombia (2009)*, 12 January <http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7587> – Accessed 3 November 2009 – Attachment 10).

A UK Home Office, *Operational Guidance Note for Colombia*, dated 23 December 2008 describes the lack of effective political negotiations between FARC and the Colombian government. The report states that:

The FARC maintained their refusal to enter into formal peace talks with the Colombian Government during 2005 and 2006. In June 2006, it was reported that the FARC leadership expressed a desire to talk to President Uribe if he ended US-backed operations against them and demilitarised parts of the jungle territory. The FARC leadership also indicated that they might be willing to exchange hostages with the Government. However, talks on this issue were cancelled after a bombing in October 2006 for which the Government charged the FARC was responsible.

2.13 In June 2007, the Government released dozens of jailed FARC rebels in the hope that the FARC would reciprocate by releasing hostages. The FARC leadership rejected this move however and stated again that they would only free hostages if the Government ended operations against them and established a demilitarised zone (UK Home Office 2009, *Operational Guidance Note – Colombia*, 23 December <http://www.ind.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasympolicyogns/colombia.pdf?view=binary> – Accessed 5 November 2009 – Attachment 12).

A January 2006 report by the US Congressional Research Service states that “negotiations with the FARC have not taken place under the Uribe Administration, since the FARC has refused Uribe's demands that they first agree to a cease-fire and demobilization” (Veillette, C. 2006, *CRS Report for Congress, Plan Colombia: A Progress Report*, University of North Texas Digital Library, p.9 http://digital.library.unt.edu/govdocs/crs//data/2006/upl-meta-crs-8270/RL32774_2006Jan11.pdf – Accessed 17 November 2009 – Attachment 13).

A February 2005 Commission on Human Rights report states that “politically, the year 2004 has been marked by three main issues”, one of which was the “lack of progress in terms of peace negotiations between the Government and the FARC-EP and ELN, respectively”. The report states that “as far as is known, there was no direct contact on the part of the Government with the leadership of the FARC-EP” (UNHCHR 2005, *Report of the High Commissioner for Human Rights on the situation of human rights in Colombia*, United Nations Economic and Social Council, E/CN.4/2005/10, 28 February, p.9 <http://daccessdds.un.org/doc/undoc/gen/g05/115/08/pdf/g0511508.pdf?openelement> – Accessed 16 December 2005 – Attachment 14).

4. Please provide information on the recent operation of the FARC

Reports indicate that despite military attacks against the FARC, the group are still active and committing human rights abuses in Colombia. Available information indicates that recent FARC activity includes attacks with explosions, kidnappings, the use of landmines, recruitment of children and the forced displacement of civilians (International Crisis Group 2009, *Ending Colombia's FARC Conflict: Dealing the Right Card*, Latin America Report No. 30, 26 March, p.1

http://www.crisisgroup.org/library/documents/latin_america/30_ending_colombias_farc_conflict_dealing_the_right_card.pdf – Accessed 16 November 2009 – Attachment 8; Amnesty International 2009, *Report 2009 – Colombia*, 28 May

<http://thereport.amnesty.org/en/regions/americas/colombia> – Accessed 3 November 2009 – Attachment 15; Human Rights Watch 2009, *World Report – Colombia*, 14 January

http://www.hrw.org/sites/default/files/related_material/colombia_0.pdf – Accessed 3 November 2009 – Attachment 16; US Department of State 2009, *Country Reports on Human Rights Practices 2008 – Columbia*, 25 February, Sections – introduction, 1a, 1f, 1g, 2a, 2c & 2d – Attachment 17).

For a more detailed examination of the above sources please see the following information:

An abovementioned report by the International Crisis Group, dated 26 March 2009 provides detailed information on the current status of the FARC. Information contained in the report indicates that despite heavy losses inflicted by the military, the FARC remain active in Colombia. The report states that the FARC is utilising “new tactics rely heavily on ambushes and indiscriminate use of unconventional explosive devices, in a manner that violates international humanitarian law”. The report contains the following information:

Latin America's oldest guerrilla organisation, the Revolutionary Armed Forces of Colombia (FARC), is under severe stress. Close to seven years of the Uribe presidency have hurt the FARC's capability and morale. Several top commanders have been captured, killed in combat, murdered by their own men, or died of natural causes, as in the case of Manuel Marulanda, the FARC's historic leader. Thousands of foot soldiers have deserted, bringing the guerrillas' troop strength down by almost half, to perhaps 10,000 today. Still, under its new leader, Alfonso Cano, the FARC has shown renewed internal cohesion and continued capacity to adapt to changes in the security environment.

Strong pressure notwithstanding, the FARC still has remarkable adaptive capacity. Key units and some members of the central command (the Secretariat) have withdrawn to strongholds in the jungle and mountains, as well as in neighbouring countries, to evade government offensives and regain strength. The way in which hostage releases and redeployments have been conducted recently suggests that Cano is having some success in reasserting leadership. New tactics rely heavily on ambushes and indiscriminate use of unconventional explosive devices, in a manner that violates international humanitarian law. While command-and-control structures have been decentralised at the tactical level, the FARC Secretariat remains capable of coordinating actions around the country. Still substantial income from drug trafficking enables the insurgents to continue the war but has also led to alliances between some FARC units and Colombia's many organised criminal outfits and new illegal armed groups (International Crisis Group 2009, *Ending Colombia's FARC Conflict: Dealing the Right Card*, Latin America Report No. 30, 26 March, p.1

http://www.crisisgroup.org/library/documents/latin_america/30_ending_colombias_farc_conflict_dealing_the_right_card.pdf – Accessed 16 November 2009 – Attachment 8).

The ICG report also information on “urban warfare” by the FARC. The report states that “threat perception” differs between cities. The report also states that “several attacks with explosives, presumably carried out by FARC militiamen or commandos, have been launched in cities like Bogotá, Cali, Buenaventura, Neiva and even small villages like Ituango”. The report contains the following information:

With Cano’s appointment and the difficulties faced by FARC rural units, security forces fear an increase of urban terrorism. Urbanisation of the conflict would aim to discredit the government’s security policy, which is highly popular in large and medium-sized cities. According to multiple sources, the FARC wants to gain attention and regain the initiative by assassinating senior officials and conducting sabotage with explosives, while concurrently seeking to recruit university students. Several attacks with explosives, presumably carried out by FARC militiamen or commandos, have been launched in cities like Bogotá, Cali, Buenaventura, Neiva and even small villages like Ituango (Antioquia department). The police have seized several caches of explosives on the outskirts of Bogotá, and rural FARC militiamen or commandos have been detected and arrested when attempting to penetrate cities. Threat perception differs from one city to another. In Cúcuta, Medellín and Villavicencio, authorities believe FARC urban structures have been severely disrupted, while in Cali and Buenaventura the insurgents remain highly active despite significant hits against their urban militias. They now work as independent cells or with criminal organisations to help in intelligence gathering and the logistics necessary for terrorist attacks.

It is impossible to determine how many militiamen are active, but it appears that the support networks involved in acquisition of food, medicine, electronic and communication devices and uniforms have been progressively weakened. The paramilitary offensives of the late 1990s and early 2000s drove urban fronts out of major cities like Bogotá, Medellín, Cali and Cúcuta. The remnants were then ordered to support the rural fronts, which have endured the bulk of the Uribe administration’s offensive. Militiamen have increasingly become a pool from which to replace fighters lost through combat or defection. This has made logistics more vulnerable to interception by security forces, which exert tight controls via checkpoints on roads and rivers that lead to and from combat areas (International Crisis Group 2009, *Ending Colombia’s FARC Conflict: Dealing the Right Card*, Latin America Report No. 30, 26 March, pp. 11 – 12

http://www.crisisgroup.org/library/documents/latin_america/30_ending_colombias_farc_conflict_dealing_the_right_card.pdf – Accessed 16 November 2009 – Attachment 8).

Amnesty International’s 2009 annual report on Colombia states that “the FARC and the ELN continued to kill civilians and carry out kidnappings”. The report contains the following relevant information:

More than 189 killings of civilians were attributed to guerrilla groups in the 12-month period to June 2008, compared to 214 in the previous 12-month period.

...The use of landmines by guerrilla groups was widespread. In 2008, more than 45 civilians and 102 members of the security forces were killed and 160 and 404 injured, respectively.

...There were a series of bomb attacks in urban centres, some of which the authorities blamed on the FARC, and in which civilians were the main victims (Amnesty International 2009, *Report 2009 – Colombia*, 28 May <http://thereport.amnesty.org/en/regions/americas/colombia> – Accessed 3 November 2009 – Attachment 15).

The 2009 Human Rights Watch annual report for Colombia states that there have been continued “abuses against civilians” by the FARC. The report provides the following information:

The Colombian government dealt serious blows to the Revolutionary Armed Forces of Colombia (FARC) guerrillas in 2008. But guerrillas continued to engage in kidnappings, use of antipersonnel landmines, recruitment of child combatants, and other abuses.

...Both the FARC and the National Liberation Army (ELN) continue to engage in abuses against civilians.

Government forces dealt serious blows to the FARC, including through the arrest or killing of several commanders. In June security forces rescued 15 hostages held by the FARC, including three US citizens and former Colombian presidential candidate Ingrid Betancourt. No lives were lost in the operation, but it was later revealed that members of the military who participated in the operation displayed the emblem of the International Committee of the Red Cross, in violation of the Geneva Conventions, jeopardizing the ability of humanitarian workers to fulfill their role of protecting civilians. The FARC continue to regularly engage in kidnappings, and still hold hundreds of hostages

In August government authorities accused the FARC of planting a bomb on a crowded street in the town of Ituango that resulted in the deaths of seven people and injured more than 50 others.

The FARC and ELN continue to frequently use antipersonnel landmines. The Vice-President’s Observatory for Human Rights reported 153 civilian victims of antipersonnel mines from January through September 2008 (Human Rights Watch 2009, *World Report – Colombia*, 14 January

http://www.hrw.org/sites/default/files/related_material/colombia_0.pdf – Accessed 3 November 2009 – Attachment 16).

The US Department of State report on human rights practices in Colombia for the year 2008 states that the FARC have continued to commit human rights abuses. The report contains the following relevant information on FARC activity during 2008:

The FARC and ELN committed the following human rights abuses: political killings; killings of off-duty members of the public security forces and local officials; kidnappings and forced disappearances; massive forced displacements; subornation and intimidation of judges, prosecutors, and witnesses; infringement on citizens’ privacy rights; restrictions on freedom of movement; widespread recruitment of child soldiers; attacks against human rights activists; and harassment, intimidation, and killings of teachers and trade unionists.

...Preliminary reports indicated that landmines, used primarily by the FARC and ELN, caused 147 deaths and 564 injuries during the year

...New illegal groups, paramilitaries who refused to demobilize, and FARC and ELN guerrillas routinely interfered with the right to privacy. These groups forcibly entered private homes, monitored private communications, engaged in forced displacement and conscription, and abused family members.

...FARC and ELN guerrillas killed journalists, religious leaders, candidates for public office, local elected officials and politicians, alleged paramilitary collaborators, and members of government security forces.

...The Presidential Program for Human Rights reported that during the first nine months of the year, the FARC killed at least 250 persons, while another 84 persons were killed in massacres in which the perpetrators remained unidentified. The Presidential Program for Human Rights reported that between January and September, the FARC killed 286 members of the public security forces and the ELN killed 44.

...The FARC and ELN continued to commit numerous kidnappings. Fondolibertad reported that during the year, guerrillas kidnapped 156 persons (38 percent of those in which a perpetrator was identified), the FARC 117 persons, and the ELN 39 persons.

Kidnapping for ransom remained a major source of revenue for both the FARC and ELN. The FARC continued to hold political and foreign-born hostages taken in previous years.

...There were no government restrictions on academic freedom or cultural events. However, guerrillas maintained a presence on many university campuses to generate political support for their respective causes and undermine support for their enemies through both violent and nonviolent means. New illegal groups and FARC and ELN guerrillas threatened, displaced, and killed educators and their families for political and financial reasons. According to the Vice President's Office, various assailants killed 30 educators during the year. Threats and harassment caused many educators and students to adopt lower profiles and avoid discussing controversial topics.

...New illegal groups and FARC and ELN guerrillas harassed, threatened, and sometimes killed religious leaders and activists, although often for their role as community leaders rather than for religious reasons.

...The law prohibits forced exile, and the government did not employ it. However, many persons went into self-imposed exile because of threats from new illegal groups and FARC and ELN guerrillas.

...New illegal groups and FARC and ELN guerrillas continued to use forced displacement to gain control over strategic or economically valuable territory, weaken their opponents' base of support, and undermine government control and authority. Illegal armed groups also used landmines and roadblocks to confine entire villages in order to protect illicit crops and to prevent pursuit by state security forces. The FARC and ELN continued to use force, intimidation, and disinformation to discourage IDPs from registering with the government; guerrilla agents often infiltrated IDP receptor communities (US Department of State 2009, *Country Reports on Human Rights Practices 2008 – Columbia*, 25 February, Sections – introduction, 1a, 1f, 1g, 2a, 2c & 2d – Attachment 17).

5. Does the Colombian Government currently struggle to provide basic services such as education and health to the people of Colombia?

Reports indicate that individuals in rural areas and internally displaced persons (IDP's) face problems with access to adequate education and health services in Colombia. A UK Home Office, *Operational Guidance Note for Colombia*, dated 23 December 2008 states that "medical facilities were not universally available in 2007, especially in rural areas". A 2009 report by the World Bank indicates that while Colombia has high levels of primary school enrolment and completion, "poorer departments" have lower enrolment levels. The report also states that political and criminal violence created obstacles to access to education in rural areas. A report dated 23 October 2009, published by *Colombia reports* states that students throughout Colombia have recently held protests regarding the "dire state of the public higher education in Colombia". The report states that "higher education in Colombia is severely underfunded" and "education standards at public universities in particular are remarkably low" (US Department of State 2009, *Country Reports on Human Rights Practices 2008 – Columbia*, 25 February, Section 2d & 5 – Attachment 17; Burgess, R. 2009, 'Colombia's

Children at Risk of Recruitment into Armed Groups: Exploring a Community-Based, Psychosocial Pedagogy', *Journal of Education for International Development*, USAID: Journal of Education for International Development website, vol. 4, no. 1, p.3
<http://www.equip123.net/jeid/articles/8/burgess-colombiaschildrenriskofrecruitmentarmedgroupsexploringcommunity-basedpsychosocialpedagogy.pdf> - Accessed 18 November 2009 - - Attachment 4; Amnesty International 2009, *Report 2009 – Colombia*, 28 May
<http://thereport.amnesty.org/en/regions/americas/colombia> – Accessed 3 November 2009 – Attachment 15; UK Home Office 2009, *Operational Guidance Note – Colombia*, 23 December
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http://web.worldbank.org/external/projects/main?pagePK=64256111&piPK=64256112&theSitePK=40941&menuPK=115635&entityID=000333038_20081215233713&siteName=PROJ ECTS – Accessed 18 November 2009 – Attachment 18; Mejia, P.R. 2009, 'Education in Colombia: underfunded, underperforming and undermining the country's progress', *Colombia Reports*, 23 October <http://colombiareports.com/opinion/111-colombiamerican/6535-education-in-colombia-underfunded-underperforming-and-undermining-the-countrys-progress.html> – Accessed 18 November 2009 – Attachment 19).

For more detailed examination of the above sources please see the following information.

The US Department of State report on human rights practices in Colombia for the year 2008 reports that IDP's and people with disabilities have problems accessing adequate health and educational services:

Despite several government initiatives to enhance IDP access to services and knowledge of their rights and notable improvements in meeting the social and economic needs of IDPs, many IDPs continued to live in unhygienic conditions with limited access to health care, education, or employment. Several international organizations and domestic nonprofit groups, such as the International Organization for Migration (IOM), the ICRC, and the Colombian Red Cross worked with the government to provide emergency relief and long-term assistance to displaced populations.

...The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services, and the government sought to enforce these prohibitions. No law mandates access to public buildings for persons with disabilities, thus limiting the power of the government to penalize those schools or offices without access, but both national and local governments tried to address this with programs aimed at improving access. The law provides persons with physical disabilities access to voting stations. The Presidential Program for Human Rights is responsible for protecting the rights of persons with disabilities.

The Colombian Association for Physical Medicine and Rehabilitation reported that only approximately 15 percent of persons with disabilities received medical attention adequate to prevent complications arising from their disabilities. According to press reports, only 7,000 of Bogota's 100,000 persons with disabilities had access to public education (US Department of State 2009, *Country Reports on Human Rights Practices 2008 – Columbia*, 25 February, Section 2d & 5 – Attachment 17).

An April 2009 article titled ‘Colombia’s Children at Risk of Recruitment into Armed Groups: Exploring a Community-Based, Psychosocial Pedagogy’, states that “as a result of being displaced, IDPs tend to have limited access to basic services including nutrition, health, education, and water”(Burgess, R. 2009, ‘Colombia’s Children at Risk of Recruitment into Armed Groups: Exploring a Community-Based, Psychosocial Pedagogy’, *Journal of Education for International Development*, USAID: Journal of Education for International Development website, vol. 4, no. 1, p.3 <http://www.equip123.net/jeid/articles/8/burgess-colombiaschildrenriskofrecruitmentarmedgroupsexploringcommunity-basedpsychosocialpedagogy.pdf> - Accessed 18 November 2009 - - Attachment 4).

Amnesty International’s 2009 annual report on Colombia states that IDP’s face obstacles in accessing basic services such as education and health services due to “deeply entrenched discrimination and marginalization”(Amnesty International 2009, *Report 2009 – Colombia*, 28 May <http://thereport.amnesty.org/en/regions/americas/colombia> – Accessed 3 November 2009 – Attachment 15).

The UK Home Office, *Operational Guidance Note for Colombia*, dated 23 December 2008 provides the following overview of the Colombian health system:

4.4.2 The health sector in Colombia underwent considerable reform in the 1990s. Law 100 of 1993 established a social security system. The aim was to ensure universal health coverage through a mix of contributory and subsidised health schemes using both the public and private sectors. By the end of 2004, 14.7 million people were covered by the contributory scheme and 15.4 million under the subsidised programme. However, adequate funding remains a problem.

4.4.3 According to the Pan-American Health Organisation (PAHO) Country Health Profile, the General Social Security and Health System guarantees access to essential drugs (from a list of some 350 medicines) through the Mandatory Health Plan (POS) for those insured under the contributory regime. There are certain restrictions for those under the subsidised regime and with no clearly defined criteria for those who are not affiliated with the system, although this last group receives prescribed medications for basic care. The law requires the Government to provide medical care to children. However, medical facilities were not universally available in 2007, especially in rural areas.

...4.4.5 Colombia has a mental health policy based on advocacy, promotion, prevention, treatment, and rehabilitation. However, mental health is not part of the primary health care system and actual treatment of severe mental disorders is not available at the primary level. Therapeutic drugs are generally available (UK Home Office 2009, *Operational Guidance Note – Colombia*, 23 December <http://www.ind.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasyulmpolicyogns/colombia.pdf?view=binary> – Accessed 5 November 2009 – Attachment 12).

A 2009 report by the World Bank titled *Colombia – The quality of education in Colombia: an analysis and options for a policy agenda*, provides an overview of the education system in Colombia. Information contained in the report indicates the Colombia has high levels of primary school enrolment and completion. The report also states that Colombia has made “impressive gains” in secondary education enrolment and completion rates. Problems with education in Colombia include low secondary graduation rates and lower enrolment rates in “poorer departments”. The report states that there is also “a large urban-rural gap in education coverage” and that access to education has been affected by the “political and criminal violence that still prevails in some rural areas of the country” (World Bank 2008, *Colombia – The quality of education in Colombia : an analysis and options for a policy agenda*, 11 April, pp. 1-3

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A report dated 23 October 2009, published by *Colombia reports* provides the following information on recent student protests and problems within the higher education system in Colombia:

Colombia's neglectful attitude toward education is hampering its economy. Student protests may be misguided, but they raise important points about the country's budget priorities. In recent weeks, students throughout Colombia have protested, often violently, against the dire state of public higher education in Colombia. Simultaneous protests at Medellin's National University branch and the University of Antioquia prompted the arrival of anti-riot police. Last week, the rector of the National University in Bogota was held hostage for five hours by demonstrating students until they were detained by the authorities. This Tuesday, thousands of Bogota university students staged a more peaceful protest in the Plaza Bolivar. While the protesters' methods may have been excessive and even counterproductive, their concerns are not wholly unfounded. Higher education in Colombia is severely underfunded. Education standards at public universities in particular are remarkably low, partly due to worsening budget constraints.

...The country's human capital deficiencies can partly be attributed to inadequate funding for higher education. While government investment in higher education accounts for 0.4% of Colombia's GDP, the average in the rest of Latin America is three times higher, about 1.2% of GDP.

Admittedly, Colombia has made significant strides in education in recent decades. Population growth and rapidly expanding access to education at all levels mean that Colombia has more students than ever. The problem, according to many experts, is that broader access to education requires greater investment just to keep up with higher demand. Even the government's Education Minister, Cecilia Maria Velez, points out that, with the number of high school students rising from 400,000 to 700,000 in the past five years, modest increments in education investment are insufficient to meet the country's growing teaching needs (Mejia, P.R. 2009, 'Education in Colombia: underfunded, underperforming and undermining the country's progress', *Colombia Reports*, 23 October <http://colombiareports.com/opinion/111-colombiamerican/6535-education-in-colombia-underfunded-underperforming-and-undermining-the-countrys-progress.html> – Accessed 18 November 2009 – Attachment 19).

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