

## Human rights defenders (HRDs) and guarantees for social protest

### Increase in killings and acts of aggression against HRDs since the Peace Agreement

Since the signing of the Peace Agreement (November 2016) to April 2019 there have been 570 murders of leaders and human rights defenders in Colombia, according to the NGO Indepaz. Data from the Programa Somos Defensores registered 805 attacks in 2018 alone, of which 155 were murders, 46.22% more than in 2017. Although the State presents figures showing that 60% of cases have been resolved, human rights organisations say that the percentage is really only 8.8%. Over 90% of cases go unpunished. If we also include murders committed before 2016, the impunity rates are even higher.

The majority of the victims are community leaders. Particularly vulnerable are indigenous and Afro-descendant leaders. The proportion of attacks against women human rights defenders (WHRDs) is increasing.

According to research carried out by social organisations, figures indicate that there is a systematic pattern in murders against HRDs, including victims, perpetrators and motives. Although, the Public Prosecutor's Office has recognised this systematic pattern, the Government still denies that it exists.

Killings human rights defenders 2012-2018

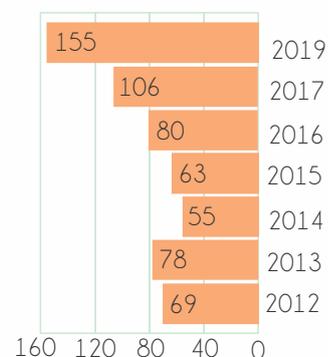


Chart: figures from the We Are Defenders Programme (Programa Somos Defensores), Reports 2012-2018

### Failures in state response

In November 2018 the government of Iván Duque presented the Timely Action Plan (Plan de Acción Oportuna - PAO) to protect human rights defenders. The PAO did not include recommendations from human rights coordination groups and does not even contemplate the dismantling of armed groups in Colombian regions. The PAO establishes physical protection from a military standpoint and does not tackle the structural causes of risk or guarantees for the free exercise of the right to defend human rights.

The National Commission for Security Guarantees (Comisión Nacional de Garantías de Seguridad - CNGS) contemplated under the Peace Agreement, has the mandate to design a public policy to protect human rights defenders and to dismantle criminal and paramilitary groups, but this has been relegated by the current government as a mere advisory body. For its part, Decree 660 of 2018 provides for the creation of collective protection measures, but has not been implemented, and nor has the Comprehensive Program of Guarantees for women defenders and women social leaders.



Photo: Minga

### Violence against trade unionists

The trade union movement has suffered a particular kind of political violence. According to the human rights information system of the National Trade Union School (Escuela Nacional Sindical - ENS), since 1 October 1973 until 6 April 2018, 14,637 violations have been recorded of the right to life, liberty and integrity for trade unionists, including notably 3,149 murders (2,822 men and 327 women). This is one of the factors in the extremely low unionisation rate in Colombia: just 4.6% of employed people belong to a union.

Cases of anti-union violence 2012-201

	2012	2013	2014	2015	2016	2017	2018	Total
Threats	449	337	244	121	201	125	146	163
Harassment	50	63	78	30	30	24	6	281
Homicides	25	37	21	21	20	19	28	171
Attacks	9	18	24	17	18	16	17	109
Forced displacements	90	3	1		1	1	2	98
Arbitrary detentions	19	24	17	8	5	9		82
Violaciones del domicilio	3	2	2	2	8	2	1	20
Torture	2		1	4	2	1	1	11
Forced disappearances	5	1		2		1	3	12
Kidnappings		4		3				7
Total	652	489	388	208	285	198	194	2414

## Criminalisation and undue use of the criminal justice system against HRDs in Colombia

The misuse of criminal law persists in Colombia as a way to hinder the work of human rights defenders. During the years 2017 and 2018, more than 70 human rights defenders in Colombia were victims of criminal proceedings based on unreliable testimonies, and many of them are still in detention. Preventive detention is used as a general rule against human rights defenders. The vast majority of cases of criminalisation occur in the contexts of: a) the peace talks; b) social protest; and c) the defence of the right to land, territory and the environment.

This situation was reported by the United Nations Special Rapporteur on the Situation of Human Rights Defenders, Mr. Michel Forst, who highlighted criminalisation as a general pattern or trend in Colombia.

On the other hand, legal frameworks that criminalise actions related to public mobilisation and lead to weak guarantees for public protest, such as, for example, provisions contained in the Citizen Security Law (Law 1453 of 2011) and in the National Police and Coexistence Code, are used to limit the exercise of social protest and prosecute protesters.

### Stigmatisation against human rights defenders

An environment persists in Colombia which is promoted, incited and sponsored by high-ranking State officials from the different branches of power, stigmatising and criminalising the defence of human rights and the exercise of social protest. The military doctrine related to the “internal enemy” and institutional culture, play a significant part in this stigmatisation. For example, since 10 March 2019, from the start of the Social Protest for Life (Minga Social por la Vida), it was the object of multiple accusations by public officials who, made statements in the media, related to the supposed infiltration of the protest by dissident groups of the former FARC and ELN guerrilla groups. This prompted acts of hatred and violence against demonstrators and against social organisations.

Photo: Minga



#### Case study: The Living Rivers Movement in the Antioquia region (Movimiento Ríos Vivos Antioquia - MRVA)

The MRVA has organised protests and publicly reported the illegal activities of the Medellín public services company (Empresa Pública de Medellín - EPM) since the beginning of the Hidroituango project to build a hydroelectric dam and hydroelectric power plant. The MRVA and the small-scale farming communities that it represents have been consistently subjected to serious violations of their human rights by state and non-state actors. The MRVA has documented 152 attacks against its members, including murders, attacks with explosives, threats, defamation and harassment, among others. There are multiple perpetrators alleged to be responsible for the attacks, but EPM's private security company and the illegal armed groups that operate in the region represent the greatest risks for the

members of the MRVA. Currently, the MRVA has a Collective Prevention and Protection Plan, developed jointly with the Ministry of the Interior, which undertook to adopt political and material measures to guarantee the security of communities in Antioquia. However, these measures have not been implemented.

### The European Parliament can play an important role in the search for guarantees for HRDs in Colombia:

- Monitor the implementation of prevention and protection measures for human rights defenders established in the Peace Agreement, in particular the Special Investigations Unit which has support from the EU and other bodies to dismantle paramilitary successor groups.
- Ask the EEAS to continue prioritising the situation of human rights defenders in the human rights dialogue with the Colombian government and insist on the implementation of prevention measures and progress in investigations into murders and other acts of aggression against human rights defenders.
- Ask the EEAS and the European Commission to politically and financially support the OHCHR and the UN Verification Mission in Colombia, in particular by prolonging their mandate until the end of 2019.

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