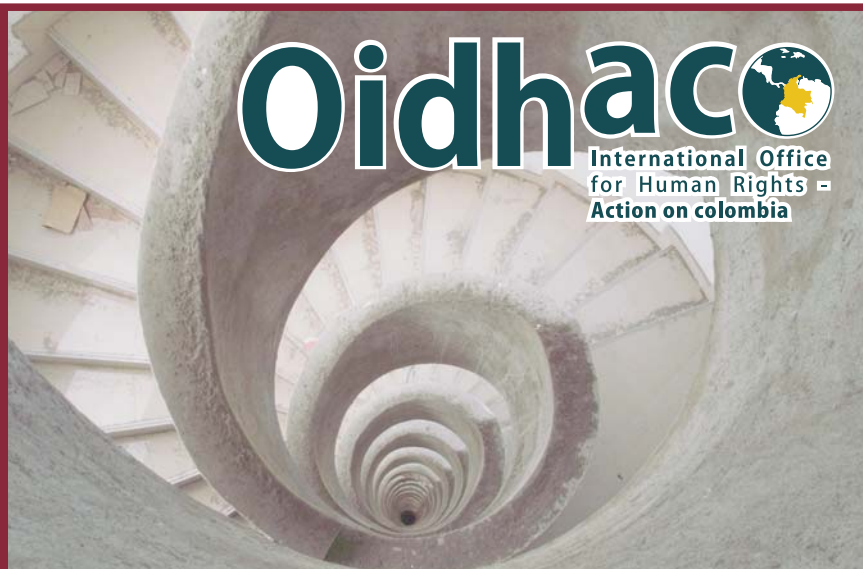


RECOMMENDATIONS to the Spanish and Belgian Presidencies of the European Union on Colombia 2010



Jorge Mata/SURIMAGES-IPA

Introduction

The European and international human rights organisations, development agencies, solidarity groups and church organisations which have subscribed to the recommendations in this document seek to contribute to the building and strengthening of democracy, the rule of law and peace with social justice in Colombia.

We appreciate the role that the European Union (EU) has played and is called on to play in resolving the Colombian crisis which has been characterised by serious human rights violations and as well as by grave breaches of international humanitarian law. The EU Council, in its conclusions on Colombia, has highlighted the need for a negotiated solution to its internal armed conflict and for respect for the rights of the victims and guarantees for the work of human rights defenders.

We believe that Colombia should implement, as a matter of priority, the recommendations of the Office in Colombia of the United Nations High Commissioner for Human Rights (OHCHR) as well as those which have emerged from the Universal Periodic Review in the UN Human Rights Council. The reports of international organisations and NGOs show that it is the civil population which is the main victim of the internal armed conflict and that all those taking part in the armed conflict (security forces, paramilitary groups, guerrilla groups) are committing grave breaches of international humanitarian law. The seriousness of the conflict is reflected in cases of forced displacement, systematic extrajudicial executions (known as 'false positives'), torture which often precedes murder, the recruitment and use of child soldiers, sexual and gender-based violence as a weapon of war, forced disappearances, the use of land-mines and the continued existence and strengthening of new paramilitary structures following a 'demobilisation' process which has created high levels of impunity.

The persecution in recent years of human rights defenders, trade unionists and Supreme Court judges by DAS, the homeland security department which reports directly to the President, is an extremely serious issue. It is especially important that human rights in Colombia are safeguarded in 2010, an election year, particularly taking into account the attacks and infiltration by armed groups during previous elections, which resulted in numerous links being created between members of the Colombian Congress and paramilitary groups.

The EU's relations with Colombia and the sub-region in general present valuable opportunities for contributing to the resolution of the current situation. As members of European civil society we hope that the following recommendations will allow the European Union and its member states to articulate its policies more effectively, giving priority to the human rights of the Colombian population and the search for a negotiated solution to the armed conflict.

The International Office for Human Rights - Action on Colombia (OIDHACO), is a network of European and International organizations dedicated to contact, promotion, information and accompaniment of activities of Colombian human rights organization, European development agencies, solidarity and Church organizations and international human rights organizations. OIDHACO seeks to contribute to the construction and strengthening of democracy, rule of law and peace with social justice in Colombia.

Human rights and international humanitarian law

1 United Nations recommendations

We ask the EU, within the framework of the United Nations Human Rights Council and its relations with Colombia, to monitor effectively the recommendations made to the Colombian state during the Universal Periodic Review, and the voluntary commitments entered into by the Colombian government. In addition, the EU should ask for the full and immediate application of the recommendations made by the OHCHR, as it has done in the past without success.

Human rights defenders

We urge the EU to show consistent support for human rights defenders in Colombia and their legitimate and essential work by applying the European guidelines relating to them. This should include transparent and public consultation of the defenders by EU officials, as well as systematic monitoring and public condemnation by EU diplomatic missions of acts of persecution of human rights defenders.

Campaign - 'Colombia: Human rights defenders under threat'

www.colombiadefenders.org

In the last few years, Colombia's intelligence services (DAS, which reports directly to the President) subjected human rights defenders and Supreme Court judge to illegal and systematic surveillance. This information was used to impede their work, intimidate them, threaten them and even to order assassinations.

DAS also used the government protection programme for human rights defenders to gather information on them and to persecute them.

As part of this campaign, supported by over 275 organisations from 26 different countries, the EU is being asked to implement the recommendations in the document 'Give priority to the situation of human rights defenders under threat' (see at www.oidhaco.org).

6 Sexual violence in the context of the armed conflict

We invite the EU to apply, in the short-term, its guidelines on violence against women through a strategy of local implementation in Colombia, in consultation with women's organisations. Among the priorities we have identified are an assessment of sexual violence in the context of the armed conflict as well as strategies for raising awareness of this crime, considered a war crime and crime against humanity, and therefore within the competence of the International Criminal Court. The EU should also suggest a visit to Colombia by the UN Special Rapporteur on this issue.

Breaches of international humanitarian law by the guerrillas

We urge the EU to continue pressing guerrilla groups for immediate application of international humanitarian law, treating as a priority respect for the civil population, particularly women and children, as well as the renunciation of the use of weapons which are non-discriminatory (landmines, gas cylinder bombs etc.).

4 EU-Colombia Dialogue on human rights

For the structured EU-Colombia dialogue on human rights to be an effective instrument for protection, it is vital that it is transparent and its results are made public. The implementation of this mechanism should not prevent the EU from making public statements on the human rights situation in Colombia.

Impunity

As part of its human rights policy on Colombia, the EU should support the fight against impunity and for truth, justice and full reparation which is being waged by human rights and victims' organisations, by seeking to ensure that the independence of the judiciary is respected. With regard to extrajudicial executions committed by Colombia's security forces, we ask the EU to exert its influence in its relations with the Colombian government to ensure that these murders cease and that there is a review of the policies which have allowed these crimes to be committed systematically.

We suggest that the EU supports initiatives which seek to ensure that those serious crimes which are not investigated and nor brought to trial by the Colombian authorities are dealt with by the International Criminal Court.

Sexual violence against women within the armed conflict

Sexual violence in the armed conflict, against women, is routine, widespread, systematic and invisible. In the course of almost 50 years of armed conflict in Colombia, it has been employed as a weapon of war by all the armed groups (state forces, paramilitaries and guerrilla groups). The objective is to sow terror in communities, using women to achieve their military aims.

According to one estimate by the Fiscalía (National Public Prosecutor's Office), between 12,000 and 14,000 women have been the victims of sexual violence over the last ten years in the armed conflict. However, in the vast majority of cases this situation remains invisible.

(See Intermón-Oxfam report at http://www.intermonoxfam.org/UnidadesInformacion/anexos/11072/090909_Violencia_Colombia.pdf)



Peace and a negotiated political solution

7. Make public statements in support of peace

We urge the EU to repeat its statements in support of a negotiated political solution to the conflict in Colombia as a means of contributing to the international community's efforts to create a climate for dialogue.

8. Special representative for peace in Colombia

We invite the EU to propose and appoint a special representative – or a person fulfilling a similar position – to work for peace in Colombia and to negotiate his or her mandate for mediation with the Colombian government. This person's immediate objective could be to secure humanitarian accords for the release of hostages and to contribute to the re-establishment of talks with guarantees between the Colombian government and the FARC and ELN guerrillas.

9. South America-Europe coordination mechanism

We invite the EU to support, explicitly and publicly, the work of civil society and public figures from Colombia and other countries who are committed to dialogue, the humanitarian accords and peace negotiations in Colombia. We suggest that the EU should propose and support an inter-regional mechanism (South America-Europe) to promote a climate for peace at regional level, taking advantage of the willingness of various South American countries to support peace in Colombia.

Agrarian counter-reform

Over the last 25 years, the armed conflict has been used to increase the concentration of land ownership. In 1984, 32.7% of the country's cultivable area was concentrated in the hands of 0.5% of landowners; in 1996, 0.4% of landowners held 44.6% of this area¹; and, currently, 0.43% of them own 44.6% of cultivable land. Colombia is the country with the second highest number of displaced people in the world, after Sudan, but this displacement of campesinos, indigenous people and Afro-Colombians has not been simply a by-product of the conflict but rather a war aim in itself.

It is vitally important that the EU does not endorse a process of accumulation of land ownership in only a few hands through strategies of violence and terror. If nothing is done to prevent this, European investment may be destined for land stolen from displaced people.

1. Fuente: Instituto Geográfico Agustín Codazzi.



Aid and trade

10. GSP+: open an investigation into Colombia

Within the framework of the GSP+ preferential tariffs system, we urge the EU carry out a thorough and independent investigation into the Colombian state's implementation of the 27 international treaties included as a condition for benefiting from this concession. Continued anti-trade union violence and recent reports by the UN indicate serious failings in which the state is implicated.

11. Suspend the signing of the Free Trade Agreement with Colombia

We ask the EU to declare a moratorium on the negotiation process and approval of the free trade agreement with Colombia. We invite the EU to be true to its tradition and values by putting human rights principles before commercial interests. It is essential to increase political pressure on the Colombian authorities to secure changes in policy, and before it passes any trade agreement with Colombia, the EU should carry out an impact study on human rights and the conflict.

12. Aid

Aid from the EU and its member states to the Colombian government must be subject to criteria – agreed with civil society – which guarantee that it is applied in line with the principles and objectives of the EU. It must be more ambitious in the promotion of a policy for peace and care must be taken to ensure that it remains separate from the civic-military programmes and those for the 'recuperación social del territorio' (regaining of territory through social strategies) which are inspired by military objectives and are coordinated on the ground by the army.



13. Land and businesses

The EU should promote a mechanism to prevent its companies in Colombia investing in land seized from displaced people during the 'agrarian counter-reform' of recent decades (see box). We invite the EU to increase its support for protection strategies for the territories of vulnerable rural communities (Afro-Colombian, indigenous and campesino).

With the support of...

- **Austria:** Dreikönigsaktion der Katholischen Jungschar DKA
- **Belgium:** Broederlijk Delen, CNCD-11.11.11, Centre tricontinental-CETRI, Coalition of the Flemish North-South Movement - 11-11-11, Comité pour les droits humains en Colombie "Daniel Gillard", Oxfam Solidarité, Solidarité Socialiste.
- **France:** Action des Chrétiens pour l'Abolition de la Torture ACAT-France, Comité Catholique contre la Faim et pour le Développement – CCFD, France – Amérique Latine (FAL).
- **Germany:** Brot für die Welt - Pan para el Mundo, Centro de Derechos Humanos de Nuremberg, Departamento de Derechos Humanos de la Obra Diaconica Alemania, Deutscher Caritasverband, kolko - Menschenrechte für

Kolumbien e.v., Kolumbiengruppe Nürtingen e.v., Ökumenisches Netzwerk Kirche von Unten (Red Ecuánica de las Iglesias de base), Misereor e.v., Pax Christi Alemania - Fondo de Solidaridad, Terre des Hommes Alemania

· **Italy:** A Sud; Associazione centro Studi Difesa Civile - Roma; Associazione Volontariato Insieme - AVI di Treviso; Fondazione Aldo Zanchetta – Luca; Provincia di Genova - Assessorato Iniziative per la Pace; Rete Italiana di Solidarietà Colombia Vive!, Testimone Di Pace - Ovada; Municipio de Cascina.

· **Spain:** Asociación Paz y Solidaridad – Asturias, Atelier, Coordinadora de ONGD de Asturias, Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos, Iniciativa Solidaria Internacionalista,

Plataforma por la paz y los derechos humanos en Colombia-Estado español (Justicia por Colombia, organizaciones sociales de la Taula Catalana por la Paz y los Derechos Humanos de Colombia, Coordinadora Valenciana de Solidaridad por Colombia, Red Canaria por los DDHH en Colombia, Plataforma andaluza de solidaridad con Colombia, Soldepaz Pachakuti y Mesa de Apoyo a la Defensa de los Derechos Humanos de las Mujeres y la Paz), Plataforma Justicia por Colombia (Comisión Española de Ayuda al Refugiado-CEAR, Paz con Dignidad, Mundubat, Instituto de Estudios Políticos para América Latina y Africa - IEPALA, Fundación Madrid Paz y Solidaridad-CCOO, Comité de Solidaridad Oscar Romero – Madrid), Taula Catalana por la Paz y los Derechos Humanos en Colombia (Generalitat de Catalunya, Fons Català de Cooperació al Desenvolupament, Ajuntament de Barcelona, Ajuntament de Lleida, Ajuntament de Sant Cugat del Vallès, Associació Catalana per la Pau, Colectiu Maloka - Colòmbia, Comissió Catalana d'Ajuda al Refugiats, Consell Nacional de la Joventut de Catalunya, Cooperació, Entrepobles, Federació Catalana d'ONG per al Desenvolupament, Federació Catalana d'ONG per la Pau, Fundació Josep Comaposada - UGT, Fundació Pau i Solidaritat – CCOO, Fundació Pagesos Solidaris, Fundació per la Pau, Intermón - Oxfam, Justícia i Pau, Lliga dels Drets dels Pobles, Moviment per la Pau, Solidara - Intersindical-CSC).

· **Sweden:** Civis, Diakonía Suecia, Forum Syd, La Iglesia Sueca LWF, Swedish Fellowship of Reconciliation SweFOR., Swedish Foundation for Human Rights,

· **Switzerland:** Arbeitsgruppe Schweiz-Kolumbien ask (Grupo de Trabajo Suiza-Colombia), Bethlehem Mission Immensee, Caritas Schweiz, Solifonds- fondo de solidaridad para las luchas de liberación social en el tercer mundo.

· **United Kingdom and Ireland:** British and Irish Agencies working in Colombia-ABColumbia (Christian Aid, Catholic Agency for Overseas Development CAFOD, Oxfam GB, Scottish International Aid Fund – SCIAF, Trocaire), Justice for Colombia.

· **International Organisations:** Center on Housing Rights and Evictions COHRE, Coordinación "Justicia, Paz y Integridad de la Creación de los Franciscanos en Centroeuropa", FoodFirst Information and Action Network-FIAN, Federación Internacional de Derechos Humanos-FIDH, Organisation Mondiale Contre la Torture-OMCT, Peace Brigades International –PBI, Réseau International des Droits Humains-RIDH.

