

EU – Colombia bilateral agenda:

Prioritising Colombian human rights defenders under threat

Recommendations to the European Union

*In support of the international campaign for the Right to Defend Human Rights
in Colombia
(www.colombiadefenders.org)*

Introduction

The signing organisations commend the important contributions made by 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, under the Irish presidency, 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. Additionally, the European Instrument for Democracy and Human Rights has been positively used by the European Commission to provide economic support for the activities of human rights organisations.

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 stigmatization, 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 Irish government, all EU member states and the EU authorities, in particular the Council, the Commission and the Parliament.

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. **The Irish government should prioritise the monitoring of the recommendation it made to Colombia during the Universal Periodic Review of the United Nations Human Rights Council in December 2008, which urged the full implementation of Presidential Directive 7 of 1999 that prohibits declarations by public servants that put the lives, integrity or security of human rights defenders at risk. In particular, the Irish government should call on the Colombian Government to give public recognition and support to human rights defenders, sanction those who make unsubstantiated allegations against human rights defenders, strengthen the protection programme and investigate and punish crimes against human rights defenders.**
3. **That the Irish government through the European Union 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:**
 - ☞ 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.
 - ☞ 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.
 - ☞ Develop, in consultation with defenders a detailed action plan linked to the new local implementation strategy.
 - ☞ 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.
 - ☞ Establish regular meetings with defenders to exchange information and to monitor and evaluate progress on the implementation of the new local strategy.
 - ☞ Provide visible recognition for the work of defenders by visiting organisations and communities identified as being 'at risk' especially in remote rural areas.
 - ☞ 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 EU to be aware of potential risks that could be engendered by said actions. Feed-back on actions taken by the 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 support for defenders and their families. Report on breaches of the right to a fair trial noted on the occasion of trial observations.
- ④ Respond publicly to stigmatisation of defenders by reaffirming the importance of their work and ensure wide dissemination of these statements through the media.
- ④ Provide emergency visas for defenders at risk, and extend the EU's support during the relocation period.
- ④ Ensure that the Colombian authorities fulfil their obligations to protect human rights defenders through tangible measures and monitor the implementation of such measures.

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

- ④ 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.
- 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.

- ☞ 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.
- ☞ 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.
- ☞ Providing human rights defenders and civil society representatives with feedback on the outcome of cases discussed during the dialogue, including official Colombian government replies.

5. Put the human rights defenders' situation at the top of the agenda of EU aid and trade relations with Colombia

- ☞ Strengthen the European Instrument for Democracy and Human Rights and guarantee the availability of sufficient funds for Colombia in the next years.
- ☞ 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.
- ☞ 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.

6. Specific recommendations to Members of the European Parliament (MEP)

- ☞ Send MEP delegations to Colombia and present conclusions on the situation of human rights defenders.
- ☞ Sponsor parliamentary meetings and hearings with Colombian human rights defenders.
- ☞ Monitor the effective implementation in Colombia of the EU guidelines on human rights defenders by the EU member States and the European Commission.
- ☞ Invite Colombian human rights defenders to present their views at the Sub-Committee on human rights when a session of Dialogue between Colombia and the EU takes place.
- ☞ Nominate Colombian human rights defenders as candidates for the Sakharov prize and other existing awards.

- ② Initiate a report on the role of human rights defenders in Latin America within the framework of the Eurolat joint parliamentary assembly and adopt a joint resolution including concrete recommendations to improve their recognition and protection.