

Written evidence from ABColombia (FRB0020)

FCO Inquiry into Human rights: Freedom of religion and belief, and human rights defenders.

Summary

- 1.0 This written evidence is submitted by [ABColombia](#). ABColombia is the advocacy project of a group of five leading UK and Irish organisations with programmes in Colombia: CAFOD, Christian Aid UKI, Oxfam GB, SCIAF and Trócaire. This written evidence focuses on human rights defenders and draws examples of work undertaken by the FCO in relation to Colombia
- 1.1 Examples from Colombia are pertinent to this call, since Colombia has the highest number of documented killings of Human Rights Defenders (HRDs) in the world. Following the signing of the Peace Accord (November 2016), there was a dramatic decline in homicides in Colombia; with 2017 registering the lowest murder rate in 42 years. However, equally dramatic has been the increase in the targeted killing of HRDs. The Colombian landscape continues to be marked by threats, gender-based violence and lethal attacks against HRDs. As a result, actions both public and diplomatic have been taken by the UK Government.
- 1.2 However, there are also opportunities that have been missed where concrete actions with potentially long-term impacts could have been exploited by the UK. This evidence illustrates where and how the FCO has effectively prioritised the situation of HRDs and, where ABColombia members consider improvements could be made.
- 1.3 One key area where an improvement could be made is in greater consistency across government departments. It is notable that the UK has taken a strong lead internationally in prioritising the issues of insecurity and lack of protection for HRDs in Colombia. This can be seen in actions taken by the UK Embassy in Colombia, and at the UN in Geneva and on the UN Security Council, but human rights and HRDs have been issues that are noticeable by their absence in recent joint agreements signed between the UK and Colombia and there have been missed opportunities for a joint statement on human rights.
- 1.4 This evidence addresses the following questions posed by the inquiry: Is support for human rights defenders sufficiently prioritised within the FCO's human rights work? How effective has the FCO been at protecting civil society space and human rights defenders? To what extent are civil society groups based in the UK and abroad able to engage with the FCO on relevant policies and programmes? What role does the FCO play in shaping work by DfID, the Home Office, and other departments around these issues? It also includes recommendations.

General Introduction

- 1.5 HRDs are on the frontline addressing power imbalances between communities and companies, and citizens and the state. They hold governments to account by promoting informed and effective citizen participation thereby strengthening democracy through the promotion of inclusion and participation. They promote respect for human rights and the rule of law, as well as, improving access to justice. Without HRDs societies are unable to defend their rights effectively and peacefully; which is why their role is crucial, especially in countries like Colombia seeking to emerge from an armed conflict.

- 1.6 In many countries, and especially those emerging from armed conflict, large-scale extractives such as minerals, gas and oil are often the cause of widespread human rights violations. HRDs are often therefore at the forefront of the struggle to ensure that communities rights are respected by multinational extractive companies. As a result, of this work they are frequently threatened, attacked and killed. In 2018, [77% of documented killings of HRDs](#) globally were **environmental HRDs** (EHRDs) working on land, Indigenous Peoples and environmental rights. Countless more were threatened, attacked and criminalised. According to Global Witness, the highest numbers of documented EHRDs killed in 2018 were defending the rights of communities facing megaprojects in relation to mining, agro-industry, water rights and logging (in that order).¹
- 1.7 Guatemala saw the greatest increase in documented killings in 2018 with a rise of 136% on 2017. Whereas, Colombia saw the greatest number of documented HRDs killed in any country in the world. Statistics on the number of HRDs killed in Colombia are contested. However, the lowest number registered in 2018 was by the UN Office of the High Commissioner for Human Rights (OHCHR) it registered 116 HRDs killed. The OHCHR stated this “does not represent the totality of, cases, [but] it helps to identify trends in such attacks, which seriously undermine the work of HRDs...” the Colombian Human Rights Ombudsman puts the figure at a 172 HRDs killed. In other words, between 36% and 53% of all documented defenders killed globally in 2018 were Colombian. The majority of these worked on land and environmental rights, and the implementation of the Peace Accord.
- 1.8 The UN in 2019, once again highlighted their concern for HRDs in Colombia when [Rupert Colville, Spokesperson for the UN High Commissioner for Human Rights](#) stated, “we are alarmed by the strikingly high number of human rights defenders being killed, harassed and threatened in Colombia, and by the fact that this terrible trend seems to be worsening. We call on the authorities to make a significant effort to confront the pattern of harassment and attacks aimed at civil society representatives and to take all necessary measures to tackle the endemic impunity around such cases.”

How effective has the FCO been at protecting civil society space and human rights defenders? Is support for human rights defenders sufficiently prioritised within the FCO's human rights work?

2.0 The UK Embassy in Colombia has prioritised the work of HRDs during the terms of office of at least the last three ambassadors. Taking an active stance promoting strategies both short and long term in relation to improving HRDs protection and security. In an effort to address the endemic problem of impunity for crimes against HRDs in Colombia they support the work of the Prosecutor General's Office and the UN Office of High Commissioner for Human Rights (OHCHR) both politically and financially.

2.1 Pressure from the international community along with technical assistance offered by the UK and the UN Office of the High Commissioner for Human Rights (OHCHR) amongst others, has shown improvements in the prosecution of those responsible for crimes against HRDs. These results to date are limited. They mostly, although not entirely cover, 'significant advances in investigation' of approximately 50% of the cases reported to the Colombian Prosecutor General's office by the UN between 2016 and July 2018, and 9.3% of the cases prosecuted.

¹ [Global Witness Report, 2018, Enemies of the State? How governments and businesses silence land and environmental defenders, July 2019](#)

However, according to the FCO's own report (2018) 'impunity, especially for those responsible for ordering these attacks – remains extremely high'. **However, the advances seen so far would not have happened without international pressure combined with the provision of technical assistance from the UK and others.** It is therefore essential that the UK continues to support Colombia in this way. We note that in 2018 a top priority for the UK Embassy is security of Colombian HRDs.

- 2.2** The UK Embassy in Colombia in recent years have consistently applied the range of actions suggested in the EU Guidelines on Human Rights Defenders, including attending emblematic court cases as observers; visits to communities, often in remote rural areas such as Choco, or where organisations have been threatened in urban areas e.g. Buenaventura, as a prevention measure; raising issues of the safety of HRDs with the Colombian Government and officials; using a range of methods to raise the profile of defenders in an effort to increase their protection (invites to embassy events with ministers etc.). In addition, they have supported protection training for at-risk HRDs; provided legal support for emblematic court cases relating to attacks on HRDs and supported women's organisations. The UK Embassy because of its proactive stance has developed relationships with a wide range of HRDs
- 2.3** The UK Embassy's attendance at the trial of emblematic cases is important, to provide support and protection for lawyers prosecuting the case, to bolster access to justice, independence, transparency and the effectiveness of the judicial process, as well as, contributing to addressing impunity in Colombia. An example of this work is the UK Embassy's attendance at the trial of a high profile, emblematic case of the "Twelve Apostles." This case was the prosecution of the brother of former Colombian President and now Senator, Álvaro Uribe Vélez. It accused Santiago Uribe Vélez, of co-founding a paramilitary group known as the "Twelve Apostles," and allegations of his participation in crimes against humanity. The UK Embassy in line with EU Guidelines on Human Rights Defenders, attended and observed the trial. This acted as dissuasion to anyone interested in threatening, attacking or killing HRD and prosecuting lawyer, Daniel Prado Albarracín from the *Comision Intereclesial de Justicia y Paz*. Prior to the trial there had been a stigmatisation campaign and threats against him. The UK Embassy's attendance made it clear that there was international interest in the case and in the safety of the lawyer.
- 2.4** Other actions taken by the UK Embassy to Colombia over the long term that have proved to be effective include promoting a visit by Michel Forst, the UN Special Rapporteur on the Situation of Human Rights Defenders. In 2017 the UK Embassy hosted a dinner, at the request of ABColombia, for Michel Forst and a range of other EU and North American Embassies in Colombia. At the dinner they were able to discuss the security situation of Colombian HRDs. In 2018, this was followed by a recommendation at Colombia's UN Universal Periodic Review to issue a formal invitation to Michel Forst to visit Colombia. Colombia accepted this recommendation and for the first time in almost a decade, the Colombian government agreed to a formal visit of a UN Special Rapporteur to Colombia. This was indeed a milestone achievement.
- 2.5** During his visit to Colombia in December, Michel Forst, the Special Rapporteur on the Situation of Human Rights Defenders, highlighted the magnitude of the problem and issued initial recommendations. Importantly the UK Embassy has highlighted their intention to pay special attention to the recommendations made by Michel Forst on Human Rights Defenders and the advances made by the government one year after Colombia's UPR process. **ABColombia would recommend to the Foreign Affairs Committee to take special note of this, and ensure that the final recommendations in Michel Forst's report on Colombia are monitored and the evaluation of obstacles and advances in their implementation reported in the UK Annual Human Rights Report.**

2.6 The UK at the UN Security Council (UNSC) as pen holder for UNSC Verification Mission to Colombia has made an important contribution to peace building in Colombia and to the support and protection of HRDs. Ambassador Karen Pierce has placed on the agenda of the UNSC the lack of protection and security for HRDs in Colombia stating, “... we share the Secretary-General’s alarm regarding the increasing killings of human rights defenders and social leaders ... the persistence of violence ... risks undermining the peace process if people lose faith in the state’s ability to provide safety” It is important that the situation of HRDs protection and support for their work is brought up in political as well as human rights arenas.

2.7 In September 2018, Julian Braithwaite, UK Ambassador to the UN in Geneva, highlighted the importance of the work of the UN Office of the High Commissioner for Human Rights and of international human rights monitoring mechanisms. One of the positive examples he gave was of Colombia – he emphasised the importance of having an office in Colombia with a full reporting mandate. The work of the UN OHCHR in Colombia is exceptionally important. It is a body able to independently verify information – important in the war over statistics in Colombia, to offer technical assistance, support to HRDs and to mediate situations with the Colombian Government amongst many other things. The political and financial support provided by the UK Embassy to the OHCHR in Colombia has been extremely important.

What role does the FCO play in shaping work by DFID, the Home Office, and other departments around these issues?

3.0 Role of Joint Statements and Partnership Agreements with other countries in demonstrating support for the work of HRDs and civil society space.

3.1 Colombia is a priority country for the UK in terms of human rights. Security and protection for Colombian HRDs has been prioritised by the FCO. In **2011, a joint statement on human rights** was made by the [UK Government and Colombia](#) during the visit of Colombian President Juan Manuel Santos. This statement declared “*We emphasise our firm support for the **legitimate and important contribution of human rights defenders. We condemn violence and threats and other forms of harassment against these individuals...**As we deepen commercial links between the UK and Colombia, we acknowledge the importance of working with the private sector on human rights issues. We are committed to implementing the UN Guiding Principles on Business and Human Rights.*” This joint statement was important in that the UK Government publicly declared its prioritisation of the security situation faced by HRDs in Colombia and received a public commitment from Colombia to improve the situation. It also made specific references to the importance of human rights in its commercial ties.

3.2 However, despite HRDs continuing to be a priority for the UK Government, it has missed key opportunities to highlight the security and protection of HRDs. For example in [November 2016](#) a joint statement was issued between the UK and Colombian Governments, which only made reference once to human rights and failed to make any reference at all to the security situation of HRDs or concrete actions needed to address the rapidly deteriorating situation they were facing.

3.3 Worsening conditions for the work of Colombian HRDs was highlighted by the UN Special Rapporteur at the end of his [visit to Colombia in 2017](#), “[t]he unrelenting attacks against human rights defenders across the country depict a truly appalling at-risk situation ...[they] do not feel safe because of the numerous attacks and threats, the criminalization of their work and the lack of access to justice. The stigmatization in public discourse by senior officials, sometimes at the

highest level of the state exposes them to increased risks. They face defamation campaigns aimed at discrediting their work...”.

- 3.4 In 2018 a new president took office in Colombia from the Centro Democrático Party. In the first exchange between the UK Prime Minister and Colombian President Ivan Duque, it was notable that there was no public mention of the situation of insecurity for HRDs, despite the very forceful report issued by the UN Special Rapporteur. The statement issued by Number 10 covered, '[working] together on ...security, trade, economic development and tackling climate change' and a Joint Statement was issued which focussed on trade, the environment and support for the peace process, all of which are crucial areas for a joint statement. However, the deteriorating situation for HRDs, required the inclusion of a strong reference to human rights and the protection of HRDs. The joint statement on the environment opened up a perfect opportunity to include a reference to the security and protection of environmental HRDs. The lack of any reference to HRDs and human rights was disappointing in terms of consistency and coherence across government departments. This missed opportunity meant that the importance that the UK places on security and protection for HRDs and civil society space, failed to be emphasised to the incoming Colombian government, at a critical time for Colombian defenders.
- 3.5 In June 2019, President Ivan Duque Marquez visited the UK. At the time there were profound concerns regarding further deterioration in security for HRDs, the narrowing of civil society space for peaceful social protest, as well as, a reluctance on the part of the Colombian Government to implement key aspects of the Peace Accord. There had been calls ahead of Duque's 2019 visit by ABColombia and by [UK parliamentarians](#) to issue a joint statement on human rights, and [over 80 MPs signing EDM 2232](#) which expressed serious concern for the safety of HRDs in Colombia, yet no Joint Statement on Human Rights was issued. Not only was this opportunity missed, but the opportunity to include support for the security and protection of environmental HRDs was once again lost when the UK, during that same visit of President Duque to the UK, entered into another partnership with Colombia committing £8.5 million to protect the country's unique ecosystem and fight climate change.
- 3.6 **Joint Statements and partnership agreements** when visiting Presidents are in the UK are critical opportunities to indicate concerns, and to generate a transformative agenda by laying out the commitments of each country to working together to improve human rights and the situation of HRDs. The **absence** in these statements/agreements, of human rights and the security and protection for HRDs and their work, conveys a **negative message** and contradicts the UK Government's commitment to support HRDs in other arenas. The UK's actions in support of human rights and HRDs in other arenas are held in high regard by ABColombia.
- 3.7 **ABColombia would recommend that the Foreign Affairs Committee look specifically at the guidelines given to ensure consistency across all departments in terms of human rights, and specifically the security and protection of HRDs** in order that opportunities, like the ones outlined here, are not missed in the future. The departmentalising of each topic does not benefit crosscutting themes like human rights and HRDs. In the light of the UK's very welcome pledge in its guidance on, UK Support for Human Rights Defenders, to use all routes, bilateral and multilateral, to create stronger global standards to support and protect HRDs. There should be a specific expectation that countries that are named in the FCO Annual Human Rights report as a priority country, clauses on human rights and the work of HRDs should be included in statements and partnership agreements.

4 UK Action Plan on Business and Human Rights

4.1 In 2013 in its first National Action Plan (NAP) to implement the UN Guiding Principles on Business and Human Rights, the UK includes strengthening support to defenders engaged in business and human rights problems. Irresponsible business activities that harm communities and the environment, especially where land and territorial rights are violated, generate immense risks for HRDs at the forefront of these processes. Businesses involved in these practices are frequently multinational companies engaged in the extractives industry. Given the welcome pledge by the UK, in its Guidance on UK Support for HRDs - to use all routes, bilateral and multilateral, to create stronger global standards to support and protect HRDs. It is essential to address the weaknesses in **access to remedy**. Effective enforcement mechanisms especially in relation to multi-national corporate structures, not only promote human rights but also create a safer environment for HRDs. It is therefore essential to strengthen, what is currently a weak area in the NAP, access to remedy.

4.2 It is also essential that the UK to take an active role on the global scene in respect to the UN Intergovernmental Working Group on transnational corporations and other business enterprises with respect to human rights and HRDs. Progress on an international instrument on business and human rights is needed to strengthen existing national approaches, including the UK's. The UN Binding Treaty currently being negotiated in Geneva represents an important opportunity to secure binding global standards related to HRDs. It is important that the UK with its commitments to strengthen at "all levels" protection of HRDs, supports this Treaty and ensures that there are robust clauses on HRDs, that include a gender perspective on protection, to address the specific needs of women and LGBTI HRDs.

4.3 ABColombia would **also recommend that the UK introduces human rights due diligence legislation** which includes specific reference to the protection of HRDs. By making human rights due diligence a legal obligation for companies it would increase protection for HRDs.

5 To what extent are civil society groups based in the UK and abroad able to engage with the FCO on relevant policies and programmes?

5.1 The FCO South America Team has engaged with ABColombia and its member and observer organisations on issues to do with Colombia. We and other organisations working on Colombia have had roundtable meetings, as well as one-to-one meetings to discuss issues to do with human rights and HRDs.

5.2 The FCO have always been willing also to engage with HRDs that are visiting the UK. In addition to this the Head of the South America Section and past heads of the Andean Section of the FCO over the years have been willing to participate in events organised by ABColombia for parliamentarians and others.

5.3 In terms of key thematic issues and policies we had considerable engagement with different departments in the FCO on the issue of conflict related sexual violence ahead of the PSVI Summit and were able to draw the attention of the FCO to the extensive problem of conflict related sexual violence in Colombia. Something that was not well known, at that time, outside of Colombia due to the fear of reporting (something which continues today). In this way we were able to ensure that Colombian CSO organisations were invited to participate in this Summit. More recently there has been engagement and consultation on the PSVI conference planned for November.

5.4 In addition to this ABColombia has been asked to brief a variety of people at different times by the FCO including Ambassadors and Embassy Officials. Most recently the new UK ambassador to

Colombia engaged with a roundtable of NGO representatives working on Colombia before going out to Colombia. This kind of engagement we consider to be crucial.

September 2019