



The Honourable
Michael L. MacDonald
Senate of Canada
Ottawa, Ontario
K1A 0A4

February 3, 2015

Dear Senator MacDonald,

We are writing on behalf of the Americas Policy Group (APG) of the Canadian Council for International Co-operation (CCIC). The APG is a Canadian civil society policy group made up of 40 international development and humanitarian NGOs, human rights groups, labour unions, research institutions, churches and solidarity groups. We have a long history of working with civil society partners in the Americas, monitoring the human rights situation and articulating joint policy positions on development, socio-economic issues and human rights in a number of countries, including Colombia.

It has come to our attention that you will be traveling to Colombia later this week as a member of the Canadian Section of ParlAmericas. We are writing to share some concerns that we are hearing from our partners on the ground, and that we hope you will bring up with your Colombian counterparts.

Death threats against human rights defenders

Many Colombian human rights defenders (HRDs) continue to be intimidated, threatened, and killed for their work. The last few months have seen a worrying increase of mass threats to human rights defenders. Several examples are listed in the annex below. Those threatened include persons with whom our member organizations work closely, in some cases through programs co-financed by the Government of Canada. Many of those threatened had just participated in a session of the National Roundtable on Guarantees for HRDs, Community and Social leaders, a series of high-level dialogues between representatives of the human rights community and the national government. Disturbingly, these threats are taking place precisely at a time when the Colombian government has announced it will reduce the resources it allocates to its protection program for human rights defenders.

We urge you to call on the Colombian government to:

- Maintain as a priority its protection program for human rights defenders.
- Take the necessary actions to guarantee the life of the persons threatened and an enabling environment for them to continue to carry out their work.

- Ensure full and impartial investigations to bring those responsible for death threats to justice.
- Continue dialogues with civil society organisations in the framework of the Roundtables on Guarantees for Human Rights Defenders, Social and Community Leaders, at a national, regional and local level, and fulfill the commitments reached.
- Take action against paramilitary forces, which continue to operate freely, and sever any links between them and the security forces -- in accordance with repeated UN recommendations.

As a concrete expression of support, we also call on you to visit the offices and meet directly with representatives of Colombia's human rights and peace organizations. We would be happy to help facilitate such a meeting with representative coalitions. These face to face visits have tremendous importance for the human rights defenders who undertake their work in such difficult circumstances.

Emergency situation for Indigenous peoples

The acute situation faced by Indigenous peoples requires special mention because their very survival hangs in the balance. In 2009, Colombia's Constitutional Court ruled that more than a third of Indigenous peoples face "extermination" amidst armed conflict, the imposition of megaprojects and forced displacement from the land on which their physical and cultural survival depends.

We urge you to call on the Colombian government to:

- Implement without delay the comprehensive protection programs awarded by the Constitutional Court of Colombia.
- Recognize the right of Indigenous peoples to free, prior and informed consent regarding projects that will impact their territory and their enjoyment of the full spectrum of human rights.

Land restitution

The violent struggle to control territory, for military, political and economic reasons, has been one of the root causes of Colombia's 50-year-old conflict. As a result, almost 6 million people have been forcibly displaced and at least 8 million hectares of land illegally acquired. In 2012, the Victims and Land Restitution Law (Law 1448), came into force as a mechanism designed to ensure that victims of the conflict enjoy the right to reparation, including land restitution. Yet those trying to get their land back face serious obstacles. There are features in the law and parallel legislation that may actually block the restitution of much illegally acquired land. There is also a lack of security for those claiming land restitution, and human rights organizations have documented a pattern of attacks and killings of those claiming the return of stolen lands.

We urge you to call on the Colombian government to:

- Take effective action to stem the threats and killings of land claimants and those human rights defenders and land activists accompanying them.
- Ensure that perpetrators of forced displacement are brought to justice for the human rights violations and abuses they have committed.

Deepening of the Peace Process

On January 15th, President Santos announced that his government was prepared to begin talks on a bilateral ceasefire with the FARC. This news comes one month after FARC commanders ordered a unilateral, indefinite ceasefire. We hope that you will express support for this move, and the deepening of the peace process with the FARC.

We urge you to call on the Colombian government to:

- Advance on peace talks with the ELN so that Colombia can fully turn the page on an internal armed conflict that has lasted for more than five decades.
- Include civil society perspectives in the peace processes, especially from groups who have been affected by the conflict and who are traditionally excluded from these processes: Indigenous peoples, Afro-descendent communities, rural populations and women.
- Ensure that the peace agreements address victims' rights to truth, justice, reparations and guarantees of non-repetition.

Trade, Investment and Human Rights

Competition for land has been at the core of the 50-year Colombian armed conflict. Resource-rich regions have the highest levels of forced displacements, human rights violations and trade union leader assassinations in the country. There was widespread concern that the Canada-Colombia FTA would exacerbate human rights violations in Colombia by promoting investment in these regions. For this reason, a clause requiring both governments to report annually on the FTA's human rights impacts was included in the treaty.

Civil society organizations in Canada and Colombia believe that this reporting mechanism has proved to be a hollow, meaningless substitute for the independent, impartial, comprehensive human rights impact assessment we had called for when the deal was being negotiated. Canada's three reports to date lack independence, transparency and fail to involve affected stakeholders in a meaningful way. Moreover, the government's reports focus narrowly on tariff reductions and trade flows, completely ignoring links between investment and human rights. This arguably goes against the very spirit of the exercise since Canadian extractive investments in Colombia were the most pressing concern voiced by human rights groups worried about the agreement's impacts.

We urge you to call on the Colombian government to:

- Revise laws that conflict with international human rights obligations: where the protection of ecologically sensitive areas are exposed; and where there is a risk of violations of the rights of Indigenous and Afro-Colombian Peoples and other vulnerable groups, and conflict with land restitution to victims.

We also hope that, upon your return from this trip, you will champion the need for human rights accountability in trade with Colombia. This can be done by encouraging our government to commit to a full, transparent, independent and credible human rights impact assessment (HRIA), in line with UN benchmarks, with meaningful input from members of civil society organizations including trade unions, Indigenous peoples, rural communities and women.

Yours sincerely,



Jim Hodgson
Co-Chair, Americas Policy Group



Tara Ward
Co-Chair, Americas Policy Group

Annex: Recent Incidents against Human Rights Defenders in Colombia

- On January 21st, human rights defender Carlos Alberto Pedraza was assassinated. He was a member of the following human rights organizations: The Nunca Más project, the Movement of Victims of State Crimes, the Central-Eastern Regional Association of the Political Movement of Social and Popular Masses of Colombia, and the Congress of the Peoples, which is a member organization of the National Agrarian, Peasant, Ethnic, and Peoples' Summit.
- A pamphlet was distributed on January 21st in the city of Santa Marta (in the northern Magdalena Department), signed by the Gaitanista Self-Defence Forces (Autodefensas Gaitanistas). It threatened the lives of dozens of people involved in the land restitution process: officials, journalists, human rights defenders, community leaders and union leaders.
- A pamphlet was distributed on January 11th by the paramilitary group Black Eagles (Águilas Negras) in the Atlántico Department of Northern Colombia, identifying "human rights organizations, trade unionists, land claimants, victims' advisors [...] those who make human rights reports" as military targets. The death threat named close to 40 individuals and organizations that have been involved in the land restitution process and on issues relating to the peace process.
- On January 6th, in the town of Tame, Unión Sindical Obrera leader Oscar García was tailed, harassed, and subsequently fired on three times while traveling in a security vehicle. This is the second attempt on his life in less than six months.
- In late December, a bomb plot was discovered that targeted José Humberto Torres, national spokesperson of the broadly-based human rights coalition, the *Coordinación Colombia – Europa – Estados Unidos*.
- On December 9th, 80 human rights defenders were named in a death threat delivered by the Black Eagles paramilitaries to the Memory, Peace and Reconciliation Centre (Centro de Memoria, Paz y Reconciliación) in Bogotá.
- On December 4th, a death threat was sent to several journalists and their organizations, just days after Reporters Without Borders had received the same kind of threats.
- On October 22nd, approximately 100 human rights defenders received a death threat from the Black Eagle paramilitaries in a statement sent to the New Rainbow Corporation (Corporación Nuevo Arco Iris), a think tank based in Bogotá.