



LATIN AMERICA WORKING GROUP
EDUCATION FUND



WOLA



CENTER FOR
INTERNATIONAL POLICY

U.S. Office on Colombia

connecting civil society to policymakers



As President Barack Obama Meets with Colombian President Juan Manuel Santos: It's Time to Support Peace, Human Rights and Labor Rights December 2, 2013

President Obama's meeting with Colombian President Juan Manuel Santos on December 3, 2013 comes at an opportune moment for the United States to show strong support for the Colombian peace process as well as to raise important issues about protection of human rights and labor rights.

In November 2013, the Colombian government and the FARC guerrilla group signed an agreement on political participation, the second of five agreements which together will make up a final peace accord. With the signing of this second agreement, two of the most difficult topics, land and political participation, have been negotiated, showing that this peace process has a real chance to end a fifty-year war in which hundreds of thousands of people have been killed, kidnapped, and disappeared, and some 6 million people have been forcibly displaced.

The U.S. government should decisively support this peace process, Colombia's best hope for a sustainable peace in decades. U.S. policymakers should also consider how best to support a peace accord financially once negotiations are finalized, including by reorienting aid away from military assistance and towards peace accord implementation, such as demobilization and reintegration programs, support for victims of violence, and mechanisms for truth, justice and reparations.

The Colombian government should facilitate much greater participation for victims of violence—including Afro-Colombian and indigenous people and women, and including representation of victims of all armed actors—in the peace process and peace accord implementation. Strong measures of truth, justice, meaningful reparations and guarantees of non-repetition are essential if this agreement is to produce a just and lasting peace, as this [letter](#) by a wide range of U.S. faith-based organizations emphasizes.

To ensure a transition to peace, the Colombian government should also pursue negotiations with the remaining guerrilla groups, the ELN and the EPL.

However, Colombia continues to face severe human rights problems. As President Santos meets with President Obama, the following issues should also be on the table:

The Colombian government must make greater progress in dismantling paramilitary successor groups and the economic and political structures that support them. The power of these groups to undermine human rights advances cannot be denied. In November 2013 alone, more than 2700 people, largely Afro-Colombian, were displaced in Buenaventura, allegedly by paramilitary successor groups. These groups are also responsible for many of the threats and attacks against human rights defenders. Dismantling paramilitary successor groups—including by investigating and prosecuting the members of the military and police, local politicians, government officials, large landowners and companies that continue to finance and collude with them—is essential for human rights progress in Colombia.

Colombia must bring to justice the cases of the more than 3,000 alleged extrajudicial executions, most attributed to the armed forces, committed in the past decade. To do this, civilian jurisdiction over human rights crimes committed by members of the military is imperative. The Colombian Constitutional Court's decision to overturn the new, controversial law that would have expanded military jurisdiction affords the Santos Administration an opportunity to move forward, not backward, and ensure that grave human rights crimes allegedly committed by members of the military are effectively tried in civilian courts.

Likewise, the Colombian judicial system must make progress in sanctioning the use of sexual violence, committed by all armed actors. It should focus on advancing investigations and prosecutions of the 183 cases prioritized by Constitutional Court in court order 092 of 2008.

The Colombian judicial system must make advances in investigating and prosecuting threats and attacks against human rights defenders. Those who defend human rights continue to face grave risks for their work, yet aggressions against them are almost never investigated, let alone prosecuted. Though the Santos Administration has implemented important protection programs, it is essential to confront the problem at its source by ending impunity in attacks against defenders.

Moreover, the Colombian government must meet the obligations to respect labor rights to which it committed by signing the Labor Action Plan (LAP). To secure passage of the U.S.-Colombia free trade agreement, which faced significant public and congressional opposition, the U.S. and Colombian governments signed an important Labor Action Plan that laid out steps that the Colombian government agreed to take in order to protect labor unionists and increase respect for labor rights. The LAP, unfortunately, remains largely unfulfilled.

The Colombian and U.S. governments must fulfill the pledge they made to the U.S. and Colombian workers and the public at large by signing the Labor Action Plan. While the number of deaths of labor union members has declined and Colombia has created institutions and passed laws, respect for labor rights has not improved on the ground. At least 11 trade unionists have been murdered in 2013, hundreds have received death threats, and there exists over 90 percent impunity in cases of murdered trade unionists. Further, as highlighted in a congressional report, [***“The US-Colombia Labor Action Plan: Failing on the Ground,”***](#) indirect employment is still pervasive and growing, the inspection system is ineffective, workers’ protections are weak and the right to organize is routinely denied. Reprisals against workers who have attempted to form unions in the port, sugar and oil palm sectors have faced reprisals and mass firings. Afro-

Colombian workers including the port workers in Buenaventura, the key port for increased trade resulting from the U.S.-Colombia FTA, not only face racial discrimination but also confront some of the most flagrant labor rights abuses and precarious working conditions.

Finally, the Colombian government should make greater progress in safe and sustainable land restitution for all victims of forced displacement as well as land titling for Afro-Colombian and indigenous communities. The Santos' Administration's landmark Victims' Law represents a historic important opportunity for land restitution to Colombia's internally displaced population as well as for reparations for victims of violence. As two recent reports reveal, however, land restitution under the Victims' Law has been extremely slow, and even the vast majority of those who receive restitution are not able to return safely to their lands, as the structures that caused displacement in the first place remain intact (see Human Rights Watch's [*The Risk of Returning Home*](#) and Latin America Working Group's [*Far from the Promised Land*](#)). Land titling of Afro-Colombian and indigenous communities is also proceeding at a snail's pace. For example, President Obama demonstrated support for titling Afro-Colombian lands as he joined a ceremony with President Santos to hand out two land titles during the Summit of the Americas in Cartagena in April 2012. Since that time, not a single one of the other 25 Afro-Colombian communities in and around Cartagena has received its land title.

Land restitution cannot take place safely without more decisive action by the Colombian government to address the sources of violence from all armed actors—including paramilitaries, guerrillas and the armed forces—that caused people to flee their homes in the first place. It is especially crucial to dismantle the illegal paramilitary successor groups that still wage violence in the countryside, as well as to investigate and prosecute those members of the army, police, local government, landowners and companies that aid or employ them. The Colombian government should also ramp up legal services and protection for victims, and increase protection for land judges.

Colombia is still experiencing a human rights crisis. But if a peace accord is finalized in the near future, and if the Colombian government increases its attention to these human rights and labor rights issues, there is a real chance that Colombians, including those caught for decades in the crossfire of one of the world's most brutal conflicts, can live their lives in peace.