



USAID
FROM THE AMERICAN PEOPLE

HUMAN RIGHTS COMPASS

USAID HUMAN RIGHTS PROGRAM

Bogotá, Colombia

Vol. 3, Ed. 2 September - October 2014



*Competition winner delivering team's argument
Photo Credit: Ombudsman's Office*

Shaping Future Human Rights Lawyers in Colombia

During the week of September 22 at the *Universidad de Medellín* in Antioquia, 24 competing teams convened to present final oral arguments at the Ombudsman's Office 12th annual human rights moot court competition sponsored by USAID's HRP III. After months of preparation, standing before a panel of judges arguing jurisprudence from the Inter-American Court of Human Rights (IACHR) can prove to be a most daunting experience for any lawyer in training. Guided by the ideals and principles embodied by the IACHR, this year's teams presented their best arguments to address the complex issues related to the right to political participation in a competition that simulates arguing before the IACHR.

On the surface, the finals week represents for students an annual opportunity where their acquired knowledge and honed legal acumen are challenged by judges and peers alike. However over the years, the reaches of the human rights moot court competition in Colombia has extended far beyond delivering and defending a legal argument. In fact, the legacy of the competition has paved many inroads towards successful and meaningful careers in the field of human rights law for many of the competition's alumni.

For Luis Manuel Castro Novoa, a 2003 competition winner who participated as a judge at this year's competition, his experience at the competition was a pinnacle career game changer. Initially on track to become a criminal lawyer, his experience in 2003 reset his path to a career committed to human rights law. He now serves as the Ombudsman's

Office Delegate for Constitutional Rights and Legal Affairs and a committed supporter of the competition.

With HRP III support, this competition has effectively raised the bar for excellence and professionalism for its competitors every year. As mentioned, each year the winning team receives a scholarship to participate at the international human rights moot court competition held at American University in Washington, DC. Over the years, Colombia's teams have progressively placed among the top competing teams. Since 2000, Colombia's teams have been awarded first place four times, second place three times, and two times won Best Memorial written in Spanish.

With this before them, this year's winners Erika Natalia Melo and Angélica Mayren Guzmán from *Universidad Autónoma de Bogotá* also confidently embark on a path enriched by this experience feeling better equipped to confront future challenges in their pursuit of careers in law. For Ms. Guzmán, she expressed that perhaps the greatest lesson she obtained from this experience was that, "this was a learning experience as many that life offers you, and not just because we learned how to compete against our rivals, but we learned to overcome our inner challenges and fears." Igniting passions for the pursuit of careers in human rights law, this competition continues to assure the promise of future human rights lawyers in Colombia. •

The opinions expressed by the author may not necessarily reflect the views of the United States Agency for International Development or the United States Government

Constitutional Court's Historic Decision Vindicates LGBT Family Rights



Supporters await decision on adoption rights outside Constitutional Court
Photo Credit: Nicolo Filippo Rosso

“The consensus of social science is definitive and clear; children develop just the same when they are raised by same-sex parents as when they are raised by opposite sex parents.” Upon this premise and similar ones provided by the American Psychological Association and the University of California Williams Institute before Colombia’s Constitutional Court, USAID’s HRP III grantee *Colombia Diversa* successfully built a case argued before Colombia’s Constitutional Court which advanced LGBT rights towards greater equality, tolerance and respect. On August 29, 2014, Veronica Botero and Ana Elisa Leiderman made history having received a favorable decision to their filed *tutela*, or injunction petition, from Colombia’s highest court. For the first time in Colombia, a same-sex couple gained the right to adopt a child.

Not short of any controversy, this highly sensitive issue has stoked heated discussions raising questions of what constitutes a family under Colombian law and whether the adopted child’s rights and best interests are being fully protected if adopted by same-sex couples. Among those leading opposition voices in the public debate was Colombia’s Inspector General, Alejandro Ordoñez, a recognized conservative political figure who vocally expressed that the matter was unconstitutional given that Colombia’s constitution defines a family as a union between a man and woman. Similarly, the Catholic Church raised objections and filed a brief of its own sponsored studies before the Court supporting the argument that same-sex couples raising a child is cause for more emotional and psychological harm than otherwise.

Over the past two years, HRP III has worked closely with Colombia’s leading LGBT advocacy group, *Colombia Diversa*, in supporting its efforts to raise awareness with an end goal of breaking down stereotypes and reducing violence and stigmatization of LGBT community members. Through dialogues engaging key government institutions and civil society; support for analysis on Colombia’s LGBT human rights situation; and strategic litigation support for emblematic

cases, HRP III’s support has proven instrumental to advance equality and respect for this vulnerable population in Colombia.

Nonetheless, the road ahead towards true equality and social justice for LGBT community members remains long and obstacle-filled. While a positive step forward, the Court’s decision is only a “conditional ruling”. Technically, adoption by a same-sex couple is permitted with regard to biological children only. In addition, several requirements must be met should another same-sex couple seek to exercise the same right. These requirements include: 1) the petitioner should either be the biological mother or father of the minor; 2) the same-sex couple assume legal custody of the minor with all associated rights and obligations; 3) the couple must have cohabitated for a minimum of two consecutive years; and 4) the petitioner should be at least 25 years old and possess the physical, mental, social and moral capacity to provide for the minor. Further backlash to the Court’s announcement quickly followed when a referendum proposal was brought forth to Congress by Senator Viviane Morales to allow Colombians to vote on the outcome. In an RCN radio interview she stated, “...the adoption by homosexual parents is an issue that concerns Colombians’ morality and they should be the ones to make a declaration.”

The fight for equal rights is far from over for *Colombia Diversa* director Mauricio Albarracin, “We are pleased with this sentence; however we need to work on winning [full] adoption rights and initiate more cases similar to Ana and Veronica’s case.” For now though, the Botero Leiderman family is a legally-recognized family whose case trailblazed a new, significant chapter in advancing equality and tolerance for LGBT rights in Colombia. •

Afro-Colombian Leaders Putting a Stop to Threats through Self-Protection Strategies



Self-protection workshop in Cartagena
Photo Credit: AFRODES

Receiving a threat in the context of the Colombian conflict is far more than a stern warning. The fact that it comes in the form of a pamphlet, text, email or in person towards a man, woman, youth or elder can be more than enough reason to desist from your daily activities, your job and even flee from your home out of fear for your family's safety. The most recent *Somos Defensores* report released in August highlights, that in only the first half of 2014, an alarming total of 194 human rights leaders have been the targets of threats and/or other acts of aggression, a 20% increase compared to the same period in 2013. Grimly, the panorama is much the same, if not worse, for Colombia's historically marginalized groups including Afro-Colombians who year after year register as one of the most disproportionately impacted populations by the conflict. Threats are, by far, the most common weapon of choice to disrupt and violate people's sense of security, livelihoods, and survival.

In the territories of Colombia rife with conflict, even innocuous youth development projects are grounds for death threats. Such was the case most recently of Bernardo Cuero, a community leader from USAID's HRP III grantee *Asociación de Afrodescendientes Desplazados*- AFRODES and one of Colombia's leading Afro-Colombian advocacy groups.

In 2012, Mr. Cuero formed part of a concerned group of Afro-Colombian leaders from Malambo, Atlántico who began implementing projects to create alternatives for Afro-Colombian "street" youth facing bleak futures characterized by poverty, discrimination, and high unemployment. However after successfully engaging youth in constructive activities over two years, local illegal armed groups viewed these types of initiatives as disruptive to their bottom line:

profit. For illegal armed groups, a community offering opportunities to youth is a community that reduces their pool of potential members to work in advancing their objectives of illegal activities.

In the past year, Mr. Cuero states that four community leaders, including him, have been the target of threats, personal attacks, stalking, and attempted murders for carrying out this work. In June 2013, unknown persons broke into and ransacked his home and were reported to have left the scene furious for not having found him at home. "Even though we have reported it to the Public Ministry, Attorney General's Office, the National Protection Unit, and the Organization of American States' Human Rights Committee, we have not received any adequate protection measures," states Mr. Cuero.

With no near permanent solution to bringing an end to the violence that blankets these communities, HRP III has teamed up with organizations like AFRODES to develop alternative solutions based on self-protection mechanisms. With HRP III support, AFRODES leaders have designed and begun implementation of self-protection strategies targeting some of the hardest impacted municipalities including Soacha, Quibdó, Cartagena and Tumaco. According to Mr. Cuero, "We learned to not only adapt self-protection measures, but also understand the importance of implementing them on a daily basis for each leader. In addition, the trainings were critical in increasing our leaders' knowledge throughout the regions and in identifying actors of violence who have become camouflaged living within our communities."

Additionally, due to HRP III support, leaders developed an incident report form to accurately document risks and/or ongoing human rights violations impacting community members. This form was then adapted to integrate and preserve their cultural customs and traditions. In addition to serving as an information collection tool, communities can now maintain an organized registry and timeline of risks and threats to improve timely risk analysis and evaluation, particularly upon reporting incidents to relevant authorities. Moreover, these efforts will continue to enhance access to services and strengthen the relationship and communications between civil society organizations and institutions responsible for providing protection. Today, AFRODES has a far clearer understanding of institutional responsibilities regarding protection and response in cases of threats or human rights violations. With greater visibility and cooperation, targeted communities such as AFRODES are better prepared to confront and act upon threats to prevent and deter further human rights violations. •

Discovering the ABCs of Peace and Human Rights in the Classrooms



PLANEDH training with Misak teachers in Cauca
Photo Credit: Ministry of Education

USAID's HRP III is a staunch believer that classrooms are prime spaces not only for learning math and reading, but to develop the tools, skills, and values necessary to rebuild a Colombia defined by less violence and conflict. For the first time in half a century, upcoming generations could potentially experience growing up in a country where armed conflict with the FARC is only a closed chapter learned in their history books. Whether the peace talks in Havana lead to a signed agreement or not, Colombia's children and youth today bear a great responsibility as the country's next leaders charged with rebuilding their communities and contributing to the creation of a new narrative for Colombia based on a culture of peace and respect for human rights. Envisioning this, USAID HRP III's leadership and support over the past two years has determinedly moved Colombia's educational institutions in this direction.

Alongside the Ministry of Education, the Ombudsman's Office, the Presidential Program for Human Rights, the UN Office of the High Commissioner for Human Rights, USAID collaborated in the design of Colombia's National Education Plan on Human Rights (PLANEDH) which was incorporated into the National Development Plan in 2009. With the foremost intention of its creation as a human rights education public policy, PLANEDH consists of human rights training programs and projects to be incorporated into institutions and further disseminated to the public through formal, non-formal, and informal educational methods.

Over the past two years, USAID's HRP III has been a motivating force in the implementation of PLANEDH at the regional level. Due to HRP III efforts to date, PLANEDH is being implemented in 20 municipalities across five departments including Cauca, Meta, La Guajira, Nariño, and

Chocó. By next year with HRP III support, PLANEDH will begin implementation in five municipalities in Antioquia as well. Today, at least 222 teachers, out of the near 800 targeted teachers, from these areas have been trained in PLANEDH human rights training programs and projects to be used in the classrooms which offer some of the latest, most dynamic and innovative pedagogies and techniques guided by core human rights principles.

To secure comprehensive support and foster buy-in from institutions at the regional level, HRP III is working with regional education secretaries and their education quality teams to not only train them on PLANEDH's implementation, but also to develop institutional action plans to better integrate human rights principles into educational institutions. In addition, HRP III has been supporting education secretaries to establish support networks to ensure that PLANEDH is sustainable at the local level.

Having been launched into the classrooms, this exciting, new strategy ensures that students learn valuable life lessons and social skills that rely on building trust and respect from their peers and community members. Coordinator for the Ministry of Education's Human Rights Education Program, Eduderechos, Yordiley Torres explains, "The human rights education exercise embodied in PLANEDH is a systematic process. This project seeks to initiate a reflection of transformations that educational communities need to make in order to promote learning spaces that foster and build respect for human rights. The trained teachers are restructuring their pedagogical projects, coexistence manuals, and institutional educational projects to integrate a human rights-focus. This is a first step towards building cultures of peace in our schools." Investing in peace and human rights through the classrooms is investing in a future outlook where respect, tolerance, and communication, rather than violence, prevail. •



PLANEDH training in Dibulla
Photo Credit: Ministry of Education