

## **Prioritising Colombian human rights defenders under threat**

### **Recommendations to the British government and Members of Parliament**

#### **Introduction**

The signing organisations commend the important contributions made by the British government and the European Union (EU) to the protection of human rights defenders worldwide and particularly in Colombia. The adoption of the EU guidelines on Human Rights Defenders in 2004 is a clear illustration of the general interest and concern of the EU in this respect. The Council conclusions on Colombia have represented another important expression of concern on the situation of human rights defenders in this country. This effort has been complemented recently by specific declarations by the Presidency of the EU (19 May 2008 on defenders in general and 19 December 2008 on the case of Colombian defender Edwin Legarda). The recent establishment of a formal dialogue on human rights with Colombia is a positive initiative that should enable the EU to act on a more institutionalised and common base in Colombia. It should be used to benefit human rights defenders, by acting as a channel to raise specific concerns and to ask for concrete responses to their situation.

We welcome both recent actions taken by the British Embassy in Colombia and public statements made by British government officials regarding the importance of human rights defenders and their work in Colombia. However more should be done, since human rights defenders in Colombia still face a critical situation. Those who defend human rights and the rule of law are at risk of systematic stigmatisation, threats, sexual violence, unfounded criminal proceedings, violent attacks and killings carried out by all actors in the Colombian conflict. In most cases, they do not have sufficient safety guarantees and work in a climate of fear.

Therefore, we address the following recommendations to the British government, the British Parliament and the EU authorities.

- 1. To Call on the Colombian authorities to adopt the recommendations of the "Campaign for the Right to Defend Human Rights in Colombia", to respect its international commitments and in particular to promptly implement the recommendations and commitments on human rights defenders made during the Universal Periodic Review (December 2008).**
- 2. Insist publically that the Colombian government stop its stigmatisation campaign against human rights defenders**



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**3. That the British government through the British Embassy in Colombia uses its influence and expertise to advance a full implementation of the EU guidelines on human rights defenders, a commitment adopted by all member states in 2004, and revised in 2008. With the revision of the EU Guidelines in 2008 we would recommend that:**

- ④ In Consultation with Colombian defenders a new local implementation plan is drawn-up based on the revised 2008 EU Guidelines with specific attention being paid to women human rights defenders.
- ④ A public version of the local implementation strategy should be widely disseminated to all human rights defenders. All documents should be made accessible through translation into local indigenous languages and distributed appropriately.
- ④ Develop, in consultation with defenders a detailed action plan linked to the new local implementation strategy.
- ④ Establish a working group to oversee the implementation of the EU Guidelines on human rights defenders, with focal points in each European Embassy. Easy access by human rights defenders to the 'Focal Points' are essential.
- ④ Establish regular meetings with defenders to exchange information and to monitor and evaluate progress on the implementation of the new local strategy.
- ④ Provide visible recognition for the work of defenders by visiting organisations and communities identified as being 'at risk' especially in remote rural areas.
- ④ Establish a procedure of prior consultation with human rights defenders regarding planned action in support of them and their work. Consultation prior to action will enable the British Embassy and the EU to be aware of potential risks that could be engendered by said actions. Feed-back on actions taken by the British Embassy, EU missions or EC delegation to human rights defenders and/or their families.
- ④ Provide training to all embassy staff on the EU Guidelines and implementation of local strategies; both pre-deployment and in-service training. Actioning of the EU Guidelines should form part of annual appraisals of all embassy staff.
- ④ Systematically monitor legal proceedings against human rights defenders (including through trial observation), visit human rights defenders in custody and express public

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support for defenders and their families. Report on breaches of the right to a fair trial noted on the occasion of trial observations.

- ☞ Respond publicly to stigmatisation of defenders by reaffirming the importance of their work and ensure wide dissemination of these statements through the media.
- ☞ Provide emergency visas for defenders at risk, and extend the EU's support during the relocation period.
- ☞ Ensure that the Colombian authorities fulfil their obligations to protect human rights defenders through tangible measures and monitor the implementation of such measures.

#### **4. Specific recommendations to Members of Parliament**

- ☞ Results from the monitoring of the effective of actions taken by the British government and their Embassy, in line with the EU Guidelines to protect human rights defenders, should be included in the FCO Human Rights Annual Report.
- ☞ Create an annual award for human rights defenders in order to provide public recognition of defenders and acknowledgement of their work.
- ☞ Sponsor parliamentary meetings with Colombian human rights defenders.
- ☞ Send MP delegations to Colombia and present findings to the FCO on the situation of human rights defenders.
- ☞ Call for an inquiry on the situation faced by human rights defenders in Latin America by the Foreign Affairs Select Committee or the International Development Select Committee and support any following reports and recommendations.

#### **5. Use the formal dialogue on human rights between the EU and Colombia, to give further support to human rights defenders, by:**

- ☞ Considering a capital-based format for the dialogue with Colombia, which would express a stronger signal and produce more political impact than the current dialogue at ambassadors' level.

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- ④ Ensuring that the establishment of the human rights dialogue does not undermine the discussion on human rights issues at a higher political level, or the capacity of the EU to make public statements on human rights defenders.
  - ④ Reaching joint conclusions and publicly agreeing on concrete commitments to be implemented before the next session of the human rights dialogue.
  - ④ Implementing an effective system to ensure that the commitments established during the dialogue are followed-up on between each dialogue and that progress can be achieved and is measurable.
  - ④ Guaranteeing a genuine consultation process with local human rights defenders, before, after and between human rights dialogues. Preparation meetings and debriefings with civil society at the European level should also be allowed and encouraged.
  - ④ Making the process and outcomes of the dialogue accessible to local and international public opinion, through press conferences and public statements giving visible support to human rights defenders.
  - ④ Providing human rights defenders and civil society representatives with feedback on the outcome of cases discussed during the dialogue, including official Colombian government replies.
- 6. Put the human rights defenders' situation at the top of the agenda of EU aid and trade relations with Colombia**
- ④ Strengthen the European Instrument for Democracy and Human Rights and guarantee the availability of sufficient funds for Colombia in the next years.
  - ④ Include a clause on human rights defenders in all EC funded programs in Colombia as a means of mainstreaming the issue. Establish a special protection mechanism for human rights defenders involved in EC funded programs.
  - ④ Demand a substantial and measurable improvement in the situation of human rights defenders in Colombia, especially with regard to those actions which the State is directly responsible for, as a prerequisite to approval of any trade agreement.