

## **Westminster Hall Debate: ‘Peace and human rights in Colombia’ Thursday 15th July 2021 at 3.15pm.**

### **BRIEFING FOR MPs – with recommended actions for UK Government**

#### **The Peace Process and Social Protests**

Whilst peace processes take time, there is a difference between a lengthy peace process with progress and setbacks, and the continuous deterioration that Colombia is facing at this time. Though Colombia has long had a dichotomy of security and economic growth for some, particularly in cities, and insecurity, poverty and exclusion for most, especially in rural areas, the situation now is more complex.

The Covid-19 pandemic has had a serious impact across Colombia, exacerbating the situation of poverty not only in the rural areas but also in the cities, and hitting the middle classes. This is why the introduction of the proposed tax reforms, that would have impacted the middle classes, helped spark social protests in April 2021.

There have been three major protests in Colombia in the last three years, with each more violently repressed by state security actors than the last. While one young person was killed in 2019<sup>1</sup> and 13 people in 2020<sup>2</sup>, 54 protesters, and 2 police officers, were killed in 2021<sup>3</sup>, along with over 1,600 victims of Police violence, more than 2,000 arbitrary arrests, and at least 28 reports of women being sexually assaulted.

In addition, Colombia has a long history of paramilitary activity, especially in the rural areas. During the protests photos and videos circulating on social media showed men in plain clothes amongst the police shooting live ammunition and beating then handing over protesters to the police. While these occurrences are not unusual in rural areas, they are a new development in the cities.

Decisions by top Colombian officials to involve the military in dealing with the protests are also very concerning, particularly given the Army, being designed for war, does not have adequate preparation to carry out public security tasks.

After the Colombian Minister of Defence on 30 April 2021 increased the number of police *and* deployed military units in Cali, human rights organisations reported on a brutal crackdown on protesters, which featured widespread and systematic human rights abuses. On 29 May, President Iván Duque ordered the military to assist the national police with, and empowered them to contain, the protests, under a new Decree 575 of 2021, which led to the deployment of **military personnel** in eight departments,<sup>4</sup> and opened the possibility of sanctioning mayors and governors prioritising dialogue with the protesters instead of using the military assistance ordered.

The UN, the EU and the Inter-American Commission of Human Rights have all indicated that the **protests have been overwhelmingly peaceful**, with even the Colombian Government admitting, that of the 14,055 protests 88.5% had been peaceful<sup>5</sup>. That is not to deny violence by some groups that infiltrated the protests, as well as graffiti and damage to infrastructure.

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<sup>1</sup> One young protester, Dilan Cruz was killed by the Riot Police (ESMAD) during these protests

<sup>2</sup> [In September 2020](#), according to OHCHR, 13 people were killed during protests. Mayor’s Office reported over 400 people injured, 72 due to firearms. Three women victims of sexual abuse and harassment, verbal abuse, and arbitrary detention.

<sup>3</sup> UN High Commissioner for Human Rights (OHCHR) registered 56 deaths [between 28 April to 16 June 2021](#).

<sup>4</sup> El tiempo, [Empieza el máximo despliegue de asistencia militar en Cali: Duque](#). 29/05/2021.

<sup>5</sup> Statement made by the Colombian Government in an email sent out by the Colombian Embassies dated 28 June 2021.

**The response to these protests by the police and the military**, acting on the orders of Colombian officials, therefore, particularly in light of multiple human rights violations which occurred, **can only be deemed to have been excessive and disproportionate.**

**Recommended Action for UK Government:** The systematic violation of human rights committed by state actors in connection with the protests warrants the activation of the **Democratic Clause in the UK-Andean Free Trade Agreement, or at the very least the UK -should insist on creating a roadmap for improvements in human rights, including police reform, with a set time frame for compliance by the Colombian Government to avoid activation of the Clause.** The UK's Annual FCDO Human Rights Report would provide an ideal mechanism for the monitoring of such a human rights road map. Other countries have monitoring mechanisms in place alongside the Colombian Free Trade Agreements, e.g., Canada has an annual monitoring process and the EU has annual Human Rights Dialogues.

### **Security Situation Impedes Peace in Colombia**

A major obstacle to the implementation of the Peace Accord and sustainable peace in Colombia is the security situation. **The very serious deterioration of the situation of human rights defenders in Colombia culminated last year in the killing of 177 human rights defenders there, a figure accounting for about 53% of all the human rights defenders killed across the globe in 2020.**<sup>6</sup> Provisional figures for the first 6 months of 2021 indicate at least 70 HRDs have been killed.

Violence in the rural areas in particular has deteriorated significantly, with the Colombian Ministry of Defence reporting the quadrupling of the number of victims of massacres in 2020 compared to the last year of the peace negotiations. The UN in its report in March 2021 confirmed that 76 massacres had occurred in 2020 and that they were in the process of confirming a further 5, totalling 81 massacres in 2020.

Violence perpetrated by paramilitary and criminal organisations, including in connection with the expansion of illicit economies, is responsible for the majority of killings of human rights defenders and former combatants and violence against rural communities, though the lack of action by the Colombian authorities to hold them to account serves to encourage the commission of further crimes.

**Recommended Action for UK Government:** To address the root causes of insecurity and the issues repeatedly bringing protestors on to the streets, the international community, including the UK Government, must push for **increased civil society participation in the full implementation of the Peace Accord**, in accordance with the provisions therein.

Furthermore in this connection, international support, including from the UK, should be directed towards the National Commission on Security Guarantees, established further to the Peace Accord, to develop policies to dismantle paramilitary and other criminal groups, and to ensure the intellectual authors and financiers of crime are investigated and prosecuted, so past mistakes, allowing paramilitaries to regroup after their demobilisation, are not repeated.

**The UK, as penholder of the Colombian Peace process at the UN Security Council, is well placed to suggest the creation of a UN Security Council 'Group of Experts' on organised crime to assist Colombia and the National Commission of Security Guarantees to develop effective policies to dismantle these groups.**

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<sup>6</sup> [Frontline Defenders 2020 Annual Report page 8](#)

## **The Need for Police Reform**

Repressive policing has increased polarisation, and reduced confidence in the government, which in turn has impacted the Peace Process. As Colombia approaches the fifth anniversary of the signing of the Peace Accord in September 2021, key structural issues must be addressed to help restore confidence.

**One key issue is Police Reform**, and whilst the Colombian government has acknowledged the need for police reform, how it is carried out will determine whether or not peace is advanced, and democracy strengthened.

The fundamental change necessary to ensure a properly accountable *civilian* police service is to **move the police out of the Ministry of Defence** and place it under the Ministry of the Interior, with the adoption of a suitable doctrine, protocols and training for policing during peacebuilding. The recent visit of the Inter-American Commission on Human Rights to Colombia to report on its findings regarding the Social Protests strongly backed this recommendation, and that appropriate training be provided, so policing is carried out with a citizen and human rights approach, not from a military perspective.

**Recommended Action for UK Government:** The UK government, as Penholder at the UN Security Council for the UN Mission of Verification, should request the Mission of Verification to monitor and include in its reports to the Council, developments on Police Reform. The UK Embassy should also make representations to the Colombian Government about the importance of these reforms, as well as offering UK support to Colombia.

## **Sexual Violence and Achieving a Sustainable Peace for Women**

Sexual violence is a crime against humanity and has an additional aggravating factor when committed by state agents, whose intrinsic duty is to protect the population. Sexual violence in Colombia has historically been used by all armed actors in the internal conflict as a strategy of war, and specifically by state security forces as a mechanism of control and fear to prevent the political leadership of women and to remove them from the public arena<sup>7</sup>.

Crimes of **sexual violence** have taken place in the context of social protests, with Civil Society Organisations having reported that physical, psychological, sexual and verbal attacks have been committed against women with the aim of limiting their participation in the protests<sup>8</sup>. One of the 28 cases reported during the protests is that of **Alison Meléndez, a 17-year-old teenager from Popayan, who allegedly committed suicide after being the victim of repeated sexual assault by members of the riot-police (ESMAD)**<sup>9</sup>.

The Colombian Transitional Justice System has taken the positive measure of ensuring gender is a cross cutting theme in all national cases being investigated. National cases are ones that document and investigate groups of cases. However, while the application of a gender perspective is essential, it is not enough on its own to prevent the majority of cases of sexual violence in conflict remaining in impunity. Colombia's experience of past demobilisation processes is that perpetrators of sexual violence rarely admit it. Civil Society Organisations should therefore be supported in their efforts to achieve a National Case in the Transitional Justice System, as this will ensure women's testimonies are accepted, this War Crime fully investigated and prosecuted, and the historical discrimination and patriarchal attitudes underlying this violence challenged and changed.

**Recommended Action for UK Government:** The UK Government should, particularly given its global leadership role on Sexual Violence in Conflict, support Colombian civil society organisations to achieve a 'macro case' on sexual violence in conflict in the Transitional Justice System.

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<sup>7</sup> *Ibid.* P.16.

<sup>8</sup> [Sisma Mujer](#), *Día Nacional por la Dignidad de las Víctimas de Violencia Sexual*, 25 May 2021 p14

<sup>9</sup> [Press release DROI/Chair of the EP Subcommittee](#) on Human Rights, 18 May 2021.