



Center for International Human Rights

Northwestern

PRITZKER SCHOOL OF LAW

Bluhm Legal Clinic

Violations by Colombia of

- 1. The right to safe working conditions and the highest attainable standard of health**
- 2. The right to reparations and social security for victims and surviving family members**

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Submitted by:

Compañía Colombiana Contra Minas (Colombian Campaign Against Mines)

Center for International Human Rights of Northwestern Pritzker School of Law

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I. Introduction and Response to Colombia's Reply to the List of Issues

For more than a decade, Colombia has pursued a policy of sending “mobile eradication groups” (GMEs)³ of poor campesinos to conduct forced⁴ manual eradication of coca crops in remote areas of the country. This State policy exposes these workers to grave risk of injury or death from landmines that have been used to protect the illicit crops, as well as from attacks by the illegal armed groups that profit from the drug trade. To recruit workers for this program, the State has exploited the poverty and lack of opportunity of these rural workers. To date, at least 67 civilian eradicators have been killed and 421 have been injured, mostly by landmines planted in and near the coca fields.⁵ The victims’ suffering has been magnified by the State’s failure to provide adequate medical care, compensation and disability pensions to the injured and its failure to provide adequate compensation and survivors’ pensions to the widows and children of those who have been killed.

Through these actions and omissions, the State has violated:

¹ Campaña Colombiana Contra Minas (Colombian Campaign Against Mines) (“CCCM”) is a non-governmental organization whose aim is to prevent and redress the human suffering caused by landmines. CCCM works to prevent landmine deaths and injuries through mine risk education workshops and advocacy of appropriate governmental policies. It provides support and advice to landmine victims, their families, and their communities to protect their rights and assist them in their physical, psychological and social rehabilitation. CCCM is a member of the International Campaign to Ban Landmines, the 1997 Nobel Peace Prize Laureate. See Campaña Colombiana Contra Minas, <http://www.colombiasinminas.org/>.

² The Center for International Human Rights of Northwestern Pritzker School of Law (“CIHR”) is a non-governmental, non-profit organization dedicated to human rights education and to legal and policy-focused human rights advocacy within the United States and worldwide. CIHR, which is in consultative status with the UN Economic and Social Council (ECOSOC), conducts legal research, compiles reports, and represents individual and NGO clients in cases and projects addressing violations of human rights. See Center for International Human Rights of Northwestern Pritzker School of Law, <http://www.law.northwestern.edu/legalclinic/humanrights/>.

³ The acronym is based on the Spanish; it stands for *Grupos Móviles de Erradicación* (GMEs).

⁴ “Forced” eradication refers to eradication carried out against the will of the people who cultivate the coca.

⁵ Letter from Jairo Cabrera Pantoja, Director of the Program against Illicit Crops [*Director del Programa contra Cultivos Ilícitos*], Special Administrative Agency for Territorial Consolidation [*Unidad Administrativa Especial para la Consolidación Territorial*], to Diego Cebas Lapeña, Ref. No. 20154000022891, at 4 (Mayo 12, 2015) (on file with author) (hereinafter May 2015 Letter from the Director of the Program against Illicit Crops).

- * its obligation under the Mine Ban Treaty “to ensure the effective exclusion of civilians” from all areas where the presence of landmines is known or suspected;⁶
- * its obligation under the International Covenant on Civil and Political Rights to respect and ensure the rights to life, security of person and reparations;⁷
- * its obligation under the International Covenant on Economic, Social and Cultural Rights concerning the rights to safe working conditions, health and reparations.⁸

In November 2016, the Human Rights Committee expressed its concern and made the following two recommendation to the State:

- * “The State party should halt its use of civilians in activities for the manual eradication of coca until it is verified, in conformity with international standards for such verification (such as the International Mine Action Standards), that the areas in which such activities must be performed are effectively free of landmines, and until it is also verified that these areas are effectively free of other dangers that can put at risk their life or integrity.”
- * “[The State party] should also guarantee that the people who have been injured, or their families in case of death, receive integral reparations.”⁹

⁶ Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, Oslo, Norway, Art. 5 (18 Sept. 2007), *available at* https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVI-5&chapter=26&lang=en (hereinafter Mine Ban Treaty).

⁷ International Covenant on Civil and Political Rights, Arts. 2(1), 6 and 9, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171 (hereinafter ICCPR).

⁸ International Covenant on Economic, Social and Cultural Rights, Arts. 7(b), 9 and 12, *adopted* Dec. 16, 1966, 993 U.N.T.S. 3 (hereinafter Covenant).

⁹ Human Rights Committee, Concluding Observations of the 7th Periodic Report of Colombia, U.N. Doc. CCPR/C/COL/CO/7, 17 November 2016, ¶ 23 (translation from Spanish by author) (hereinafter Human Rights Committee Concluding Observations). Original in Spanish:

Erradicación manual de cultivos de coca por campesinos

22. El Comité nota con preocupación los informes relativos a actividades de erradicación manual de cultivos de coca realizadas por campesinos pobres que no tienen otras oportunidades laborales en zonas donde están expuestos a los riesgos generados por la existencia de minas terrestres y la presencia de grupos armados ilegales. Si bien toma nota de la información proporcionada por el Estado parte sobre las medidas adoptadas para disminuir los riesgos, le preocupan las informaciones de que muchas de estas personas habrían perdido la vida o resultado heridas como consecuencia de la explosión de minas terrestres o de ataques de grupos armados ilegales (arts. 6 a 9).

23. **El Estado parte debe interrumpir el uso de civiles en actividades de erradicación manual de cultivos de coca hasta que se verifique, de conformidad con los estándares internacionales para dicha verificación (tales como las Normas Internacionales para la Acción Contra Minas), que las áreas en las que se deban realizar tales actividades estén efectivamente libres de minas terrestres; y se verifique también que esas áreas estén efectivamente libres de otros peligros que puedan poner en riesgo su vida o integridad. Debe también garantizar que las personas que hayan resultado heridas, o sus familiares en caso de fallecimiento, reciban reparación integral.** (Emphasis added.)

Unfortunately, the State has not complied with either of these recommendations. Although (as will be explained below) there appears to have been a hiatus in the use of civilians to conduct forced manual eradication during 2017, the State appears to be intent on resuming the use of civilian eradicators as soon as possible. Additionally, no progress has been made in implementing the Committee’s call to guarantee integral reparations to the victims of this State program.

Echoing the recommendations of the Human Rights Committee, this Committee, in its List of Issues (LOI) for Colombia, asked the State to provide information on:

- * the “measures taken by the State party to prevent peasants being hired for manual eradication of coca crops,” and
- * “what measures of reparation have been adopted in cases where the workers or their families have been affected by their participation in such activity.”¹⁰

Unfortunately, the State’s response to the LOI demonstrates that it does not intend to halt the use of civilians in its forced manual eradication program, and that it has not adopted measures of reparations for the victims.

The State has not taken measures to prevent peasants from being hired for manual eradication of coca crops. Instead, it intends to continue using civilians for this work.

While noting that two of its modalities of forced eradication are carried out by military personnel, the State acknowledges that its third modality – the mobile eradication groups (GMEs) – relies on civilian workers.¹¹ Indeed, instead of halting the use of civilians, in February 2017 the National Government issued a new Decree under which a contractor would be hired to recruit civilian workers for the GMEs.¹² The only reason why this Decree has not been implemented is because it was invalidated on procedural grounds by the Constitutional Court.¹³ According to the State’s response to the LOI, “The Government is currently trying to resolve the situation.”¹⁴

¹⁰ Committee on Economic, Social and Cultural Rights, List of Issues in relation to the sixth periodic report of Colombia, U.N. Doc. E/C.12/COL/Q/6, 3 March 2017, ¶ 12 (translation from Spanish by author) (hereinafter LOI). Original of ¶12 in full, in Spanish:

Derecho a unas condiciones de trabajo equitativas y satisfactorias (art. 7)

12. Sírvanse proporcionar información sobre las medidas adoptadas por el Estado parte para mejorar las condiciones de trabajo en las zonas rurales, en particular en el sector agrícola y para brindarles mejores oportunidades de trabajo. Se ruega, informen sobre las **medidas que ha adoptado el Estado parte para prevenir que campesinos sean contratados para realizar actividades de erradicación manual de cultivos de coca, y qué medidas de reparación han sido adoptadas en caso que estos trabajadores o sus familias se hayan visto afectados por su participación en tal actividad.** (Emphasis added.)

¹¹ Committee on Economic, Social and Cultural Rights, List of Issues in relation to the sixth periodic report of Colombia, Replies of Colombia to the list of issues, U.N. Doc. E/C.12/COL/Q/6/Add.1, 5 July 2017, ¶¶ 31-32 (hereinafter Colombia Replies to LOI).

¹² *Id.*, ¶ 34; Departamento Nacional de Planeación, Decreto No. 249, 14 Feb. 2017.

¹³ Colombia Replies to LOI, *supra* note 11, ¶ 34.

¹⁴ *Id.*

The State attempts to justify its use of civilians by noting that the program is voluntary and that the eradicators “are protected by the security forces.”¹⁵ But the program is not truly voluntary, because (as is explained more fully below) the eradicators are forced into this work by their poverty and lack of other opportunities to earn a living. As has been recognized by the U.N. Special Rapporteur on Extreme Poverty and Human Rights, “[e]xtreme poverty can be a *cause* of specific human rights violations, for instance because the poor are forced to work in environments that are unsafe and unhealthy.”¹⁶

As for the issue of security, although the eradicators are accompanied by security personnel, the number of deaths and injuries is testament to the fact that the security efforts are insufficient. In particular, as will be discussed below, the methods used to determine whether the work areas are free of landmines fall well below the international standards for mine clearance. This underscores the importance of the Human Rights Committee’s recommendation that civilians not be used for coca eradication “until it is verified, in conformity with international standards for such verification (such as the International Mine Action Standards), that the areas in which such activities must be performed are effectively free of landmines.”¹⁷

The State also notes that no civilian eradicators have been killed or injured by landmines since 2015. While this is welcome news, it does not mean the eradication work is no longer dangerous. Rather, we submit, it is the product of (a) the State’s very dramatic reduction in forced manual eradication by GMEs during the latter part of 2015 and all of 2016, and (b) the inability to recruit civilians for the GMEs due to the Constitutional Court’s invalidation of the February 2017 Decree.

During the latter part of 2015 and all of 2016, forced eradication efforts were greatly decreased due to militant community blockades that prevented access to the coca fields¹⁸ and the Government’s desire to protect the peace process by avoiding confrontations and violence in areas under FARC control.¹⁹ According to UNODC, coca eradication by civilian GMEs fell from a high of 84,427 hectares in 2008 to only 3,555 hectares in 2016.²⁰

¹⁵ *Id.*, at ¶ 32.

¹⁶ United Nations Office of the High Commissioner on Human Rights, Special Rapporteur on extreme poverty and human rights, *available at* <http://www.ohchr.org/EN/Issues/Poverty/Pages/SRExtremePovertyIndex.aspx> (last visited 29 Jan. 2017).

¹⁷ Human Rights Committee Concluding Observations, *supra* note 9, ¶23.

¹⁸ See Adam Isacson, Washington Office on Latin America (WOLA), *As Its Coca Crop Increases, Colombia Doesn’t Need to Fumigate. But It Needs to Do Something*, 23 Sept. 2016, <https://www.wola.org/analysis/coca-crop-increases-colombia-doesnt-need-fumigate-needs-something/> (last visited 27 Aug. 2017); Semana, *Aumenta meta de erradicación de cultivos ilícitos*, 1 Sept. 2016, <http://www.semana.com/nacion/articulo/erradicacion-cultivos-ilicitos-aumentaria-en-2016/492108> (last visited 27 Aug. 2017). According to General José Ángel Mendoza, Director of Colombia’s Antinarcotics Police, during the first eight months of 2016, blockades prevented eradication efforts on 348 occasions. General Mondoza gave the example of an incident in which about 55 campesinos attacked police officers, injuring nine of the officers. *Id.*

¹⁹ See Adam Isacson, Washington Office on Latin America (WOLA), *Confronting Colombia’s Coca Boom Requires Patience and a Commitment to the Peace Accords*, 17 Mar. 2017, <https://www.wola.org/analysis/confronting-colombias-coca-boom-requires-patience-commitment-peace-accords/> (last visited 27 Aug. 2017); U.S. Dept. of State, Bureau for International Narcotics and Law Enforcement Affairs, *International Narcotics Control Strategy Report, Volume I, Drug and Chemical Control*, p. 133 (March 2017), *available at* <https://www.state.gov/documents/organization/268025.pdf> (last visited 27 Aug. 2017).

²⁰ United Nations Office on Drugs and Crime and Government of Colombia, *Colombia: Monitoreo de territorios afectados por cultivos ilícitos 2016 [2016 Colombia Coca Survey]*, p. 216 (July 2017), *available at* http://www.unodc.org/documents/colombia/2017/julio/CENSO_2017_WEB_baja.pdf. A total of 17,642 hectares of coca were eradicated in 2016, but only 3,556 hectares were eradicated by GMEs. *Id.*, p. 145.

At the start of 2017, however, the State announced a goal for the year of eradicating 100,000 hectares of coca, half through voluntary crop substitution and half through forced manual eradication.²¹ In view of the alarming rise in coca cultivation – per UNODC, the area under coca cultivation increased by 52% between 2015 and 2016, from 96,000 hectares to 146,000 hectares²² – it is likely that forced manual eradication efforts will continue in the future. And, as the State’s response to the LOI indicates, while the judicial invalidation of the February Decree has prevented the recruitment of civilians during 2017, the State intends to surmount this obstacle and resume the use of civilian GMEs to conduct forced manual eradication.

The achievement of the peace accord with FARC has not removed the danger to eradicators. Community protests and blockades against forced eradication have turned violent, leading to reported deaths, injuries, and short-term kidnapping of police and military personnel involved in forced eradication.²³ Additionally, reports indicate that new armed groups are moving to take FARC’s place in the drug trade, leading to renewed violence.²⁴

Landmines also continue to pose a grave risk to eradicators. In a September 2016 assessment of why forced manual eradication had not been as successful as had been hoped, Colombia’s Prosecutor General noted the presence of “antipersonnel mines and unexploded ordnance in eradication areas” as well as “the exposure of personnel responsible for manual eradication to the actions of illegal armed groups and tropical diseases.”²⁵ Colombia’s Strategic Plan for Integral Action Against Mines 2016-2021 notes that during the most recent period for which data is available (2010-2015), landmine accidents occurred in 91.19% of the territory (hectares) under coca cultivation.²⁶ Even if, in the best case, all ongoing hostilities were to cease and no new landmines were to be planted in and around coca crops, the danger from existing landmines still remains very real. Civilians should not be sent to conduct eradication operations until their work

²¹ El Tiempo, *Colombia explicó su plan para acabar con 100.000 hectáreas de coca*, 7 Mar. 2017, <http://www.eltiempo.com/justicia/conflicto-y-narcotrafico/plan-para-disminuir-cultivos-de-coca-en-colombia-65280> (last visited 27 Aug. 2017).

²² United Nations Office on Drugs and Crime, Press Release, *New UNODC report: Coca crops in Colombia increase over 50 per cent in one year*, 14 July 2017, available at https://www.unodc.org/unodc/en/frontpage/2017/July/new-unodc-report_-coca-crops-in-colombia-increase-over-50-per-cent-in-one-year.html (last visited 27 Aug. 2017).

²³ Observatorio de cultivos y cultivadores declarados ilícitos-INDEPAZ, *Observando #7: Reporte bimensual sobre política de drogas en Colombia en el ámbito de la producción*, text preceding footnote 11 (Jun-Jul 2017), available at <http://www.indepaz.org.co/wp-content/uploads/2017/08/Reporte-junio-julio-OCCDI-Global-INDEPAZ.pdf> (last visited 27 Aug. 2017); Tristan Clavel, InSight Crime, *Are Crime Groups Behind Colombia Coca Eradication Protests?*, 14 Apr. 2017, available at <http://www.insightcrime.org/news-briefs/organized-crime-protests-colombia-coca-eradication> (last visited 27 Aug. 2017).

²⁴ See, e.g., Sibylla Brodzinsky, The Guardian, *Colombia’s armed groups sow seeds of new conflict as war with Farc ends*, 18 Apr. 2017, <https://www.theguardian.com/world/2017/apr/18/colombia-farc-rebels-armed-groups> (last visited 27 Aug. 2017); The Economist, *Coca-growing in Colombia is at an all-time high*, 23 Mar. 2017, available at <https://www.economist.com/news/americas/21719468-government-hopes-former-farc-guerrillas-will-persuade-villagers-switch> (last visited 27 Aug. 2017) (“But the FARC were never the only armed participants in the drug trade. As they withdraw, other criminal groups are moving in, including the National Liberation Army, a smaller guerrilla outfit.”)

²⁵ Constitutional Court of Colombia, Sentencia T-236 de 2017, Annex II, paragraph 3.1.2 (21 Apr. 2017), discussing submission by La Fiscalía General de la Nación [Prosecutor General], available at <http://www.corteconstitucional.gov.co/relatoria/2017/T-236-17.htm>.

²⁶ Alta Consejería Presidencial para el Posconflicto, Dirección para la Acción Integral contra Minas Antipersonal, *Plan Estratégico de Acción Integral contra Minas Antipersonal 2016- 2021: Colombia Libre de Sospecha de Minas Antipersonal a 2021*, p. 12 (May 2016), <http://www.accioncontraminas.gov.co/direccion/Documents/Colombia-Libre-Sospecha-Minas-Antipersonal-2021.pdf>.

areas are verified as being clear of landmines, in accordance with the rigorous international standards for mine clearance.²⁷

The State has not adopted measures of reparation for victims

In its LOI, this Committee asked the State to provide information not only on its measures to halt the hiring of civilians for GMEs, but also on “what measures of reparation have been adopted in cases where the workers or their families have been affected by their participation in such activity.”²⁸

Tellingly, the State has not provided any information whatsoever in this regard. Notwithstanding both its treaty obligations and the recommendation of the Human Rights Committee, the State has not adopted measures to provide integral reparations to eradicators who still suffer from their injuries or to the survivors of those who lost their lives in the performance of this dangerous work.

Proposed recommendations for Colombia

We respectfully urge this Committee to incorporate, *verbatim*, the 2016 recommendations of the Human Rights Committee into its own Concluding Observations for Colombia.

II. *Violations of articles 7(b), 12, and 9 of the Covenant*

The State’s use of civilians rather than military personnel to conduct forced manual eradication in areas riddled with landmines and vulnerable to attack by illegal armed groups violates its obligations under the International Covenant on Economic, Social and Cultural Rights (“Covenant”). Article 7 recognizes “the right of everyone to the enjoyment of just and favourable conditions of work, in particular the right to safe working conditions.”²⁹ As this Committee has recognized, this right “is a prerequisite for” the enjoyment of the Article 12 right to the highest attainable standard of health.³⁰ Similarly, the right to health is recognized as “an inclusive right extending . . . to the underlying determinants of health, such as . . . healthy occupational . . . conditions.”³¹ A State party violates its obligation to *respect* the right to health when it implements actions or policies that “are likely to result in bodily harm . . . and preventable mortality.”³² It violates its obligation to *protect* this right when it fails “to take all necessary measures to safeguard persons . . . from infringements of the right to health by third parties.”³³

²⁷ See United Nations Mine Action Service, IMAS [International Mine Action Standards] 09.10: Clearance Requirements, Second Edition, Amendment 3, at 4, ¶ 8 (June 2013), *available at* <http://www.mineactionstandards.org/fileadmin/MAS/documents/imas-international-standards/english/series-09/IMAS-09-10-Ed2-Am5.pdf>.

²⁸ LOI, *supra* note 10, ¶ 12.

²⁹ Committee on Economic, Social and Cultural Rights, General Comment 18, The Right to Work, ¶ 2, U.N. Doc. E/C.12/GC/18 (2005) (hereinafter General Comment 18).

³⁰ Committee on Economic, Social and Cultural Rights, General Comment 23, The Right to Just and Favorable Conditions of Work, ¶¶ 1, 25, U.N. Doc. E/C.12/GC/23 (2016) (hereinafter General Comment 23); *see also* Committee on Economic, Social and Cultural Rights, General Comment 14, The Right to the Highest Attainable Standard of Health, ¶ 4, U.N. Doc. E/C.12/2000/4 (2000) (hereinafter General Comment 14).

³¹ General Comment 14, *supra* note 28, ¶ 11.

³² *Id.*, ¶ 50.

³³ *Id.*, ¶ 51.

A State party violates its obligations with respect to the rights to health and safe working conditions when it “adopt[s] legislation or policies which are manifestly incompatible with [relevant] pre-existing . . . international legal obligations.”³⁴ Colombia’s policy of sending civilian workers to eradicate coca in areas where they risk injury or death from landmines and armed attacks is “manifestly incompatible” with its Mine Ban Treaty obligation “to ensure the effective exclusion of civilians” from all areas where the presence of landmines is known or suspected³⁵ and its ICCPR obligation to respect and ensure the rights to life and security of person.³⁶

Under articles 7(b), 12, and 9, Colombia has an obligation to make reparations to individuals whose rights to safe working conditions and the highest attainable standard of health have been violated and to provide them or (in the case of the deceased) their survivors with social security. Under Article 7(2), States parties are required to “ensure that workers suffering from an accident . . . and, where relevant, the dependents of those workers, receive adequate compensation, including for costs of treatment, loss of earnings and other costs, as well as access to rehabilitation services.”³⁷ Similarly, individuals whose right to health has been violated are “entitled to adequate reparation, which may take the form of restitution, compensation, satisfaction or guarantees of non-repetition.”³⁸ Additionally, Article 9 of the Covenant recognizes the right of individuals to social security that guarantees the human dignity of *all* persons.³⁹ States parties have an obligation to:

ensure the protection of workers who are injured in the course of employment or other productive work. The social security system should cover the costs and loss of earnings from the injury . . . and the loss of support for spouses or dependents suffered as the result of the death of a breadwinner. Adequate benefits should be provided in the form of access to health care and cash benefits to ensure income security.⁴⁰

Moreover, persons with disabilities have a right to “adequate income support” when they are unable to find employment due to their disabilities.⁴¹ It is critical that social security benefits “be provided in a timely manner.”⁴²

These obligations to make reparations and provide social security require Colombia to provide adequate physical health, mental health, and rehabilitative care to those who have been injured in its forced manual eradication program, and to provide appropriate compensation (including appropriate disability or survivor pensions) to the injured and to the widows and children of the dead. Colombia’s failure to do so, as detailed below, violates this obligation. Additionally, the obligation to prevent a recurrence is violated so long as Colombia continues to deploy civilians to conduct this dangerous work.

³⁴ *Id.*, ¶ 48; *see also* General Comment 18, *supra* note 27, ¶ 34.

³⁵ Mine Ban Treaty, *supra* note 6, Art. 5.

³⁶ ICCPR, *supra* note 7, 2(1), 6 and 9.

³⁷ General Comment 23, *supra* note 28, ¶ 29.

³⁸ General Comment 14, *supra* note 28, ¶ 59.

³⁹ Committee on Economic, Social and Cultural Rights, General Comment 19, The Right to Social Security, ¶ 1, U.N. Doc. E/C.12/GC/19 (2007) (hereinafter General Comment 19).

⁴⁰ *Id.*, ¶ 17 (footnote omitted).

⁴¹ Committee on Economic, Social and Cultural Rights, General Comment 5, Persons with disabilities, ¶ 28, U.N. Doc. E/1995/22 (1995).

⁴² General Comment 19, *supra* note 37, ¶ 27.

III. The Forced Manual Eradication Program and the Dangers Faced by Eradicators

Since 2005 Colombia has recruited poor campesinos to conduct forced manual eradication of coca crops in areas contaminated by landmines and largely controlled by illegal armed groups that profit from the drug trade. Under this policy, “mobile eradication groups” (“GMEs”)⁴³ of about 28 campesinos are hired in towns and transported to camps in remote areas of the country. They remain there for periods of about two months, living in tents and marching out each day to manually uproot and destroy coca plants in the surrounding area.⁴⁴ Their eradication work is called “forced” manual eradication because the people and communities that grow the coca oppose the eradication of their crops.⁴⁵

This work is extremely dangerous. As a consequence of the internal armed conflict that has plagued Colombia for decades, large sections of the national territory remain beyond the effective control of the Government.⁴⁶ These are the areas into which the GMEs are sent to manually eradicate coca crops.⁴⁷ The illegal armed groups that operate in these areas depend heavily on the drug trade to finance their operations.⁴⁸ Attempts to destroy the coca crops that they own or protect are met with violent resistance.⁴⁹

The civilian eradicators face a particularly grave risk of death or injury from landmines, which illegal armed groups plant near and among the coca plants to prevent eradication efforts.⁵⁰ This fact is well known to the Colombian Government. Colombia itself has reported that illegal armed groups operating within Colombia use landmines “systematically and indiscriminately” as part of

⁴³ The acronym is based on the Spanish; it stands for *Grupos Móviles de Erradicación* (GMEs).

⁴⁴ See Special Administrative Agency for Territorial Consolidation (Republic of Colombia), Resolution 00021 of 2015 (23 Jan. 2015) (hereinafter 2015 GME Operations Manual); Procuraduría General de la Nación (Republic of Colombia), *La Situación de los Erradicadores Manuales de Cultivos Ilícitos en Colombia*, 10 (Sept. 2012), at 10, 12, 15, 23, 26, and 27, available at <http://www.procuraduria.gov.co/relatoria/media/file/dependencia/InformesPreventivas/2013/erradicadores.pdf> (hereinafter Procuraduría General Report); Departamento Nacional de Planeación, CONPES 3669: Política Nacional de Erradicación Manual de Cultivos Ilícitos y Desarrollo Alternativo Para la Consolidación Territorial, at 13 and illustration 2, (28 June 2010), available at <http://www.dnp.gov.co/portalDNP/grupo-de-gobierno/CONPES3669.pdf> (hereinafter CONPES 3669); Declarations of the victims.

⁴⁵ 2015 GME Operations Manual, *supra* note 42, at 4-5.

⁴⁶ CONPES 3669, *supra* note 42, at 57.

⁴⁷ *Id.*

⁴⁸ Policía Nacional de Colombia, Dirección General, *Manual de Antinarcóticos Para la Erradicación Manual de Cultivos Ilícitos*, 9 (15 October 2010), available at http://www.policia.gov.co/portal/page/portal/INSTITUCION/Cartelera_New/doctrina/manuales/34.pdf (hereinafter Police Manual); Departamento Nacional de Planeación, República de Colombia, Documento CONPES 3218: Programa de Desarrollo Alternativo 2003-2006, 2, 4 (3 Mar. 2003), available at <http://www.dnp.gov.co/portalDNP/politica-de-desarrollo/3218.pdf> (hereinafter CONPES 3218);

⁴⁹ General Secretariat, Organization of American States, *The Drug Problem in the Americas*, OEA/Ser.D/XXV.4, at 30 (2013), available at http://www.oas.org/documents/eng/press/Introduction_and_Analytical_Report.pdf; see also U.N. Human Rights Comm. (ICCPR), Sixth Periodic Report: Colombia, CCPR/C/COL/6, ¶ 242, 10 Dec. 2008, available at

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fCOL%2f6&Lang=en (hereinafter Colombia State Report); Landmine and Cluster Munition Monitor, *Colombia: Mine Ban Policy* (28 November 2013), http://www.the-monitor.org/index.php/cp/display/region_profiles/theme/3350 (hereinafter Landmine and Cluster Munition Monitor); Human Rights Watch, *Maiming the People*, 15-16 (2007), available at <http://www.hrw.org/reports/2007/07/24/maiming-people-0> (hereinafter Human Rights Watch).

⁵⁰ Landmine and Cluster Munition Monitor, *supra* note 49; see also Human Rights Watch, *supra* note 49, at 15–16 and n. 35.

their strategy of irregular warfare, both to stop the advance of Colombian security forces and to protect their illicit crops.⁵¹ These landmines kill or maim when stepped on by an eradicator.

The Colombian Government takes the position that before eradicators are sent into a field, the military or police who accompany the GMEs check to be sure that the field is clear of landmines. However, the detection techniques that the Colombian security forces have used have been woefully inadequate. The security forces are supposed to check for the presence of landmines using trained mine-detecting dogs and metal detectors.⁵² But International Mine Action Standards caution that mine detection dogs “cannot be used successfully under all circumstances.”⁵³ Dense vegetation and rain, both characteristic of the eradication zones, significantly impede the dogs’ effectiveness.⁵⁴ Metal detectors are only effective if the entire area is meticulously checked; given the size of the fields and the density of the vegetation, this cannot be done in the short morning time before the eradicators begin work. Moreover, metal detectors can only detect metal, but – as the Colombian Government has noted – the mines used by the illegal armed groups in Colombia often “are made of plastic and are difficult to detect.”⁵⁵

The mine detection techniques that are supposed to be used before the day’s eradication work begins fall far short of the rigorous international requirements for declaring an area clear of landmines, as set out in the International Mine Action Standards of the United Nations Mine Action Service.⁵⁶ Moreover, in practice, security personnel have performed their inspections late, or haphazardly, or not at all.⁵⁷ JELM, an eradicator who was injured in a landmine explosion, reported that the security forces assigned to his GME had searched only the sides of the eradication zone, not the whole zone.⁵⁸ JAAJ, another injured eradicator, reported that the security forces for his GME had inspected only parts of the eradication area. As he explained, the eradicators could see which areas had not been checked because in the checked areas, the tall grass was bent down, but in the unchecked area the tall grass was undisturbed.⁵⁹ AAA, who was injured while walking along the path between their encampment and the coca field, reported that although the soldiers attempted to check for mines in the coca crops, they made no effort to check for mines along the path that the eradicators had to use to get to the coca fields.⁶⁰ BBB reported that the mine-detecting dogs were ineffective because they got tired after a while and therefore there was no assurance that

⁵¹ República de Colombia, Convención Sobre la Prohibición del Empleo, Almacenamiento, Producción, y Transferencia de Minas AntiPersonal y Sobre su Destrucción: Informe en Virtud del Artículo 7 de la Convención, 6 (Apr. 2014), *available at* [http://www.unog.ch/80256EE600585943/\(httpPages\)/A5378B203CBE9B8CC12573E7006380FA?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/A5378B203CBE9B8CC12573E7006380FA?OpenDocument). (hereinafter Mine Ban Treaty Art. 7 Report).

⁵² Police Manual, *supra* note 48, p. 41 ¶ b.

⁵³ United Nations Mine Action Service, IMAS [International Mine Action Standards] 09.40: Guide for the Use of Mine Detection Dogs, Second Edition, Amendment 3, at 4, ¶ 8 (June 2013), *available at* <http://www.mineactionstandards.org/fileadmin/MAS/documents/imas-international-standards/english/series-09/IMAS-09-40-Ed2-Am3.pdf>.

⁵⁴ *Id.*; Procuraduría General Report, *supra* note 44, at 30.

⁵⁵ See Colombia State Report, *supra* note 49, at ¶ 244.

⁵⁶ See, e.g., United Nations Mine Action Service, IMAS [International Mine Action Standards] 09.10: Clearance Requirements, Second Edition (Amendment 5, June 2013), *available at* <http://www.mineactionstandards.org/fileadmin/MAS/documents/imas-international-standards/english/series-09/IMAS-09-10-Ed2-Am5.pdf>.

⁵⁷ See Declarations of JELM, at ¶ 6; JAAJ, at ¶ 7; and LCA at ¶¶ 7, 8.

⁵⁸ Declaration of JELM, at ¶ 6.

⁵⁹ Declaration of JAAJ, at ¶ 7.

⁶⁰ Interview of AAA.

the field was clear of mines.⁶¹ LCA reported that on the day he was injured by a landmine explosion, the person in charge of the camp had told the workers to work harder, and had told the security personnel not to carry out the checking procedure. The eradicators were told that, because there were only a few hectares left to eradicate, they should work the area even though it had not been checked.⁶² When LCA entered the area, a co-worker walking in front of him stepped on and detonated a landmine.⁶³ In a report critical of the GME program, Colombia's own Procuraduría General⁶⁴ noted instances in which the mine detection process did not start until after the civilian eradicators had already begun working.⁶⁵ In one case highlighted by the Procuraduría General, the detectors and dogs did not arrive at the eradication site until after several landmine accidents had already occurred.⁶⁶

The civilian eradicators also face the risk of sudden armed attacks by the illegal armed groups that operate in the areas where the eradicators work. Although military or police personnel accompany the GMEs, this has not eliminated the risk of attacks.⁶⁷ Indeed, because the security forces are seen as legitimate military targets, eradicators have become “collateral damage” in attacks on the security forces.⁶⁸ Certain practices heighten this danger. On occasion, eradicators have been housed in military camouflage tents, making the civilian eradicators appear to be legitimate military targets.⁶⁹ Eradicators are told to march to and from the day's worksite in single file lines,⁷⁰ making them appear (especially from a distance) to be security forces, and hence a legitimate military target. This is especially so when the eradicators are told to wear dark blue uniforms,⁷¹ since Colombian police sometimes wear dark blue uniforms.⁷² Moreover, illegal armed groups have declared the eradicators themselves to be a “military target.”⁷³ Eradicators have been ambushed, targeted by snipers, and attacked with improvised explosive devices (“IEDs”).⁷⁴ CCC and AAA both reported that the eradicators were singled out for attack; when both soldiers and eradicators were walking along a path, the attackers waited until the soldiers had passed and then

⁶¹ Interview of BBB.

⁶² Declaration of LCA, at ¶¶ 7, 8.

⁶³ *Id.*, ¶ 8.

⁶⁴ The Procuraduría General de la Nación is vested by the Colombian Constitution with the functions of the Colombian Public Ministry. See National Constitution, July 4, 1991, Art. 275 (Colom.), available at http://www.senado.gov.co/images/stories/Informacion_General/constitucion_politica.pdf. See also, Human Rights Watch, Paramilitaries' Heirs: The New Face of Violence in Colombia, 1 (2010) available at http://www.hrw.org/sites/default/files/reports/colombia0210webwcover_1.pdf (“Procuraduría General de la Nación: a Colombian state entity charged with representing the interests of citizens before the rest of the state. The office conducts most disciplinary investigations of public officials and monitors criminal investigations and prosecutions, as well as other state agencies' actions.”).

⁶⁵ Procuraduría General Report, *supra* note 44, at 29.

⁶⁶ *Id.*, at 29-30 n. 58.

⁶⁷ *Id.*, at 29.

⁶⁸ *Id.*

⁶⁹ Erradicadores de cultivos de coca en Colombia partes 1 + 2, YouTube (Nov. 10, 2011, 0:55-1:15), <https://www.youtube.com/watch?v=XOPDj8noonQ&list=PLE637FAF411BCF3E5>.

⁷⁰ Police Manual, *supra* note 48, at 40 (Figura 3) and 41.

⁷¹ Vanguardia, ‘Los pitufos’ de la erradicación manual de coca (1 Sept. 20013) available at <http://www.vanguardia.com/actualidad/colombia/223190-los-pitufos-de-la-erradicacion-manual-de-coca>.

⁷² Policía Nacional de Colombia, Dirección General, Reglamento de uniformes, insignias, condecoraciones y distintivos para el personal de la Policía Nacional, Arts. 12, 20, 58, 96 (5 November 2009), available at http://www.policia.gov.co/portal/page/portal/INSTITUCION/normatividad/resoluciones/ReglamentoPolicia_Nov.24.09.pdf.

⁷³ Procuraduría General Report, *supra* note 44, at 29.

⁷⁴ *Id.*

detonated their explosives when the civilian eradicators reached the spot where the explosive device had been planted.⁷⁵

IV. Deaths and Injuries Resulting from the Forced Manual Eradication Program

At least 67 civilian eradicators have been killed and 421 have been injured while working in the GMEs. According to 2015 Colombian Government figures, 58 civilian eradicators have been killed by landmines and nine more have been killed by gunfire or IEDs during armed attacks.⁷⁶ Landmine explosions have injured 356 civilian eradicators, and 65 additional civilian eradicators have been injured by gunfire or IEDs during armed attacks.⁷⁷ Many of these injuries have been horrific, including loss of limbs, severe shrapnel wounds, and debilitating psychological damage.⁷⁸

These deaths and injuries have caused tremendous suffering. Some eradicators have lost limbs from mine explosions.⁷⁹ The always-devastating impact of losing a limb is amplified for these victims because the eradicators are men who have made their living and supported their families by manual labor. Other injuries have also been life-changing. LBA lost an eye.⁸⁰ JAAJ lost hearing in one ear.⁸¹ LEFG suffers from constant back pain, leg pain and headaches.⁸² DACG's husband lost two fingers of his right hand.⁸³ DDD lost 75% of his hearing in his left ear because his eardrum was perforated by the explosion.⁸⁴ EEE still feels pain on one side of his body and close to his spine, requiring him to stay on medication.⁸⁵ CCC suffered wounds to his leg and torso.⁸⁶ FFF lost hearing in his left ear, and his face and legs were wounded and burned.⁸⁷ JELM suffered shrapnel wounds all over his face and body.⁸⁸ LJB continues to experience pain from the shrapnel that remains in his body; as a consequence, he is only able to do light work and can no longer play sports as he used to.⁸⁹ JAOQ has constant headaches and can no longer work in agriculture because his hand was injured and he cannot use it properly.⁹⁰ JASM was knocked completely unconscious when a mine exploded between his legs and threw him two meters into the air; to this day he still experiences pain. His injured leg became seriously infected, and his vision and hearing have diminished.⁹¹ GGG lost her brother, and her nephew had his face burned and lost hearing in one ear.⁹² AAA lost his vision and hearing capacity.⁹³

⁷⁵ Interviews of CCC and AAA.

⁷⁶ May 2015 Letter from the Director of the Program against Illicit Crops, *supra* note 5 at 4.

⁷⁷ *Id.*

⁷⁸ Declarations of victims.

⁷⁹ *See, e.g.*, Declaration of JELM, at ¶ 10 (reporting that his cousin lost his leg in a mine explosion).

⁸⁰ Declaration of LBA, at ¶¶ 8–9.

⁸¹ Declaration of JAAJ, at ¶ 9.

⁸² Declaration of LEFG, at ¶ 10.

⁸³ Declaration of DACG, at ¶ 7.

⁸⁴ Interview of DDD.

⁸⁵ Interview of EEE.

⁸⁶ Interview of CCC.

⁸⁷ Interview of FFF.

⁸⁸ Declaration of JELM, at ¶ 10.

⁸⁹ Declaration of LJB, at 1.

⁹⁰ Declaration of JAOQ, at ¶ 14.

⁹¹ Declaration of JASM, at ¶¶ 5–6.

⁹² Interview of GGG.

⁹³ Interview of AAA.

The psychological injuries suffered by the eradicators are equally devastating. LBA reports that he lives in constant fear, experiences nightmares and hallucinations, cannot sleep well, is so distrustful and fearful that he cannot travel alone, and needs medication to calm his nerves.⁹⁴ DACG reports that the accident changed her husband; before, he was “much more caring,” but now, he is nervous, fearful and aggressive, and he often gets mad at their children.⁹⁵ JASM reports suffering from nightmares, depression, fear of loud noises, aggressive behavior, and suicidal thoughts.⁹⁶ Other eradicators reported suffering from nightmares,⁹⁷ difficulties sleeping,⁹⁸ and memory loss.⁹⁹

The survivors of those killed also continue to suffer. ESO reports, “I always think about my husband; it is impossible for me to forget him. I constantly cry over his death. I can’t stop thinking about everything that happened.”¹⁰⁰

V. The Absence of Adequate Health Care and Compensation for the Victims

Eradicators injured by landmine explosions and armed attacks have not been able to obtain adequate physical and mental health services. Indeed, Colombia’s own Procuraduría General has concluded in 2013 that Colombia had failed to provide adequate medical care and assistance to injured eradicators.¹⁰¹

One problem noted by the Procuraduría General is that during the first two years of the forced manual eradication program, nearly 1000 peasants were hired for the GMEs without any labor contracts and hence without any labor benefits.¹⁰² As a result, these workers were not affiliated with any health care company. They continue to have difficulty obtaining necessary medical care. For example, JAOQ reports that after he was injured by a landmine in 2006, all they did was stitch him up.¹⁰³ He was told that he needed surgery on his injured hand, but that nothing could be done because of a problem with his medical insurance. To this day, he has not had the surgery. He cannot use his injured hand properly, and therefore he cannot do the agricultural work that has always been his livelihood and his means of supporting his wife and two daughters. He is currently not receiving any medical attention because he cannot pay for it.¹⁰⁴

Although since 2007 eradicators have been hired under labor contracts, many still have not been able to obtain health insurance coverage for medical expenses because they do not know with which health insurance company their employer affiliated them.¹⁰⁵ As noted by the Procuraduría General, this problem results from the employer’s failure to give eradicators a copy of their labor

⁹⁴ Declaration of LBA, at ¶¶ 9–10.

⁹⁵ Declaration of DACG, at ¶ 8.

⁹⁶ Declaration of JASM, at ¶ 7.

⁹⁷ Declaration of LJB, at 2; Declaration of JAOQ, at ¶ 14.

⁹⁸ Declaration of LJB, at 2.

⁹⁹ Declaration of DOC, at ¶ 9.

¹⁰⁰ Declaration of ESO, at ¶ 7.

¹⁰¹ Procuraduría General Report, *supra* note 44 at 57. The Procuraduría General noted that victims who had lost limbs or had serious injuries generally received adequate emergency care immediately following the injury, *id.*, at 36, but concluded that, thereafter, care was inadequate, *id.*, at 57.

¹⁰² *Id.*, at 15 fn. 25, 34–35.

¹⁰³ Declaration of JAOQ, at ¶¶ 2, 10.

¹⁰⁴ *Id.*, ¶¶ 1–2, 10–14, 18.

¹⁰⁵ Procuraduría General Report, *supra* note 44, at 57.

contract and an ID card from the health insurance company with which they were affiliated.¹⁰⁶ For example, AAA reported that he was not allowed to read the contract he was signing, nor was he able to obtain a copy of the contract.¹⁰⁷

Many eradicators cannot obtain medical care or rehabilitative services because they cannot afford to pay for transportation.¹⁰⁸ DOC is one example. His leg was pierced by shrapnel. Twice he had surgery to remove metal shards buried deep in his leg. To this day, he suffers pain and a burning sensation in his leg. Although his surgeries were paid for, the Government will not pay his travel expenses to get from his home in Manzanares to his appointments in Manizales for follow-up care. On some occasions, he has been able to get to his appointments only because the Red Cross paid his travel expenses and loaned him crutches. On other occasions, he has missed his appointments because he could not pay the travel costs.¹⁰⁹ Similarly, CCC could not obtain needed medical care because he did not have the money to pay for transportation to attend therapy sessions.¹¹⁰

Many eradicators report that they have not been able to receive much-needed psychiatric care. For example, JASM reports that despite suffering from nightmares, depression, fear of loud noises, aggressive behavior and suicidal thoughts, he has never received any psychiatric care.¹¹¹ Likewise, HHH reported that he did not receive psychological attention after the accident.¹¹²

Injured eradicators and the widows of those who were killed have not received adequate compensation and pensions to enable them to support themselves and their families.¹¹³ These families were struggling to support themselves even before the men agreed to work as eradicators. But for their poverty, they would not have risked their lives working in the eradication program.¹¹⁴ Now, the debilitating effects of their injuries prevent them from earning even the meager amounts they previously were able to earn, leaving them unable to support themselves, their wives, and their children.¹¹⁵ DDD reported that he used to work in construction, but after the accident he cannot work because companies order medical exams and when they realize he has health problems they refuse to hire him.¹¹⁶ EEE's life was changed by the injuries he suffered. He cannot work anymore because the explosion affected his right leg and back. His wife now has to work to support their children. He has tried to get work in farming or construction, but because of the physical effort such work involves, he is not able to do the work. He had expected to receive benefits, but no benefits have been made available to him.¹¹⁷ III reported that he has been unable to find a job due to his injuries, because once employers become aware of his disability, they are unwilling to hire him, viewing him as a potential liability if he were injured on the job.¹¹⁸

¹⁰⁶ *Id.*

¹⁰⁷ Interview with AAA.

¹⁰⁸ Procuraduría General Report, *supra* note 44, at 38.

¹⁰⁹ Declaration of DOC, at ¶¶ 8, 11–12; *see also* Declaration of DACG, at ¶ 10; Declaration of LJB, at 1.

¹¹⁰ Interview of CCC.

¹¹¹ Declaration of JASM, at ¶ 7; *see also* Declaration of DOC, at ¶ 9–10; Declaration of DACG, at ¶¶ 8, 10; Declaration of LGB, at 2.

¹¹² Interview of HHH.

¹¹³ Procuraduría General Report, *supra* note 44, at 55 (reparations to victims have been “insufficient”).

¹¹⁴ *See, e.g.*, Declaration of LCA, at ¶ 3; Declaration of ESO, at ¶ 3.

¹¹⁵ *See, e.g.*, Declaration of LFFG, at ¶ 13.

¹¹⁶ Interview of DDD.

¹¹⁷ Interview of EEE.

¹¹⁸ Interview of III.

Many eradicators have not received any compensation at all for their injuries.¹¹⁹ For example, DACG reports that she went to a lawyer to try to get compensation for her husband's injuries, but nothing happened. She heard they were going to get assistance from a Colombian government agency, but again they received nothing. Her husband still has not received any kind of economic compensation for the landmine injuries he suffered in 2010.¹²⁰ JAOQ, who was injured by a landmine in 2006, reports that he too has not received any compensation of any kind. He filed an *Acción de Tutela* (constitutional injunction) and was told he would hear back in three days, but he never heard back. He tried going to a lawyer to file a suit for compensation, but the lawyer asked him for money, and he could not afford to pay. He reports that because of his lack of money and lack of knowledge of the law, he cannot file a suit against the State for compensation.¹²¹ AAA, another injured eradicator, reported that his sister was subjected to threats when she persisted in seeking compensation from the labour contracting company that had hired him for the eradication work.¹²²

Injured eradicators have been denied disability pensions on the grounds that their injuries are not severe enough, even though those injuries continue to prevent them from earning a living. For example, although LEFG lost the normal use of his hand and continues to suffer from back and leg pain, blurry vision, headaches, and psychological trauma, he was assigned a disability rating of only 39%, which is too low to qualify for a disability pension.¹²³ Although he tries to work in construction, often he cannot work because of his injuries and hence cannot provide the support his family needs.¹²⁴ His problem is a common one. According to the Procuraduría General, there are many cases in which an injured eradicator cannot find work because of his disability, but was given a disability rating too low to qualify for ongoing payment of a disability pension. As a result, they “do not have the resources to support themselves and their families.”¹²⁵

The Procuraduría General found that eradicators normally are not told of the humanitarian assistance to which they are entitled and, as a result, they do not know how to make a claim. His interviews with eradicators corroborated that they were never informed of their rights or how to exercise them.¹²⁶

VI. Conclusion

Colombia's use of civilians for its forced manual eradication policy violates the victims' rights to safe working conditions and the highest attainable standard of health. The State's failure to provide the victims with adequate physical and mental health care and adequate compensation, disability pensions, and survivors' pensions further violates these rights and the right to social security. While this is not a case where State actors directly kill or injure the victims, the State does bear a particular responsibility for the deaths and injuries suffered by the eradicators. It is the State that has exploited the eradicators' poverty to enlist them in this dangerous work. Notwithstanding its

¹¹⁹ See, e.g., Declaration of LCA, at ¶ 11; Declaration of DACG, at ¶¶ 4, 12; Declaration of JAOQ, at ¶ 17; Interview of EEE.

¹²⁰ Declaration of DACG, at ¶¶ 1, 12.

¹²¹ Declaration of JAOQ, at ¶¶ 2, 17.

¹²² Interview of AAA.

¹²³ Declaration of LEFG, at ¶¶ 10-12.

¹²⁴ *Id.*, ¶ 13.

¹²⁵ Procuraduría General Report, *supra* note 44, at 39.

¹²⁶ *Id.*

obligation to ensure the effective exclusion of civilians from areas where the presence of landmines is known or suspected,¹²⁷ and the more general humanitarian law obligation to spare civilians from the effects of hostilities,¹²⁸ the State has sent these campesinos to face a very foreseeable danger of landmine explosions and armed attacks. The deaths of 67 eradicators and the injury of 421 more are the direct result of the State's policy choice.

Colombia therefore owes to each of these victims reparations that will allow them, to the extent possible, to live a life with dignity. Each injured eradicator is entitled to comprehensive physical health care, mental health care, and rehabilitative care. Those who have been injured, and the widows and children of those who have been killed, are entitled to compensation. Victims whose physical or mental health injuries make it impossible for them to work to support themselves and their families, and the widows and minor children of those who have been killed, are entitled to pensions in an amount that will allow them to enjoy a life with dignity.

It is not enough for the State to say that its legal system does provide remedies. Remedies must be "effective" ones,¹²⁹ and "even in times of severe resources constraints, vulnerable members of society can and indeed must be protected."¹³⁰ The eradicators, as a group, have limited formal education. Many live in poverty in smaller towns and rural areas, away from the resources of large urban areas. They cannot be expected to have an understanding of rights, legal remedies and court procedures. Their daily lives are consumed with trying to survive and, if possible, make a living to support themselves and their families. Moreover, at the very time they would need to pursue legal remedies, they must cope with the injuries – psychological as well as physical – that they have just experienced. Finally, it takes many years for a case to produce a judgment; the eradicators lack the means to support themselves and their families in dignity during these many years.

Under these circumstances, the theoretical availability of legal mechanisms to compel the State to provide health care, compensation, and pensions is not enough. To comply with its obligations under Covenant articles 7(b), 12, and 9, Colombia should reach out to the victims of its forced manual eradication policy and provide them with comprehensive health care, compensation, and, in appropriate cases, pensions.

We therefore ask this Committee to join the Human Rights Committee in urging Colombia:

- (1) to halt the use of civilians in eradication work until it is verified, under the rigorous international standards for mine clearance, that their work areas are effectively free of landmines and the dangers of armed attacks; and**
- (2) to ensure that the victims and the survivors of those who lost their lives receive integral reparations.**

¹²⁷ Mine Ban Treaty, *supra* note 6, Art. 5.

¹²⁸ See Ban Ki-Moon, Report of the Secretary-General on the protection of civilians in armed conflict, S/2012/376, p. 9 ¶ 32 (22 May 2012), available at http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2012/376&referer=/english/ ("As I have stressed repeatedly, international humanitarian law requires parties to conflict to spare the civilian population from the effects of hostilities.").

¹²⁹ General Comment 14, *supra* note 28, ¶ 59; General Comment 23, *supra* note 28, ¶ 57.

¹³⁰ Committee on Economic, Social and Cultural Rights, General Comment 3, The Nature of States Parties' Obligations, ¶ 12, U.N. Doc. E/1991/23 (1990).