

Concept Paper for USAID Consultation with Colombian and International Civil Society Organizations

I. Introduction

Promoting human rights and democracy is a cornerstone of American foreign policy. The Department of State integrates democracy and human rights promotion into all aspects of U.S. foreign policy by supporting people around the world in their efforts to protect human rights.

The U.S. Aims To: ¹

- Promote democracy with its partners around the world as a means to achieve security, stability and prosperity
- Assist newly formed democracies in implementing democratic principles and developing democratic institutions
- Speak out against regimes that deny their citizens fundamental freedoms

Democracy and Governance Programs

The State Department and the U.S. Agency for International Development provide technical assistance to help governments and civil societies around the world strengthen their democracies. Programs are organized around the core concepts of accountable government, human rights, rule of law, fair elections, free media, civil society, and citizen participation, among others.

USAID Human Rights Programs in Colombia

The United States Agency for International Development (USAID), is responsible for the implementation of social economic and humanitarian aid from the United States to Colombia. USAID/Colombia's Democratic Governance office currently oversees programs in Human Rights, Peace Initiatives, Transparency and Accountability and Justice Reform and Modernization.

The 2001- 2006 Human Rights program for Colombia is often described as the largest USAID program of its type in the world. It totaled \$34 million over a five year period and funded governmental and non-governmental human rights projects in Colombia through its contractor, *Management Sciences for Development* (MSD). USAID/Colombia is hoping that funding for new human rights programs will be comparable for the five year period from 2006 - 2010.

The consultation process

While assessing the lessons learned and challenges ahead for strengthening national institutions and regimens undergirding the protection of human rights in Colombia, USAID/Colombia reviewed suggestions and issues raised by

¹ See State Department website -- [Human Rights: A Cornerstone of U.S. Foreign Policy](http://www.state.gov/r/pa/scp/2005/57817.htm) at <http://www.state.gov/r/pa/scp/2005/57817.htm>

Colombian and international human rights advocates, as well as international organizations and other donor agencies.

Adding voice to Colombian and international human rights groups was an independent “Colombia Democracy and Governance Assessment” undertaken in 2005 with USAID financing. While taking a broad look at Democratic Governance issues, this study included recommendations that USAID increase assistance to civil society, as well as more isolated and vulnerable populations, especially those in rural and conflict areas. Conflict areas often suffer from limited government presence and State capacity to guarantee justice and protect the human rights of threatened groups. The study also highlighted the need to assist the Government of Colombia to build a sustainable human rights system, thus ensuring the State is prepared for the day when donor funding is reduced or eliminated.

Before embarking on a full design of the 2006-2010 human rights program, USAID/Colombia determined that a final comprehensive consultation process is necessary with representatives of Colombian government, Colombian State and civil society involved in human rights work. This paper is intended to facilitate that process by providing general background information on USAID’s existing human rights program in Colombia, as well as to identify potential areas of engagement for future USAID assistance.

USAID is hosting a series of meetings and related workshops with a wide range of governmental, state and civil society organizations to solicit input for the future program. For that purpose, USAID/Colombia looks forward to obtaining feedback from the Colombian and international community participating in this process.

II. Priorities of USAID Support for Colombian Human Rights Programs 2006-2010

Strengthening Human Rights Prevention, Protection and Response:

For the period 2006-2010, USAID anticipates continued support to Colombian civil society and State entities efforts to strengthen respect for and adherence to human rights in Colombia. USAID intends to continue to focus on the three priority areas identified: Prevention, Protection and Response; but looks forward to input on best approaches to achieve these three objectives. Under current planning for the USAID Human Rights program, a substantial portion of the HR portfolio resources will continue to be dedicated to support the implementation of UNHCHR recommendations.

Strengthening State Entities capacity to address Human Rights:

USAID has supported a number of important human rights programs implemented by key state authorities, including National Ombudsman (*Defensoría del Pueblo*), Office of Inspector General (*Procuraduría General*), Presidential and Vicepresidential offices on human rights (*Programa presidencial de DH y DIH de la Vice-Presidencia de la Republica*) and Ministry of Interior and Justice Human Rights Unit (*Unidad de Derechos Humanos del Ministerio del Interior y de Justicia*) among others. USAID is currently working with these State entities to refine existing programs and define what future assistance is needed for governmental initiatives aimed at improving respect for human rights. Of major concern is institutionalization of the State's capacity to: sustain these initiatives, to guarantee adherence to national law and international human rights standards, and to do so without undue reliance on foreign donor cooperation. Accordingly, a major goal suggested for the new program is to ensure that by 2010, these and other Colombian institutions responsible for promoting and protecting human rights are self-sufficient and less reliant on international donor assistance to fulfill their human rights related mandates and functions.

Strengthened Civil Society:

While building government and state capacity to ensure effective responses to human rights challenges is critical, the USAID experience around the world has taught us that for sustainable improvements in human rights, the role of credible and non-partisan civil society organizations must be strongly supported. Accordingly, the USAID program will emphasize the objective of strengthening civil society capacity to meet goals related to: *monitoring of human rights violations, documenting, assessing, advocacy, dialogue, informing, protecting and educating citizens on their human rights; and providing victims assistance*. Various civil society groups and State entities have asked USAID to consider supporting programs to:

- Monitor and document human rights violations,

- Research and evaluate (assess) State and local government organizational and procedural capacities to meet human rights prevention, protection and response responsibilities,
- Formulate policy recommendations and contribute to action plan development in human rights
- Foster broader and more constructive national (State and civil society) dialogue on challenges to the Colombian Human Rights system (e.g. multi-stakeholder analysis on Strengths, Weaknesses, Opportunities and Threats – SWOT/DOFA),
- Inform and advocate, constructively, on issues related to improvement in human rights in Colombia.
- Conduct public information, education campaigns on human rights,
- Provide counseling services, especially for victims of human rights violations or threats; as well as other threatened populations, groups and individuals,
- Seek adequate protection for persons who have assumed a human rights advocate function (e.g. human rights champions or defenders),
- Support initiatives to hold public officials and leaders accountable to meet obligations under institutional or functional mandates and national and international humanitarian law.
- Strengthen civil society human rights networks and coalitions, and
- Promote and operationalize appropriate synergies between the State and civil society groups.

Geographic and Target Group Priorities:

The new program for 2006-2010 will prioritize assistance to those regions and communities most affected by the internal armed conflict and demonstrating the highest incidence of threats to basic human rights, especially life, freedom and physical integrity. Particular emphasis will be placed on providing protection to marginalized communities and other sectors especially hard hit by the conflict. These vulnerable groups include women, ethnic and racial minority groups; as well as individuals who have assumed leadership roles as “human rights defenders” e.g. journalists, human rights lawyers, community leaders and educators.

Colombianization:

USAID will focus on the “Colombianization” of programs to increase ownership, design, implementation and thus sustainability of the programs once USAID funding ends. The new HR strategy proposed will emphasize the need for the GOC, Congress and other State actors to sustain the programs currently supported by USAID and the international community. A major milestone for future HR capacity building efforts will be to ensure that by 2010, Colombia has consolidated a strong HR protection system implemented by State entities dedicated to HR issues. The transitional goal for the strategy will be that the State fully assumes HR program leadership (i.e. managerial, technical and financial ownership) by 2010.

In terms of civil society, a complementary goal is that by 2010, a collection of respected, active and visible non-partisan Civil Society human rights groups will be capable of organizing, implementing and sustaining human rights strengthening programs with significantly less reliance on international donor assistance.

III. Towards a new USAID Human Rights Strategy ---

Colombian human rights champions within the State and civil society promote and support adherence by the Colombian Government to fundamental principles of the United Nations Universal Declaration of Human Rights, ratified human rights treaties and the Colombian Constitution. They have asked USAID and other donors to promote strengthened adherence to the principles set forth in these instruments, and to the functional need of Colombian State organizations to more effectively prevent, protect against and respond to human rights violations.

Whereas USAID has historically supported the three different categories of human rights (including Economic, Social, Cultural and Collective Rights), the consensus on priority programming seems to suggest emphasis on strengthening the fundamental rights of Colombians, as illustrated in the following table .

Category of Human Rights	Basis in Colombian Law	USAID Strategic Objective focus areas
<p>1. Fundamental rights requiring immediate application (e.g. life, physical safety, equality, liberty, freedom of expression)</p>	<p>Colombian Constitution (Chap. I, title II on Fundamental Rights and under Art 93 of the Colombian Constitution incorporation of treaty law into national law. Inter-American Convention on Human Rights International Covenant on Civil and Political Rights, ratified 29 Oct 69; Convention Against Torture, ratified 10 Apr 85</p>	<p>Human Rights Program: “prevention, protection and response” (1) strengthening programs with State partners (Procuraduria, Defensoria del Pueblo), and Civil Society acting as non-Government of Colombia independent entities providing Human Rights (HR) alert and oversight functions; (2) while operationalizing prevention and protection as a function of the VP office on HR, Ministry Interior of Justice and their coordination with security forces to provide policy, protection and (through the Fiscalia) prosecution of HR violators.</p> <p>Access to Justice Program: supports conditions for speedy, effective and equal justice, and securing of rights, under the law.</p>

Given the limited funding as well as the short-term urgent demands to protect populations, groups and individuals at risk, the new Human Rights program will be focused primarily on “*fundamental rights*”, i.e. those rights which require timely and often immediate State responses in order to guarantee life, safety to persons and freedoms. Violations of these fundamental rights regularly impact vulnerable populations in conflict zones. *Left unaddressed, these abuses erode public confidence in the State’s democratic security policy and compromise support for and achievement of Plan Colombia objectives.*

Human Rights Strategic Directions: 2006-2010:

Based on lessons learned and consultations to date, it appears that the Human Rights program strategy should address tandem requirements to 1) strengthen State HR protection systems while 2) ensuring that Civil Society is able to contribute to the definition and achievement of HR strengthening goals for those systems.

Important Colombian leaders have recognized that for overall success of the HR program, creation and strengthening of HR-oriented civil society networks will be critical; i.e. coalitions that can exercise democratic oversight functions of monitoring, assessing, advocating and partnering with the State for HR system improvements, among other functions.

In that direction, a new Human Rights program proposes to address human rights strengthening requirements through an integral approach, by both balancing and integrating State and civil society capacity building requirements through:

- 1) Strengthening State Capacity for Prevention, Protection and Response (e.g. capacity within the Inspector General's Office - *Procuraduria*, Ombudsman - *Defensoria del Pueblo*, Ministry of Interior and Justice, Vice Presidency Human Rights Unit, Police and Military Human Rights Units, among others);
- 2) Fostering constructive HR strengthening coordination between State entities with local governors, authorities, communities and citizens; and finally,
- 3) Empowering non-partisan civil society to independently monitor, assess and advocate for HR strengthening, and to constructively participate in shaping and achieving HR program goals.

Human Rights Program Links to other USAID/Colombia Programs:

Other USAID/Colombia programs offer mutually reinforcing programmatic opportunities and resources supporting achievement of human rights objectives in a broader sense. These include the Mission's justice programs, Alternative Development, programs in areas of protection of Internally Displaced Persons (IDPs) and other vulnerable groups, and a possible future program strengthening implementation of the justice and peace law (the latter addressing support to both the victims of conflict and former members of illegal armed groups)

USAID's justice reform program will promote human rights by supporting a strengthened and reformed justice system, one offering more transparent, speedy and effective impartial justice with special attention to the needs of the poor and other ethnically or regionally isolated populations.

The Mission local governance and vulnerable populations programs address longer term economic development and opportunity challenges for marginalized populations. The aggregate of these programs, in five of the seven GOC priority conflictive areas, provides important conditions by which human rights are upheld.

Cross cutting themes:

The Mission's new Human Rights strategy will focus on building sustainable public sector -civil society-private sector partnerships that will address crosscutting themes such as policy, HR in conflict management, accountability, civil society strengthening, and response to the HR challenges of vulnerable and disenfranchised communities (particularly indigenous and Afro-Colombian and other ethnic communities).

Further, the Mission will undertake specialized assessments on human rights issues related to demobilization/reintegration (DR) process to determine and implement the most appropriate mechanisms to increase transparency, accountability and socialization of the DR process, as part of national and local healing and reconciliation processes.

IV. Conclusion

USAID is in the process of designing the projected framework of its human rights program for the 2006-2010 period. It seeks to learn from its experience and build on its existing program in place since 2001. USAID looks forward to the input from its partners in the state, government and civil society; actors interested in contributing constructively to the formulation of the new program. This document outlined broad parameters for the USAID's consultations with Colombian civil society organizations in Colombia in January 2006 and provides a framework for discussions for future consultations with U.S CSO's and selected international organizations and donors.

USAID welcomes input on potential challenges, interventions, results and issues regarding the results of the ongoing human rights program that should be taken into account in the design of the next round of programmatic funding.

CONSULTATION WITH COLOMBIAN AND INTERNATIONAL
CIVIL SOCIETY ORGANIZATIONS

ISSUES/QUESTIONS PROPOSED FOR DISCUSSION:

II. Priorities of USAID Support for Colombian Human Rights programs 2006-2010

1. Are USAID's understandings of Civil Society concerns generally correct?
2. Are there major human rights concerns, within the boundaries of USAID's ability to address in the future program, which have not been addressed?
3. Is the increased focus on rural, isolated, conflict impacted and vulnerable communities valid?
4. What is the best approach on ensuring sustainability of human rights capacities five years down the road? Both for State and civil society organizations?
5. What are the major technical, political and practical challenges to "Colombianization", and how should they be programmatically addressed?
6. USAID appears inclined to prioritize funding programs to guarantee "first generation" fundamental rights, as opposed to economic, social and cultural rights (DESC), what is your analysis on this approach?
7. The "tandem or dual approach" appears to try to find balance between Human Rights "demand" and "supply", i.e. provide assistance for empowering civil society in demanding prevention, protection and response; but also working with the State to ensure there is an effective response. Is the balance adequate? Are there alternative program strategies that haven't been considered?
8. While the USAID Mission has not yet received authority or funding to proceed with a robust demobilization and reintegration program, what type of support would be most beneficial for both victims and the demobilized?