



USAID
FROM THE AMERICAN PEOPLE

HUMAN RIGHTS COMPASS

USAID HUMAN RIGHTS PROGRAM

Bogotá, Colombia

Vol. 3, Ed. 4 November - December 2014



USAID Gender expert, Hillery Midkiff, (second to left) next to acting Presidential Advisor for Gender Equality at Regionalization Manual launch
Photo credit: USAID's HRP III

Creating Tools to Promote Women's Rights and Equality at the Local Level

Colombia is well-recognized for having written some of the most well-articulated and even progressive laws on the books regarding political, civil, and cultural rights for its citizenry. One of its most lauded governing documents has been the Political Constitution of 1991 which further stands out for its pluralistic recognition of largely marginalized populations including ethnic communities, women, and other minorities. With regard to women in particular, a flurry of policies, laws, jurisprudence and decrees have been adopted over the past two decades promoting women's equality and protecting their rights. The span of issues impacting women in Colombia is as diverse as its population and geographic makeup. To this end, the Colombian government has not fallen behind in drafting strong laws that seek to provide women with needed services, assistance, and opportunities.

Yet in spite of these well-intentioned efforts, an enormous divide still exists with regard to women's equality and more concernedly, women continue to bear a disproportionate burden of the conflict's violent ramifications. At the core, Colombia struggles with effective implementation of its legislation and policies, particularly at the local level, often due to lack of knowledge, appropriate tools, and other structural challenges commonly faced by public officials.

In 2012, Colombia prioritized women's needs and rights using an inter-disciplinary, multi-sectorial, and regional-focused approach through the passing of the first-ever National Gender Equality Policy. Standing on three core pillars, the Policy focuses on prevention, comprehensive and

differentiated response, and institutional coordination. As an assertive directive for institutions, particularly at the local level, the task to integrating a gender focus in public policy and in all of their duties, responsibilities and functions, can be nothing less than daunting for many public officials. With this in mind, USAID's HRP III, together with the Office of the Presidential Advisor for Gender Equality (CPEM), developed a tool to convert policy into practice where it is most needed- at the local level.

On November 12, municipal gender-focused office representatives from across Colombia gathered in Bogotá at a special HRP III-supported event where this new tool, Colombia's National Gender Equality Policy Regionalization Manual, was presented to them and officially launched. As the acting Presidential Advisor, Cecilia Barraza, remarked at the event, "This easy-to use manual which includes basic gender concepts and tools facilitates the development of public policies addressing issues including gender-based violence and political participation... as well as provides guidelines... diagnostic tools etc. [at the local level]. It can also be useful to civil society organizations which work in advocacy and assist in keeping institutions accountable." With this new user-friendly document available online and in hard copy, CPEM is now equipped to empower, inform, and train public officials throughout Colombia's municipalities on integrating gender policy and laws across all sectors. •

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

Securing Protection Measures When They Are Most Needed



*Andres Villamizar, NPU director and Peter Natiello, USAID Colombia Mission Director
Photo Credit: USAID's HRP III*

In the month of September alone, over one hundred threats received by human rights defenders via e-mail, text, or phone flooded the offices of Colombia's principal entity responsible for handling these types of violations, the National Protection Unit (NPU). In fact, *Somos Defensores*, a Colombian advocacy NGO dedicated to the protection of human rights defenders, reported that for the period of July-September 2014, 186 acts of aggressions were committed against human rights defenders including 157 threats, 15 murders, and 9 attacks mostly by post-demobilized armed actors. NPU operations, however, in terms of providing adequate and timely protection measures to those at most risk have been largely criticized of late. Matters have been further complicated by reports of a scandal involving internal fraud that is currently under government investigation. The number of threats against human rights defenders this year has been alarming and improving response mechanisms has become a priority issue.

Recognizing the critical role that national and local human rights defenders play in raising awareness and protecting communities, USAID's HRP III has been at the forefront in providing strategic support to the NPU. To this end, HRP III developed and recently launched a project to improve organizational capacity, efficacy, and prioritization of risk cases within the NPU. To date, the NPU's director has discretionary authority to temporarily bypass several internal risk evaluation processes in order to assess "imminent and exceptional" risk and provide protection measures. However, with no clear definition, protocols, or criteria that speak to what "imminent or exceptional" risk is, emergency risk analysts are left with little direction in their decision-making process.

With the support of an HRP III-hired team of experts, the NPU will develop criteria based on national and international human rights principles and jurisdiction that inform analysts handling threat cases to characterize threat levels. The team will carefully select and analyze cases with the NPU to formalize necessary tools and procedures. In addition, the

project will look for opportunities to engage government entities which also share responsibilities in assisting and protecting targeted individuals, such as the Victims' Unit and the police. The NPU will then establish inter-institutional agreements to improve coordination of provision of services to targeted persons to ensure a comprehensive approach to attending to them. For example, oftentimes, threatened leaders end up being forcibly displaced along with their family members. Immediate recourses for these victims would be to seek humanitarian assistance through the Victims' Unit. Through strengthened and transparent inter-institutional strategies in effect, the NPU upon receiving a threat case could follow up and work with the Victims' Unit to ensure proper assistance is being provided or vice versa.

Afro-Colombian leader and regional coordinator of HRP III grantee UOAFROC- *Unidad de Organizaciones AfroCaucanos* Roller Escobar was one of the over one hundred threatened defenders in September. As a vocal advocate of Afro-Colombian communities against illegal mining, it came as little surprise that Mr. Escobar received a threat via pamphlet by illegal armed actors who profit from illegal mining. Regarding HRP III's quick response in facilitating communications and advocating before the NPU on his behalf, Mr. Escobar states, "Their intervention was critical in getting a response from NPU. Previously without HRP III support, a meeting was held with NPU and nothing resulted. However with HRP III support, the NPU quickly reached out to me and the emergency measures process was initiated, and in a matter of five days I was granted protection measures. Within ten days after the report filing, NPU had followed up to validate the risk assessment and I was issued a bullet-proof vest and other protection measures." Over the next year with the development of new criteria, HRP III hopes that accounts of rapid and efficient response are far more the norm than an exception. •

Civil society and USAID Dialogue on Peace Preparation, Protection, and Extractive Industries at Annual Consultations



Todd Sloan, Democracy and Human Rights Director, speaks with participant
Photo Credit: USAID's HRP III



Bogotá consultations
Photo Credit: USAID's HRP III

From September through mid-November, USAID's HRP III worked intently to organize and carry out one of its most innovative and eagerly anticipated annual events: the USAID civil society consultations. As an annual gathering of civil society organizations and key NGOs who address human rights issues in Colombia, this event takes place twice every year, first in Bogotá and then again in Washington, DC. Given the vast panorama of human rights issues which have generated continuous vocal concerns across several sectors, USAID selected the following leading topics to guide this year's consultations: preparing for peace, protection for human rights defenders, and extractive industries and human rights.

At the Bogotá consultations, 33 key local and national civil society organizations came together representing issues such as freedom of press, gender-based violence against women, LGBT community rights, indigenous and Afro-Colombian issues, human rights defenders, and forced displacement, among others. The majority of the organizations in the room were current or former grantees and solid partners in advancing a shared human rights agenda. This diverse blend of perspectives made for a half-day session of engaging discussions on approaches of how to prioritize human rights in Colombia given the ongoing conflict and a prospective post-conflict phase.

For example, shared concerns regarding the need to plan for peace as well as the need for a stronger and transparent State presence to provide orientation and services to victims impacted by conflict were emphasized throughout the session. The issue of illegal mining this past year has quickly and deeply begun to embed itself in unprotected parts of the country resulting in expansion of human rights violations including sexual and gender-based violence against women and girls, forced child labor, and illegal land sales and/or seizures. Participants from ethnic-focused organizations, who have been disproportionately affected by this

growing issue, adamantly expressed the need for respect for their territories and the rejection of violence, militarization and any concession of land for extractive projects. Finally in the wake of an alarming spike in threats against human rights defenders in this year (among other acts of aggression), participants unanimously called for a comprehensive reexamination of the current protection strategies to mitigate risk, particularly collective risk.

Similar perspectives were echoed at the Washington, DC consultations held in November which highlighted gaps and challenges faced by institutions in delivering the necessary protections and support to at-risk persons or victims. Moreover, recommendations and considerations were posed to USAID in terms of possible support roles it could play at this crucial time in Colombia's history given the ongoing peace process and need for preparation by the Colombian government for numerous new challenges it will face. Agenda topics were well received, along with concerns expressed that protection of workers' rights remain precarious. Regarding the consultations in DC, Gimena Sanchez-Garzoli, Senior Associate for the Andes at the Washington Office on Latin America (WOLA), asserted that, "the consultations have been very important in recent years and have resulted in changes in USAID programming. [WOLA] consults with Colombian partners every year prior to USAID DC-based consultations and I receive more and more positive feedback regarding [this exercise's] impact."

This year's consultations helped to affirm the progress made by USAID programming in addressing key human rights issues over the past year. More importantly, as this year closes, USAID now has a more focused understanding of its partners' concerns, both in Colombia and the US, on Colombia's human rights situation and how to keep fine-tuning its programming.●

Advancing Participation, Equality, and Consulta Previa for Afro-Colombians



Afro-Colombian community leaders at National Congress, Quibdó
Photo Credit: Gladys Jimeno

Almost a year and a half ago, USAID's HRP III stood alongside and provided support to nearly 1,000 Afro-Colombian leaders from throughout Colombia who gathered in Quibdó to carry out one of its most historical conventions in twenty years. At the first-ever Autonomous Afro-Colombian National Congress, Afro-Colombians made a loud and clear statement regarding the situation of their human, civil, political and cultural rights and opportunities. Two decades since the signing of Colombia's Law 70, a progressive and inclusive legislation promoting and protecting their ethnic rights, Afro-Colombian communities remain plagued by continuous marginalization, poverty, forced displacement, and violence. For this reason, HRP III accompanied and provided technical support to Afro-Colombian leaders in Quibdó in carrying out this momentous event where consensus was built and next steps were established to address priority issues.

In August 2014, Colombia's Constitutional Court issued a benchmark ruling which went to the heart of fortifying the protection of Afro-Colombians' fundamental rights to participation, equality and *consulta previa* (prior consultation) with a particular emphasis on communities who currently do not hold collective land titles. In this ruling, the Court found that the national government, namely the Ministry of Interior (MOI), had violated these rights by failing to integrate the full participation of all Afro-Colombians at established consensus-building and representative mechanisms with the government. In very practical terms, the ruling represents a reset button to the way Afro-Colombians and the government will dialogue and interact to address issues such as land rights and illegal mining. The communities which were most marginalized through established government orders did not hold collective titles issued by INCODER, Colombia's land titling institution which has faced innumerable bureaucratic-laden challenges.

Moving forward, the MOI has been ordered to begin an aggressive, transparent and more inclusive approach to engage Afro-Colombians through dialogue and consensus-building mechanisms. Foremost, the MOI has been ordered to launch a mass dissemination strategy to promote the newly established proposed protocol for *consulta previa*. This protocol, set forth at the National Congress, has come together with the help of HRP III technical assistance after a series of drafting meetings over the past year with Afro-Colombian leaders. The MOI has been instructed to underscore who will participate in *consultas previas* as delineated in the proposed protocol. Finally, the MOI must highly publicize and comprehensively plan and organize a meeting with Afro-Colombian leaders to define guidelines to establish a new national representative mechanism, since the former, ineffective and highly disputed one was abolished by this ruling. Following this, the MOI will visibly communicate through their website and other media tools, updates and progress regarding information related to the development and implementation of *consultas previas*.



Disputed artisanal mine in La Toma, Cauca
Photo Credit: Gladys Jimeno

While this legal advance should be celebrated, Afro-Colombians still have a long and arduous path ahead with regard to strengthening their political voices to improve their social and economic prospects. Daniel Garces Carabali, Afro-Colombian Congress participant and leader, recognizes that among the priority issues identified by the Afro-Colombian Congress that remain are "...the regulation and implementation of Law 70's components addressing the environment, mining, cultural integrity, and the social and economic development of the Afro-Colombian community." To continue navigating this challenging course ahead, HRP III will provide critical support and technical assistance to create conditions conducive to reaching greater equality and fuller participation and enjoyment of their basic human and civil rights in Colombia. •