

# THE CHALLENGES OF COOPERATION

THE EUROPEAN UNION'S ENGAGEMENT IN HUMAN  
RIGHTS IN COLOMBIA: 2012 TO 2019

---

PREPARED BY  
NICHOLAS BEAUMONT, SARA CAMPOS, ALEJANDRA ESCOBAR BRAVO, SASKIA  
HUGHES, MARIA CRISTINA OREAMUNO, NICOLAS PRICE

*This independent study was conducted by the above-mentioned master's students while enrolled at University College London's Institute of the Americas. The views, thoughts, and opinions expressed in this study are the authors' own, and do not necessarily reflect the views of the university or the Institute.*

# TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY</b>	<b>1</b>
<b>LIST OF ABBREVIATIONS</b>	<b>2</b>
<b>I. INTRODUCTION</b>	<b>4</b>
<i>Methodology</i>	<b>6</b>
<b>II. THE HUMAN RIGHTS SITUATION IN COLOMBIA SINCE 2012</b>	<b>7</b>
<i>Rural Reform and Land-Related Issues</i>	<b>9</b>
<i>Demobilisation, Disarmament &amp; Reintegration</i>	<b>10</b>
<i>Women's Rights</i>	<b>12</b>
<i>Indigenous Peoples &amp; Minority Rights</i>	<b>14</b>
<i>Rights to Food, Health &amp; Education</i>	<b>16</b>
<i>Assessment</i>	<b>17</b>
<b>III. THE EU IN COLOMBIA: ASSESSMENT OF ITS SUPPORT FOR HUMAN RIGHTS</b>	<b>18</b>
<i>The EU's Policy Toolbox: Human Rights</i>	<b>19</b>
<i>Assessment Criteria</i>	<b>21</b>
<i>The EU in Colombia</i>	<b>22</b>
<i>The FTA &amp; Peace Negotiations</i>	<b>23</b>
<i>Peace Agreement &amp; Post-Conflict Engagement</i>	<b>26</b>
<i>Recent Challenges</i>	<b>28</b>
<i>Assessment</i>	<b>31</b>
<b>IV. GENERAL RECOMMENDATIONS</b>	<b>33</b>
<b>BIBLIOGRAPHY</b>	<b>38</b>
<b>LIST OF INTERVIEWEES</b>	<b>44</b>



# EXECUTIVE SUMMARY

Colombia currently finds itself at a historical crossroads: three years after the signing of a landmark Peace Agreement (PA) with the Fuerzas Armadas Revolucionarias de Colombia - Ejército del Pueblo (FARC-EP), the human rights situation in the country remains precarious. While significant progress has been made in the implementation of the peace agreement, important challenges remain. The European Union (EU), as one of Colombia's most reliable allies and a key actor in the peace negotiations, has invested heavily in the promotion of human rights in the country. This study provides an in-depth analysis of the human rights situation in Colombia and the EU's engagement with the country since 2012, primarily but not exclusively in the context of the implementation of the PA.

The period following the signing of the peace agreement has been marked by numerous positive steps. Important advances have been made in the implementation of key provisions of the PA, including the incorporation to civilian life of thousands of ex-combatants and the transformation of FARC-EP into a political party. In the wake of the signing of the PA in 2016, furthermore, the EU undertook an important leadership role by publicly and consistently reaffirming its commitment to the PA. The establishment of an EU trust fund provided both financial support and public legitimacy to projects meant to preserve the peace and protect human rights.

The human rights situation in Colombia, however, remains fragile. The slow pace of implementation of key provisions of the PA, namely rural land reform and land restitution programs for Internally Displaced People (IDPs), has greatly undermined its legitimacy. Furthermore, there continues to be blatant human rights violations against vulnerable groups such as women, indigenous peoples, and human rights defenders (HRDs). These challenges are exacerbated by pervasive structural inequalities, the rapid influx of over one million refugees from Venezuela, and the ongoing military confrontation with the Ejército de Liberación Nacional (ELN)

With that said, even though there are few signs that the EU's commitment to Colombia in this defining period will diminish soon, their relationship has not been without its challenges. There is internal uncertainty with regard to the EU's continued presence and support, as well as concerns with the Duque government's commitment to the PA and with the worsening Venezuelan crisis.

On the basis of the analysis of the human rights situation in Colombia and the EU's engagement over the last seven years, this study offers a series of recommendations aimed at enhancing the EU's involvement in human rights matters:

- First, the EU should adopt a robust and proactive stance against two of the PA's biggest challenges: political indifference, at times bordering on outright hostility, by the current Colombian government, and the weak implementation of provisions relating to human rights monitoring.
- Second, in response to ongoing targeting of human rights defenders (HRDs) in Colombia, the EU should consider nominating HRDs for the Sakharov Prize in order to highlight their contributions to the preservation of peace in the country.
- Third, the EU needs to develop and implement a more stringent monitoring policy to ensure that European companies operating on Colombian soil are respecting the human rights provisions included in the Free Trade Agreement (FTA) between the EU and Colombia, for example via a mandatory reporting system.
- Fourth, the EU should take proactive steps towards strengthening its relationships with the various actors involved in upholding the respect for human rights. This could be done, for example, by streamlining the application process for NGOs looking to receive EU funds, or by committing to holding annual Human Rights Dialogues that involve civil society, government, and international actors.

# LIST OF ABBREVIATIONS

ARN	Agencia para la Reincorporación y la Normalización
CNR	Consejo Nacional de Reincorporación
CRPL	Center for Reproductive Law and Policy
DCI	Development Cooperation Instrument
DG DEVCO	Directorate-General for International Cooperation and Development
DG ECHO	DG for European Civil Protection and Humanitarian Aid Operations
DDR	Demobilisation, Disarmament and Reintegration
DROI	European Parliament Subcommittee on Human Rights
ECOMUN	Economías Sociales del Común
ECTR	Espacios Territoriales de Capacitación y Reincorporación
EEAS	European External Action Service
EIB	European Investment Bank
EIDHR	European Instrument for Democracy and Human Rights
ELN	Ejército de Liberación Nacional
ENSIN	Encuesta Nacional de Situación Nutricional
EP	European Parliament
ESCR	Economic, Social and Cultural Rights
EU	European Union
EUTF	European Union Trust Fund for Colombia
FARC-EP	Fuerzas Armadas Revolucionarias de Colombia - Ejército del Pueblo
FTA	Free Trade Agreement
GBV	Gender-Based Violence
GSDR	Governance and Social Development Resource Centre
GSP	Generalised Scheme of Preferences
HRD	Human Rights Defender
HR/VP	High Representative of the Union for Foreign Affairs and Security Policy
IACHR	Inter-American Commission on Human Rights
IACtHR	Inter-American Court of Human Rights
ICC	International Criminal Court
IcSP	Instrument contributing to Stability and Peace
ICTJ	The International Center for Transitional Justice
IDP	Internally Displaced People
ILO	International Labour Organisation
INTA	European Parliament Subcommittee on International Trade
JEP	Jurisdicción Especial para la Paz
MIP	Multiannual Indicative Programme
NCSG	National Commission of Security Guarantees
OAS	Organisation of American States
OHCHR	United Nations Human Rights Council
OMCT	World Organisation Against Torture
PA	Peace Agreement
PTN	Puntos Transitorios de Normalización
UN	United Nations
UNDP	United Nations Development Program
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNMPTF	United Nations Multi-Partner Trust Fund
UNHCR	United Nations High Commissioner for Refugees
UNHRC	United Nations Human Rights Council
UNSC	United Nations Security Council
ZVTN	Zonas Veredales Transitorias de Normalización

# I. INTRODUCTION

*The Colombian conflict, over sixty years long, has led to systematic human rights violations in the country, with almost 9 million recognised victims of murders, kidnappings, forced disappearances and internal displacement of hundreds of thousands of people.*

This study presents an overview of the central human rights trends in Colombia between 2012 and 2019, and assesses the EU's engagement with Colombia on human rights matters. The analysis is reinforced with key recommendations that aim to contribute to EU/Colombia cooperation in the promotion and safeguarding of human rights.

The period assessed has been marked by two major events: firstly the Free Trade Agreement (FTA) between the EU and Colombia, signed in 2013, and secondly the peace negotiations between the Colombian government and FARC-EP, which culminated in a peace agreement (PA) signed in 2016.

The Colombian conflict, over sixty years long, has led to systematic human rights violations in the country, with almost 9 million recognised victims of murders, kidnappings, forced disappearances and internal displacement of hundreds of thousands of people (Victims Unit Colombia, 2018).

In 2011, President Juan Manuel Santos' government officially recognised the existence of an internal armed conflict in Colombia through the Victims and Land Restitution Law (Law 1448 of 2011), paving the way for a renewed attempt at negotiating peace.

In 2012, the government engaged in preliminary talks with Colombia's oldest and largest guerrilla, FARC-EP, to set a discussion agenda.

The government representatives and FARC-EP leaders negotiated six key points: rural reform, political participation, the end of the conflict, illegal drugs, victims, and public endorsement mechanisms.

After four years of negotiations, on 26 September 2016, President Santos and the FARC-EP leader, Rodrigo Londoño "Timochenko", signed the "Final Peace Agreement for the End of the Armed Conflict to Build a Stable and Lasting Peace", including a Bilateral Ceasefire Agreement (Acuerdos sobre Cese al Fuego y de Hostilidades Bilateral y Definitivo) and Laying Down of Arms (Dejación de Armas).

The PA between Colombia and FARC-EP is a milestone in the country's history that has deeply impacted the politics of human rights by focusing on key issues that are both directly and indirectly linked to the conflict. It contains provisions dealing with demobilisation, victims' reparations, protection of social leaders, and addresses ingrained structural inequalities that have worsened the conflict's impact on the Colombian people. This latter category of initiatives includes: rural reform, access to education and health services and the rights of indigenous people.

Although the study focuses on the potentially far-reaching consequences of the PA on human rights, it should be noted that many human rights violations lie beyond the scope of the Colombian conflict.

The EU has been actively supporting Colombia for almost 20 years, providing over €1.5 billion in aid mainly aimed at addressing the underlying causes of the armed conflict (EEAS, 2018a). This large-scale engagement reflects the depth of foreign policy tools at its disposal to help promote and protect human rights: public policy statements and parliamentary resolutions, financial and material support, and sponsorship of programs and Non-Governmental Organisation (NGO) led projects.

The EU has also sought to improve its economic relationship with Colombia, an effort that culminated in the 2013 signing of the FTA. These two policy dimensions, the promotion of human rights and the pursuit of stronger trade relations, are the two main pillars that define the EU's relationship with Colombia examined in this study.

The EU played a key role in the Colombian peace negotiations as an observer, and is currently in charge of supporting three key components of the PA: rural reform, reintegration of former guerrilla members, and the formation of a Special Investigative Unit. Shortly after the signing of the PA, the EU reiterated its support for the peace process and in 2016 launched its flagship aid scheme, the EU Trust Fund for Colombia (EUTF), which has simultaneously directed international attention to the conflict and provided significant funds towards maintaining the peace.

The EU's continued engagement in Colombia also has a strong economic dimension. There are clear tensions between the promotion and active involvement in the safeguarding of human rights.

The implementation of an FTA can be considered as controversial in a country that continues to be plagued by serious violations of labour and environmental rights, and illegal employment, by both Colombian and foreign companies (TNI, 2016; Zygierewicz, 2018).

There are added challenges to this, namely the 2018 election of President Iván Duque, whose party took a public stand against the PA in the lead-up to the 2016 referendum. Several interviewees for this study expressed their concern for the current government's lack of commitment to the implementation of the PA. It is important to note that during the writing of this study the situation regarding the killings of social leaders and HRDs has deteriorated.

The most recent report by Somos Defensores (2019) states that '2018 was, without a doubt, the worst year for defenders.' There were '805 cases of violence, including 155 murders, which means an increase in attacks of 43.75% in relation to 2017' (Somos Defensores, 2019, p. 41). These very worrying trends reflect an alarming situation for social leaders in Colombia, and as such should be a priority issue for the Colombian government.

This study identifies advances, challenges, and potential areas of improvement in Colombia's human rights situation, whilst taking into consideration the multiplicity of actors and interests involved. Ultimately then, the relevance of this study lies in the conviction that human rights progress in Colombia would significantly benefit the country's democracy, and consequently the quality of life of the Colombian people.

***The EU played a key role in the Colombian peace negotiations as an observer, and is currently in charge of supporting three key components of the PA: rural reform, reintegration of former guerrilla members, and the formation of a Special Investigative Unit***

# METHODOLOGY

*The authors share the normative commitment of the Colombian peace agreement that human rights are central to the pursuit of peace...*

The research for this study consists of extensive document analysis, namely of policy briefs, NGO reports, government statements, parliamentary debates, and academic papers, as well as regular monitoring of relevant media reports.

Additionally, it is supplemented with interviews and email exchanges with representatives of Colombian NGOs, think tanks, human rights activists, and government officials from Colombia and the EU conducted in May 2019.

This investigation identifies major human rights trends in Colombia over the period 2012-2019 (primarily, although not exclusively) in the context of the PA. Some human rights areas, such as the Venezuelan crisis and subsequent mass migration to Colombia, are unrelated to the PA but still relevant in the context addressed and as such are included in the study. It also aims to analyse the EU's engagement with Colombia's human rights situation and formulate recommendations.

The study is divided into three main sections. The first offers a general overview of the human rights trends in Colombia over the period 2012-2019. Divided into six sub-sections, the first section analyses five areas of concern:

- Rural reform and land-related issues
- Demobilisation, disarmament and reintegration
- Women's rights
- The rights of indigenous peoples and minorities
- Rights to food, health, and education

The second section outlines the EU's foreign policy toolbox for the promotion of human rights, the criteria that will provide the basis for the assessment of the EU's engagement in Colombia, and a detailed account of the EU's use of said toolbox in human rights matters in Colombia over the last ten years.

The third and final section offers a synthesis of the first two sections and offers a series of recommendations with the aim of enhancing the EU's engagement in the country.

*... and consider that human rights are **indivisible, interdependent, and interrelated**. The study recognises their crucial place in the formation of a lasting peace and the respect for the rule of law.*



## II. THE HUMAN RIGHTS SITUATION IN COLOMBIA SINCE 2012

This section provides an overview of Colombia's human rights trends since 2012. The country has been marked by continuous violence and a long lasting internal armed conflict since the beginning of the 20th century. Despite the 2016 PA, the human rights situation continues to be challenging (Interviews 2, 3, 4 and 5). The lack of coordination and resources allocation among the government's institutions has hindered the complete implementation of the PA (CINEP, 2018, p.8; Kroc Institute, 2018, p. 57).

The persistence of armed conflict, with other illegal groups and the upsurge of paramilitaries, remains a pressing priority in the country's agenda (Amnesty International, 2018; Somos Defensores, 2019). Furthermore, other structural human rights issues like minorities' rights, as well as high levels of poverty and the systematic murders of HRDs, have not been adequately addressed by the government (Amnesty International, 2018).

A key point of the PA is rural reform which aims to solve the country's persistent problem of unequal land distribution and systematised rural poverty. In 2011, legislation was introduced to put in place land restitution programs, in order to restore the land rights of internally displaced persons (IDPs). However, the implementation of these programs has been characterised by high levels of violence against social leaders and a lack of institutional coordination and corporate land interests. In addition, the rural reform

component of the PA is the least developed to date, which suggests a distinct lack of government commitment to this cause.

Official reports and evaluations highlight the various achievements attained through the Demobilisation, Disarmament and Reintegration (DDR) strategy and emphasise the positive impacts it has had for many civilians. Significant progress has been registered within normative, legal and institutional dimensions of both disarmament and demobilisation stages. However, the reintegration process has been slow and is jeopardising the human rights situation in the country.

The National Policy for Reintegration, a crucial legal guarantee for all civilians affected by the reintegration process, has finally been adopted by the Colombian government. Nonetheless, its implementation is at a stalemate and impeding the provision of a clear long-term horizon to ex-combatant, their families and those affected by the conflict.

Government officials lack a long-term strategy; their understanding of ex-combatants' specific needs is limited. The establishment of policies taking into account social and geographical factors is weak, which affects the entire process' sustainability and viability.

Women's rights in Colombia have generally seen very little improvement since 2012. Gender-based

*The reintegration process has been slow and is jeopardising the human rights situation in the country.*

violence, attributed to hetero-patriarchal beliefs, continues to be widespread, whilst underreporting and impunity for this violence is still the norm despite the explicit gender perspective of the PA.

Reproductive rights are still an area for concern, especially access to safe abortions for women and girls in rural areas. Conflict-related sexual violence has more acutely affected internally-displaced women and women in rural areas. Another area of concern is the general increase of killings of human rights defenders and social leaders, many of whom are women. These women are at more risk because of the fact they are women, and are vulnerable to sexual violence and gender-based aggression.

In addition to this, ethnic minorities have not only been particularly affected by the conflict but also by a systematic abandonment from the Colombian state. Despite the recognition of their self-determination, minorities' rights continue to be jeopardised by the development of agribusiness and mining projects that have negatively impacted their ancestral rights to land and survival.

Moreover, minorities continue to experience extreme poverty conditions, including malnutrition and no safe drinking water. Although they are included in the PA through a special ethnic component, indigenous and Afro-descendant communities continue to be excluded from government decisions.

Access to food, health and education have notably improved in the period under discussion, however access is systematically affected by the high levels of inequality in Colombia. Food security in Colombia is especially affected by inequality, and rural areas continue to be the ones more affected by food insecurity.

Education in Colombia is marked by a highly uneven development in terms of coverage and quality. Despite health coverage expanding, significantly marginalised populations continue to have no access to health services. **In short, while some progress has been achieved in the human rights situation in Colombia, serious concerns exist.**

These areas of concern are not solely linked to the wide reaching consequences of the armed conflict and the PA as a thorough evaluation of the human rights situation in Colombia includes issues not directly affected by the status of the PA.

Taking this into consideration, as well as the general trends outlined at the outset of this study, we call attention to five major areas of concern:

- Rural reform and land related issues;
- Disarmament, Demobilisation and Reintegration
- Women's rights
- Indigenous and minority rights
- Socio-economic rights.

*Another area of concern is the general increase of killings of human rights defenders and social leaders, many of whom are women.*

# RURAL REFORM & LAND RELATED ISSUES

Unequal land access and distribution have characterised Colombia's history and development throughout time. This inevitably limited its use as a source of livelihood for rural communities (Berry, 2017). To date, the country still faces high rates of land concentration and systematised poverty within rural communities (Berry, 2017). In this context, land has been at the core of the armed conflict and the PA as one of the FARC-EP key demands (McKay, 2018).

In 2018, the National Ombudsman Office reported that 46 percent of the rural population continues to live under conditions of poverty. Although the access and use of land has not yet been recognised as a human right per se, the UN Human Rights Council considers these as vital guarantees for adequate living standards and the enjoyment of socio-economic rights of rural populations (Amnesty International, 2015). In the case of Colombia, the numerous attempts of rural reforms aimed to redistribute land have been defined by their limited success.

**Land is a crucial resource.** More than 6 million forcibly displaced citizens have been obliged to abandon almost 8 million hectares of land (Amnesty International, 2015). The handling of issues pertaining to land has not been consistently addressed; as evidenced by the decreasing trend in the number of claims accepted by the Land Restitution Unit since its peak in 2013 (Victims Unit Colombia, 2019). The NGO Forjando Futuros shows that the Colombian government has only effectively addressed 6.389 cases of restitution, representing only 2.3 percent of the 2011 goal (Forjando Futuros, 2018).

Similarly, the 2018 Forjando Futuro report indicates that the Land Restitution Unit has rejected approximately 63 percent of the claims, limiting the scope of restitution programs.

Through the public recognition of the armed conflict in Law 1448 of 2011, the Colombian state acknowledged the need for legal mechanisms to address land reparations. **However, the effect has been negligible.**

The Victims and Land Restitution law is intended to restore land rights both to communities forced to abandon their properties and to those without legal rights over their land due to the a weak or absent presence of institutional and state representation in remote areas.

Seven years after the implementation of the law, Amnesty International (2015), Oxfam (2017), Human Rights Watch (2019) and Fundación Forjando Futuros (2018) report that the process has been ineffective. **Only a small portion of land has been legalised and returned to its rightful owners.**

Given that one of FARC-EP's main demands was the need for a new rural reform, the PA focuses on the development of an integral rural reform, aiming to reinforce the current restitution process but also to update the current land registry and establish a Land Fund.

The agreement highlights access to land as a requirement for Colombia to overcome inequality and to enjoy other fundamental socio-economic rights like food, health and education.

However, according to the 2018 Kroc Institute report, the actual implementation of the commitments related to the development of the Integral rural reform is also slow, experiencing the same difficulties as the 1448 Law.

In fact, based on the quantitative methodology developed by the Kroc Institute report, it is the least developed component of the PA, with 50 percent of the stipulations showing no advances and 38 percent making a minimal advance (Kroc Institute, 2018).

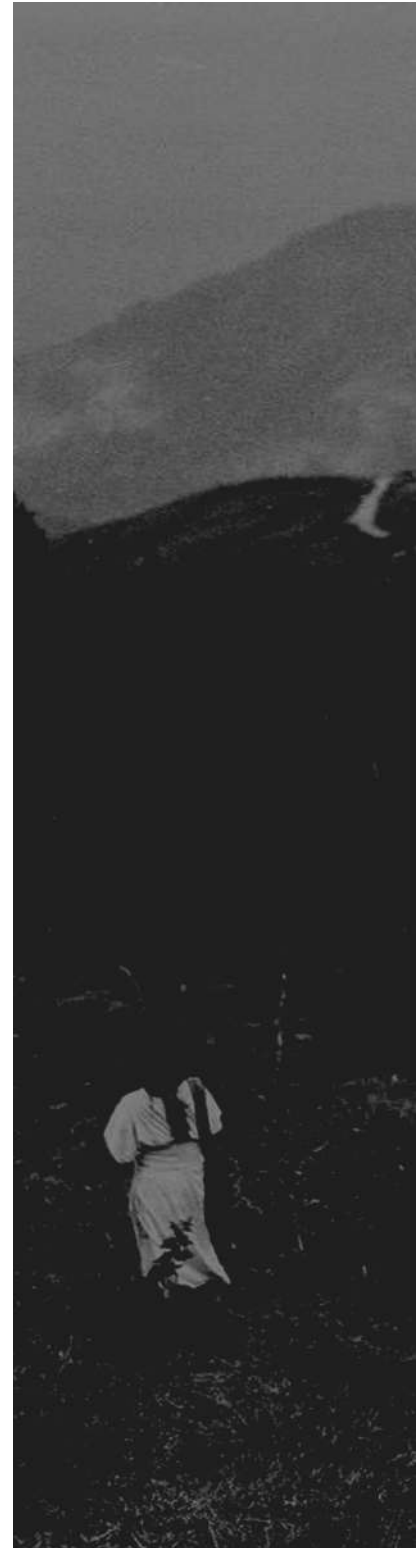
**Both the “Victims and Land Restitution Law” and the Integral rural reform have been acutely affected by the current government’s position on the PA.**

Numerous interviewees revealed that the lack of government support for the latter policies has brought the initiative to a standstill.

Furthermore, continuous lobby by landowners and agribusiness unions has further undermined the scope of the programs, complicating the legal procedures for restitution (Oxfam, 2017). The harassment and murder of social leaders leading land restitution claims in former conflicted territories has hindered the processes of the Land Restitution Unit by discouraging people from pursuing land claims.

**Leaders of land restitution processes are among the most targeted victims of new paramilitary groups.**

The lack of state capacity and presence in crucial parts of the territory has enabled new illegal armed actors to claim territories formerly controlled by FARC-EP. Amnesty International (2015) reports that of the 116,000 claims presented fewer than 3 percent of them are processed by the court system.



# DEMOBILISATION DISARMAMENT & REINTEGRATION

The armed conflict between the Colombian government, FARC-EP and other armed groups has displaced more than 7.7 million Colombians (Human Rights Watch, 2017). The conflict has not only affected people's livelihoods but has also facilitated the violation of their rights as civilians.

Within this context, the Colombian DDR process was established, promoting the implementation of legal frameworks to guarantee fundamental socio-economic rights to former combatants and, to a certain degree, their safe reintroduction into civilian life. Capone (2018, p. 5) states that **"80 percent of the FARC-EP members are illiterate and/or have never finished school"**, illustrating the importance and complexity of the reintegration process.

The DDR process (points 3 to 6 in the PA), is articulated by different state entities; the Agencia para la Reincorporación y la Normalización (ARN) and Consejo Nacional de Reincorporación (CNR) are responsible for its implementation, follow up and evaluation. The effective incorporation of the DDR process is essential to the resolution of the conflict. According to the Kroc Institute (2018, p. 8), the application of the PA is progressing: "as of May 31, 2018 [...] main achievements include the ceasefire, cantonment and laying down of arms processes, early reincorporation, and the FARC-EP's transition to a political party".

However, these accomplishments mainly concern early stages of the process, which exclusively involve technical and logistical aspects of the demobilisation and disarmament.

**The most crucial challenge still remains the successful reintegration of those affected by the conflict.**

In this regard, the UN's Secretary General report (UNSC, 2018) depicts a slow, stagnant and unsettled progress that could potentially aggravate the situation and jeopardise the PA. Multiple DDR missions have proven to be problematic, particularly the deployment of vital security measures to protect ex-combatants, social leaders and their reintegration into civilian life.

Furthermore, **one of the main characteristics of the DDR process is the delimitation of physical space throughout the country.**

The Zonas Veredales Transitorias de Normalización (ZVTN), Puntos Transitorios de Normalización (PTN) and Espacios Territoriales De Capacitación Y Reincorporación (ECTR), facilitate the creation of areas where those affected by the conflict are reintroduced into civilian life.

The ZVTNs, PTNs and ECTRs promote the establishment of sustainable socio-economic and political rights by providing essential guarantees: a basic income together with a single cash transfer of 2 million Colombian pesos (approximately five-hundred and seventy euros) per person, the legalisation and formalisation of civilians (e.g. creation of identity cards), education through the development of a pedagogy of peace, access to health and social security, social programs and funding of projects.

However, the UN's Secretary General report (UNSC, 2018, p. 6) points out that only six out of twenty-four ECTRs "have satisfactory levels of services, security and economic activity" whereas the remaining areas have either "less than satisfactory conditions or face moderate levels of risk, [or] are assessed as inadequate". To further illustrate this, the UN's Secretary General report (UNSC, 2018, p. 6) states that the closing of a specific ECTR in April 2018 "without considering all the ramifications, had a very negative impact on the reintegration and security of former combatants".

Whilst the creation of the ZVTNs, PTNs and ECTRs have allowed the census and monitoring of ex-combatants and people affected by the conflict, there are still a number of unresolved challenges faced by these areas. The deployment of security guarantees for all civilians is weak, and the provision of health and education to all areas is equally limited, especially in enclaved and remote areas with difficult access and sparse population.

The financing of specific projects for community empowerment also remains problematic. Although a special program denominated Economías Sociales del Común (ECOMUN) was established to increase levels of integration and resilience (Point 3.6.6.2 of the PA), numerous assessments of the reintegration process depict an ineffective program especially with regards to land access. The Kroc Institute (2018, p. 35) stresses that there is "lack of access to land for reincorporation projects with an agricultural focus", and a UN Secretary General report (UNSC, 2018, p. 7) emphasises that "access to land goes to the heart of effective reintegration".

On the other hand, the ZVTNs, PTNs, ECTRs are limited to people that live within these areas, which poses an issue with regards to those located outside of these zones, such as civilians that live in urban areas or in rural areas not covered by those services. A UN Secretary General report (UNSC, 2018, p. 6 - 9) emphasises that "significant challenges remain [...] in the process of reintegration outside the territorial areas for training and reintegration, many of which are in areas with a strong presence of illegal armed groups and criminal organisations."

**It is crucial to highlight that former combatants are extremely vulnerable in this situation.**

They could potentially be enticed to join other active paramilitary groups, return to illegality and armed conflict, due to the government's inability to implement sustainable and viable long-term alternatives for a successful reintegration into civilian life.

Moreover, according to the Kroc Institute report (2018), only seven of twenty-three stipulations on economic and social reincorporation have been fully implemented so far, and concerns have been raised regarding the effective deployment of judicial guarantees for former combatants. Indeed, the National Policy for Reincorporation has finally been approved after suffering many delays, which led to the partial implementation of the Jurisdicción Especial para la Paz (JEP) for reparation. This is a fundamental aspect of the peace process since it aims to provide former fighters reliable judicial protection, together with legal and normative guarantees.

However, a UN Secretary General Report (UNSC, 2018, p. 8) notes that "a number of actions during the reporting period are contributing to a growing sense of legal uncertainty on the part of former FARC-EP members [...]. There have been several instances of imprisonment of former FARC-EP members owing to the absence of a prompt definition of their legal situation".

**The PA implementation has been slow and is putting in jeopardy the human rights situation in Colombia.** Most advances have been made within broad normative and institutional aspects, through the creation of National Policy for Reincorporation and the establishment of institutions such as the ARN in charge of the implementation of the DDR strategy.

Nonetheless, there are still major issues impacting the implementation process and threatening people's lives. Weak and unstable government presence in many ZVTNs impacts civilians' reintegration, and **reinforces mistrust towards state capacity and commitment to the PA.**

Reincorporating politically, socially and economically ex-combatants is a complex process that needs to be consistent throughout time; **government officials lack a consistent long-term strategy that incorporates specific needs of ex-combatants**, as well as social and geographical factors for a viable peace process.

# WOMEN'S RIGHTS

According to Human Rights Watch, "gender-based violence (GBV) is widespread in Colombia" (Human Rights Watch, 2013, 2019). Domestic violence, including physical, emotional and economic abuse, is still considered a private issue in Colombia. The Center for Reproductive Law and Policy (CRPL) states that the Colombian government introduced Law No. 294 in 1996, "whose objective is to penalise and provide a remedy for domestic violence. Congress also ratified the Inter-American Convention on the Prevention, Sanction and Eradication of Violence Against Women" (CRPL, 1996, p. 19).

The UN Declaration on the Elimination of Violence against Women of 1993 makes it very clear that the state holds an obligation to prevent all forms of violence from occurring, and to put measures into place that ensure women do not experience GBV. In Article 4, it clearly states that, the state must "adopt measures directed towards the elimination of violence against women who are especially vulnerable to violence" (OHCHR, 1993, p. 2).

The International Center for Transitional Justice (ICTJ) states that "discussions of Sexual GBV often leave out the role that gender norms play in the perpetuation of human rights abuses." In Colombia, this is very important because **violence often occurs when people deviate from these traditional gender norms** (ICTJ, 2018). Resources for post-violence care and support are also not sufficient for victims.

The total ban on abortion under all circumstances was lifted in 2006, making it legal for women to have abortions in cases where the life of the mother is at risk, when the fetus will not survive, or if a pregnancy is the result of rape. However, **many women in Colombia face barriers to legal abortions, and seek other methods to abort unwanted pregnancies that do not fall into the legal categories for abortion.**

Furthermore, women face very long queues and shortages of doctors willing to perform the procedure. This deprives many women, especially from rural areas, of the basic right to abortion. A report by the Guttmacher Institute states that one third of all abortions that are carried out clandestinely result in complications. The report also says that "each year, the Colombian health system treats 93,000 women for post-abortion complications, and these avoidable complications drain scarce medical resources" (Guttmacher Institute, 2011, p. 7).

The high level of inequality in the access to safe and reliable reproductive healthcare in the country is increased as roughly one fifth of the women who experience complications from unsafe abortions will not seek medical care resulting in life-long consequences (Guttmacher Institute, 2011). Most of the healthcare is provided by a private institution, Profamilia. In 2017 the organisation carried out 10,514 voluntary abortions to women who could afford to pay for them, which exacerbates the structural inequality of the accessibility of safe abortions (Statista, 2019).

Colombia's armed conflict has directly and disproportionately affected women in specific ways. A 2013 report by ABColombia states that **"in Colombia, a distinctive use for sexual violence against women is also prevalent, that of exercising social and territorial control"** (ABColombia, 2013, p. 1). A United Nations High Commissioner for Refugees (UNHCR) study in 2004 revealed that internally displaced women in Colombia are "particularly vulnerable" to forms of violence as 52.3 percent of IDPs have experienced violence compared to 41.1 percent of non-IDPs. The report also "underlines a clear lack of public policies favouring women in general and displaced women in particular, especially on crucial issues such as sexual and reproductive health and domestic violence and abuse" (UNHCR, 2004).

A 2019 ABColombia report states that "according to the Colombian Constitutional Court Auto 092 of 2008, the internal armed conflict exacerbated pre-existing sexual and gender-based violence, as well as structural patterns of discrimination and exclusion" (ABColombia, 2019, p. 16).

A large number of IDPs are women and "of the more than 5 million forcibly displaced persons, at the national level, 50.5 percent are women, 24.3 percent are female headed households and 49.6 percent are younger than 18 years" (AWID, 2011). In 2008, Auto 092 was introduced, which acknowledged the "explicit link between displacement and sexual violence." It also acknowledged officially that the conflict was having a disproportionately negative effect on women and girls.

**Impunity for sexual violence is widespread.**

The World Organisation Against Torture (OMCT) states that despite the various different types of discrimination and violence against women that occur "the State is under an international obligation to investigate, prosecute and punish such violence with due diligence" (OMCT, 2004, p. 166).

There are some major structural reasons for the high levels of impunity, "including an overburdened and inefficient judicial system, patriarchal attitudes, high levels of corruption, and intimidation and violence against judges, lawyers and witnesses" (ABColombia, 2013, p. 15). The lack of trust in any fair criminal process then causes massive numbers of underreporting for sexual crimes.

Justice for conflict-related sexual violence, and other crimes committed against women during the conflict, is an important aspect of the Peace Accord.

The specific experiences of women in Colombia have been recognised by the implementation of a gender focus in the peace agreement and the appointment of a Gender Task Force which will be responsible for investigating gender-based crimes committed during the conflict (ABColombia, 2019, p. 20).

**Structural inequalities within the country mean that women and girls living in poverty and rural areas of the country are more vulnerable to GBV and conflict-related sexual violence.**

The regionalisation of the armed conflict has had a huge impact on indigenous and Afro-descendant women, and existing structural racism in the country has been exacerbated during the conflict (ABColombia, 2019, p. 20). Forced displacement has disproportionately affected people in rural areas of Colombia and is a very violent process in which rape and sexual violence is commonplace.

The situation for women HRD has become more dangerous. There was an increase in threats against and killings of women HRD between 2014 and 2016, coinciding with the peace negotiations, and there has been an overall escalation of violence against social leaders in 2018 (OMCT, 2018a, p. 20).



# INDIGENOUS PEOPLE & MINORITY RIGHTS

Indigenous and Afro-descendant communities have been particularly impacted by the armed conflict. Land misappropriation and concentration, has marginalised them and affected negatively their access to rights (McKay, 2018). In 1991, Colombia ratified the International Labour Organisation (ILO) Convention 169, recognising the rights of indigenous peoples and the obligation to respect and protect them. This led to the inclusion of the Convention in the 1991 Colombian Constitution (McKay, 2018).

Despite these normative advances, **indigenous and Afro-descendant communities continue to be highly discriminated and vulnerable** (McKay, 2018). According to the last official census, indigenous communities (1.4 million people, of which 70 percent live in officially recognised reserves) and the more than 4 million Afro-descendants continue to suffer from high levels of extreme poverty (DANE, 2007).

In 2016, 51 children belonging to the Wayuu indigenous tribe died due to malnutrition and limited access to water (Human Rights Watch, 2017). In 2017 at least 24 children, the majority belonging to the Wayuu indigenous communities, died (Human Rights Watch, 2018). This issue has already been brought to the attention of the Colombian government by the Inter-American Commission on Human Rights (IACHR) in 2015, requesting them to take measures to curb these deaths.

**Improvements have been negligible**, as these situations are plagued with logistical complications due to the isolation of the communities, weak institutional capacity and in some cases unwillingness of the state to act (Interview 2).

In relation to the armed conflict, minorities have been historically affected by violence, displacement and threats that have impacted the survival of tribes like the Awa people (OHCHR, 2018). Therefore, the PA recognised the importance of including an ethnic component to the implementation of peace initiatives in order to guarantee the rights of the indigenous and Afro-descendant communities and their constitutional right for self-determination.

In the point 6.1 “Ethnic Subcomponent”, the agreement establishes 13 stipulations aimed to address reparation to victims and recognition of indigenous autonomy and the right for prior consultation. A Special High Level Forum with Ethnic Peoples was recently created in order to monitor the implementation of peace initiatives but no dialogue has been formally established with the Implementation, Monitoring and Verification of the Final Peace Agreement Commission, reflecting the lack of institutional coordination (Kroc Institute, 2018).

Additionally, according to the Kroc Institute, most of the stipulations have not yet been developed by the government, including the process of prior consultation for the development of transition and disarmament zones, leaving the ethnic minorities marginalised from decisions that directly affect them.

**Another significant issue faced by ethnic minorities in Colombia is the emergence of high-scale mining, agro-industrial, oil and gas projects located in their territories.** In 2017, for example, there were more than 140 processes, creating in some cases conflicts between the ancestral rights to the land and the State (National Ombudsman Office, 2017).

***Indigenous and Afro-descendant communities have been particularly impacted by the armed conflict.***

**5.4**

MILLION

Indigenous and Afro-descendants people continue to suffer from high levels of extreme poverty in Colombia (DANE, 2007).

In addition, **the emergence of illegal mining projects near these territories has also increased the death threats and murders of indigenous leaders.** The rise in the interest of land for industrial purposes has also impacted the legal recognition of indigenous and Afro-descendant territories.

By the end of 2018, only seven indigenous reserves (resguardos) and only one Afro-descendant collective land have been legalised by the Colombian State, affecting the implementation of their right to self-determination (Forjando Futuros, 2018).

**75**

WAYUU CHILDREN

Died between 2016 and 2017 due to malnutrition and limited access to water (Human Rights Watch, 2017).

**70%**

INDIGENOUS PEOPLE

Live in officially recognised reserves

---

*"The rise in the interest of land for industrial purposes has also impacted the legal recognition of indigenous and Afro-descendant territories"*

# RIGHTS TO FOOD HEALTH & EDUCATION

Access to food, education and health in Colombia has improved significantly in the last few years (OECD, 2016; Duarte, Bos and Moreno, 2012; World Food Programme, 2017). However, access is profoundly affected by Colombia's staggering inequality levels (El Tiempo, 2014). Access to food in Colombia has improved noticeably; the prevalence of undernourishment has steadily declined (World Food Programme, 2017). However, the World Food Programme (2018) reports that in Colombia, 31 percent of children between 6-59 months suffered from chronic malnutrition. Acción Contra el Hambre makes special notice of "invisible hunger" referring to the high incidence of cyclical anemia observed in rural Colombia that hinders development in children.

Currently, the most noticeable challenge is the inequality that has come to define food security in Colombia. As reported by the Ministerio de Salud (2015) in their Encuesta Nacional de Situación Nutricional (ENSIN) **54 percent of Colombians, particularly rural populations, are affected by food insecurity.** Acción Contra el Hambre indicated that they identified state institutions as lacking institutional capacity and or willingness to be actively involved regarding these issues given the geographical and logistical difficulties that define these rural communities.

In recent years, there has been important progress in basic education in Colombia, both in terms of coverage, which has increased in all school levels, and quality, as evidenced by comparing results in international tests. There is also a significant commitment by the state for this trend to continue (Duarte, Bos and Moreno, 2012; Gobierno de Colombia, 2017; Jaime-Reyes, 2019).

In 2015, President Juan Manuel Santos raised the budget allocated to education to 5.75 percent as part of his promise to make Colombia Latin America's most "educated" country by 2025 (Gobierno de Colombia, 2017).

**The biggest challenge for the government is the uneven development in education both in terms of coverage and quality,** as socio-economically sectors, rural areas, and ethnic minorities do not receive the same quality and coverage in education (Duarte, Bos and Moreno, 2012). School life expectancy for students from the poorest backgrounds is just 6 years compared with 12 years for the richest (OECD, 2016). Only 9 percent of students from the poorest families enroll in secondary education compared to 53 percent from the wealthiest ones (OECD, 2016).

Similarly, Colombia has significantly improved its health system over the past 20 years. Life expectancy at birth has consistently increased to 75.2 years in 2013 while infant mortality rates continue to fall (OECD, 2016). The health system now covers 95 percent of the population. However, situations of inequality persist in remote areas, among indigenous and Afro-Colombian populations which results in approximately **2.1 million people in Colombia having no access to health services** (WHO, 2016)

**The Venezuelan migration issue will have significant resource allocation implications and represents a growing challenge for Colombia** (GIFMM, 2018). According to the UNHCR, it is estimated that there are approximately 500,000 Venezuelans in Colombia, with this number continuing to grow (UNHCR, 2018).

# ASSESSMENT

---

*The pressing issues facing Colombia cannot be overlooked as they directly threaten the successful implementation of the PA and the stability of the current human rights situation in Colombia*

Despite the numerous human rights concerns discussed above, it needs to be recognised that significant legislative and institutional advances have taken place in Colombia in recent years.

The main concern is therefore the **ineffective implementation** of legal commitments entered into by the Colombian government especially in the areas discussed above. The NGO representatives interviewed for this study expressed their concern that the land reform prioritised in the PA has come to a halt as the current government has shown little commitment to develop the initiative and set the regulatory framework for its implementation.

Additionally, NGOs manifested their concerns on the government's strategy to improve its institutional presence through **the increase of military presence in remote rural regions**, impacting on the security conditions of rural communities.

The upsurge of violence, as a consequence of the appearance of new illegal groups and paramilitaries, together with **the rise in the persecution of human rights defenders and social leaders**, have also impeded a peaceful transition from the internal conflict in Colombia.

At present, the implementation of the PA is under the direction of the newly elected government, which is not only facing structural challenges but is dealing with the Venezuelan crisis and the **influx of significant numbers of Venezuelan migrants**. The latter phenomenon is adding a further strain on human rights issues in the country as resources and attention are redirected.

The pressing issues facing Colombia cannot be overlooked as they directly threaten the successful implementation of the PA and the stability of the current human rights situation in Colombia.



---

# III. THE EU IN COLOMBIA: ASSESSMENT OF ITS SUPPORT FOR HUMAN RIGHTS

---

*The EU has an extensive record as a promoter of human rights around the world. It has developed a wide range of policy tools and resources in support of human rights which can be grouped into three categories: material incentives, normative influence, and effective multilateralism.*

This section will assess the EU's engagement with Colombia in human rights issues. **The EU has for a long time asserted itself as a major proponent of human rights on the international stage and has developed an array of policy tools to this effect.**

The first part will offer a brief overview of these tools; the second part, in turn, will assess the EU's use of its policy toolbox in Colombia since 2012, particularly in the context of the PA signed in 2016.

The criteria used are based on those used in a 2018 study on the situation of human rights in Cuba and Venezuela and the EU's engagement, commissioned by the European Parliament (EP): policy coherence, policy effectiveness, and normative alignment (European Parliament, 2018).



# THE EU'S POLICY TOOLBOX: HUMAN RIGHTS

The EU has an extensive record as a promoter of human rights around the world. As outlined in the 2012 'EU Strategic Framework on Human Rights and Democracy', the principles of human rights, democracy, and the rule of law "underpin all aspects of internal and external policies of the European Union" (Council of the European Union, 2012).

The EU has developed a wide range of policy tools and resources in support of human rights which can be grouped into three categories: **material incentives, normative influence, and effective multilateralism.**

Generating **material incentives** to countries the EU engages with is key to its ability to promote and export its human rights agenda. These come in the form of trade policy clauses, development cooperation and aid, and financial assistance through loans and project funding. In the FTA signed with Colombia and Peru in 2013, for example, provisions guaranteeing the protection of human rights, including labour and environmental rights, were included in the final text.

The EU's status as the world's largest trading block gives it significant leverage in trade negotiations and allows it to stress the importance of including such clauses. The provision of development and aid resources, furthermore, is dependent upon the receiving country's commitment to the rule of law and respect for human rights. What is more, financial assistance has taken numerous different forms

in the case of Colombia: loan packages from the European Investment Bank (EIB), direct budget support to the Colombian government, and local project financing through various instruments (EU Trust Funds; the European Instrument for Democracy and Human Rights - EIDHR; and the Instrument contributing to Stability and Peace, - IcSP).

In terms of **normative influence**, the EU has continuously sought to promote its values through diplomatic means. One such core value, respect for human rights, has long been "a part of the EU's international identity, whereby it represents itself as an entity constructed on a normative basis" (FRAME, 2016a).

The European Parliament is one of the EU's most globally recognised actors in terms of embodying and promoting these values, and there are numerous tools it can use to promote human rights or bring attention to a specific case, namely resolutions, press releases, and official statements.

In the case of Colombia, for example, the EP adopted two resolutions (on 20 January 2016 and 13 September 2017) to reiterate its support for the peace process noting, in particular, the importance of protecting HRDs and preserving peace, democracy, human rights and sustainable development. Working alongside the EP in this process is another key actor: the High Representative of the European Union for Foreign Affairs and Security Policy (HR/VP), a post occupied by Federica Mogherini since 2014.

The role's responsibilities include, among other things, coordinating the EU's foreign policy and acting as its official representative in external matters.

**The HR/VP has been especially present in the peace process in Colombia.** She has visited the country and met with its representatives multiple times; has released periodical statements and hosted press conferences as events have unfolded; and has attended relevant summits and events, most prominently the "Conflict Resolution in the 21st Century: The Case of Colombia" conference held in Brussels in May 2018.

**There are numerous other tools available to the EU meant for it to exercise normative influence in the field of human rights:** the appointment of Special Representatives for Human Rights, holding human rights dialogues, delegation visits and observation missions, studies sponsored by the Council of Europe and various EP subcommittees (such as the Subcommittee on Human Rights - DROI), to name but a few that have been specifically employed by the EU in its engagement with Colombia.

Finally, the EU has increasingly coordinated with other multilateral organisations on various fronts to 'boost its policy impact' through **effective multilateralism**. The EU Action Plan on Human Rights and Democracy specifically notes (in Action 6) the importance of "strengthening cooperation with the United Nations [UN] and regional human rights and democracy mechanisms" (Council of the European Union 2015) through a variety of means, notably dialogue, capacity building, public support, and common initiatives. The EU has continuously supported institutions such as the UN Human

Rights Council (UNHRC) and the Security Council (UNSC), using its funding and delegation representatives to press for action and highlight certain issues of relevance.

It has, for example, supported both financially and politically the Organisation of American States' (OAS) Mission to Support the Peace Process in Colombia (MAPP/OAS) since 2004 (OAS, 2016) as well as the Inter-American Human Rights System, providing 1,750,000 euros to both the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights (IACtHR) in 2018 (European Commission, 2018a), stressing the importance of specific themes like protecting human rights defenders and supporting civil society.

There are two more foreign policy tools at the EU's disposal which, although lacking relevance in this specific context, merit mentioning. The first is **sanctions**, which are put in place against specific countries or individuals to exert targeted pressure and stimulate desired changes. Although their efficacy has been questioned, they have become a common tool used by the EU, exemplified by the fact that "only the US has more sanctions in place" in the world currently (European Parliament 2018g, p. 24).

A second tool is the **Sakharov Prize for Freedom of Thought**, established by the EP in 1988 and awarded annually "to individuals who have made an exceptional contribution to the fight for human rights across the globe" (European Parliament, 2018f). This powerful tool allows the EU to raise the profile of a certain human rights cause while publicly signalling its human rights policy. Although never awarded to a Colombian (in fact, only 5 of the 31 recipients have hailed from Latin America), it is a tool that could be used in this context in the future.

*The EU has supported both financially and politically the Organisation of American States' (OAS) Mission to Support the Peace Process in Colombia (MAPP/OAS) since 2004 (OAS, 2016)*

# ASSESSMENT CRITERIA

*While it is necessarily important to promote the highest standards when it comes to respecting human rights...*

It is a clear challenge for the EU to formulate a coherent, efficient, and relevant policy framework with regard to human rights.

The inherent complexity of the organisation, paired with the large range of actors involved, policy tools at its disposal, and diversity of human rights situations around the world, highlight both the difficulties and the positive impact the EU can have in this field.

In this study, the assessment of the EU's presence in Colombia since 2012 is based on three main criteria.

The first is **policy coherence**, that is, how the various actors involved in formulating the EU's human rights policy utilise the tools at their disposal. It is crucial for all of them to coordinate with each other when working in different policy fields in the same country so as to ensure the range of policies employed complement each other to form a cohesive whole.

The second is **policy effectiveness**, meaning the tangible results of EU actions.

While it is necessarily important to promote the highest standards when it comes to respecting human rights, actions must go beyond simple rhetoric and involve clear, tangible, positive results.

In the field of human rights, this broadly includes improvements in human rights and the reduction of violations, as well as more long-term indicators such as restitution for the victims and fostering a peaceful environment preventing the repetition of human rights violations.

The third set of criteria refers to **normative alignment**, that is, how consistently the EU's own commitments to human rights are applied in practice and across various policy areas.

The EU has been consistently present in Colombia over the last two decades, supporting it during the conflict and post-conflict periods, as well as being one of its main trading partners.

The question is whether these forms of engagement have reflected the EU's commitments on human rights.

*.... actions must go beyond simple rhetoric and involve clear, tangible, positive results.*



# THE EU IN COLOMBIA

The EU and Colombia have enjoyed an expanding bilateral relationship since the 1990s, one that has been based on two central pillars: trade and peacekeeping. **The EU is Colombia's second largest trading partner while Colombia is the EU's fourth most important trading partner in Latin America.**

In 2017, Colombian exports to the EU were worth 5.7 billion euros; the value of the EU's exports to Colombia was 6 billion euros (EEAS, 2018a). The two countries' trade relationship was cemented through an FTA signed in 2012 and which has been provisionally applied since 2013.

At the same time as both countries sought to expand their economic relations, the EU devoted significant resources towards peace negotiations. **The EU was both an observer and guarantor of the 2016 PA signed between the Colombian government and the FARC-EP** and has granted over 1.5 billion euros in peace-building and humanitarian funding since 2002 (European Commission, 2016b).

In the context of their expanding relationship, the EU has sought to support a self-perpetuating cycle between peace and respect for human rights, on the one hand, and economic development, on the other. When asked by the European Parliament whether the EU should negotiate a free trade deal with Colombia, then Trade Commissioner Karel De Gucht argued that fostering deeper economic relations with Colombia was "the best way to promote the respect for human rights" (European Commission, 2010).

The dual nature of this relationship began in the mid-1990s. First, in 1992, the EU's Humanitarian Office (DG ECHO) was created with the stated objective of helping people affected by natural disasters and man-made crises around the world. It has proceeded since to provide over 200 million euros in humanitarian aid to the

victims of the violence in Colombia (European Commission, 2015). Shortly thereafter, in 1993, the EU signed a Cooperation Framework Agreement with the Andean Community, of which Colombia is a prominent member, which set out guidelines on enhancing cooperation on matters of trade and development. While Article 1 clearly mentions that the "Agreement in its entirety shall be based on democratic principles and human rights" (Framework Agreement on Cooperation, 1998), its focus is undoubtedly economic.

Throughout their relations, however, the emphasis has been continuously and consistently based on the concept of 'shared values,' something the EU has repeatedly referred to when discussing its relationship with Latin America generally (European Commission, 2013b; European Parliament, 2017) and Colombia specifically.

These values include the promotion of democracy, the respect for human rights and the rule of law, sustainable development, and multilateral cooperation to address complex global problems, all of which were pillars of the 'Strategic Framework on Human Rights and Democracy' adopted by the EU in 2012.

**In September of that year, both countries agreed to hold annual Human Rights Dialogues** in order to identify areas of cooperation, exchange views, and, in light of the FTA, discuss trade-related human rights issues.

**The EU has viewed Colombia as a key ally in the region,** both due to its strong regional leadership and stable democratic regime, which is the basis for this narrative of shared values. Part of the reason for EU support is the hope "that peace in Colombia will bring major economic, political and social benefits, including for the stability of its neighbouring countries and the larger region" (European Commission, 2016b).

# THE FTA & PEACE NEGOTIATIONS

The year 2012 marked the beginning of the peace negotiations between the Colombian government, led by President Santos, and the FARC-EP.

From the very beginning, and in the years following this historic step, the EU made clear its position that **“only a negotiated solution can provide the basis for lasting peace in Colombia”** (EEAS, 2012). At the EU-CELAC meeting held in Santiago in 2013, then European Council President Herman Van Rompuy reiterated the EU’s staunch support for the negotiations and announced that preparations for a 40 million euros aid package were underway (European Council, 2013).

These funds would focus on rural development as a continuation of the EU’s approach to address the Colombian conflict: by working directly with civil society, targeting those areas most affected by the violence, and tackling the root causes of the conflict. This approach was cemented through the EU’s flagship peace-building tool in Colombia, the Peace Laboratories, which benefited over 300,000 people in 220 municipalities between 2002 and 2012 (Hydson, Benedek & Matín, 2009).

The early years of the peace negotiations simultaneously witnessed the consolidation of the trade relationship between the EU and Colombia. European FTAs worldwide are based on the assumption “that international trade is welfare-enhancing [which] is one of the most fundamental doctrines in economics” (Rodríguez, 2009, p.3). The phrase ‘welfare-enhancing’ can be interpreted in many ways. For the EU it can be said to be the “[consolidation of] and support for democracy, the rule of law, human rights and the principles of international law” (Council Decision, 2012/735/EU).

As such, alongside economic growth, the EU’s various FTAs have “a range of additional objectives... The EU is committed to ensuring that trade policy is also about promoting values, such as the protection of human rights, labour rights, the environment and the fight against climate change” (Rodríguez, 2009, p.3).

Specifically in Colombia, the objectives as stated by the European Commission and the Colombian government “[were] to support sustainable development... **to provide a legal basis on which to promote an improvement in the human rights situation**, and that a road map would be agreed with the Colombian government for that purpose” (TNI 2016, p.2). Therefore, within the FTA, Article 1 demands the “Respect for democratic principles and fundamental human rights, as laid down in the Universal Declaration of Human Rights, and for the principle of the rule of law, underpins the internal and international policies of the Parties. Respect for these principles constitutes an essential element of this agreement” (Council Decision, 2012/735/EU).

**In 2011, the EU agreed to an FTA with Colombia** and Peru. Upon further analysing the deal, the European Parliament expressed strong reservations with regard to the two countries’ human rights records, specifically trade union rights and the rights of indigenous peoples and other groups living in rural areas. Opposition to the deal was also expressed by civil society groups in Colombia, who argued that an FTA would “reward a Colombia government responsible for the highest level of trade union assassinations worldwide, [...] expand investment in areas of mining and biofuels, which [...] will increase land grabbing and further forced displacement [and] undermine indigenous rights” (Just Trade, 2011).

After securing concessions from both countries, the EP passed a motion that, although supportive of the FTA, reflected its members' concerns (European Parliament, 2012). The EU officially signed the free trade agreement with Colombia and Peru in June 2012, and trade barriers were lifted on 1 August 2013.

Within the agreement's legislation, Article 1 of Chapter 1 asserts the "respect for democratic principles and fundamental human rights, as laid down in the Universal Declaration of Human Rights" (Council Decision, 2012/735/EU). Article 8 of Chapter 1 further requires both parties to "take any measures to implement the obligations under it" and provide a mechanism to settle disputes and non-compliance with the agreement (Council Decision, 2012/735/EU).

**In parallel to the trade deal, the EU continued to deepen its economic relationship with Colombia.** In May 2012, an EU trade delegation led by then-European Commission VP Antonio Tajani visited Colombia in the context of its 'Missions for Growth,' a program meant to encourage cooperation and investment between Colombian and European small- and medium-sized enterprises (European Commission, 2012).

Colombia was also one of 34 benefactor countries under the Standard Generalised Scheme of Preferences (GSP) arrangement, which removes import duties in order to help developing countries' economies on the basis of 'international values and principles, including labour and human rights.' In February 2013, then President of the European Parliament Martin Schulz visited Colombia to communicate the importance of the trade deal, which he said would bring economic growth, jobs, and stability to the country (European Parliament, 2013).

As the peace negotiations advanced, the HR/VP assumed a prominent role in the management of EU-Colombia relations. In November 2014, three days after being sworn into her new role, HR/VP Federica Mogherini met with President Santos in Brussels. Mogherini stated that the EU was standing by ready to assist Colombia in any way it could, reiterated support for the ongoing peace negotiations, and mentioned a willingness to undertake an important role in the post-conflict period. She highlighted the negotiations in Havana as being a potential "**sign of hope for other crises all over the world**" (European Commission, 2014).

Mogherini's words were echoed by then Council President Van Rompuy, who professed absolute support for President Santos and emphasised the importance of supporting the victims of the conflict (European Council, 2013).

The HR/VP, as the face of the EU on foreign policy matters, **reiterated support for peace negotiations and the victims of the conflict** by releasing periodical public statements on the matter (EEAS, 2015). In October 2015, Mogherini appointed Eamon Gilmore as EU Special Envoy for the Peace Process in Colombia, signalling it as an area of utmost importance for the EU. Further supporting this, she later stated: "the peace process has been one of the priorities since the beginning of my mandate a year ago" (EEAS, 2015a). During a May 2016 visit to Colombia, the HR/VP officially announced an unprecedented 575 million euros aid package to support Colombia in its peace-building efforts in the post-conflict period.

A second EU actor that became a leading voice in support of the human rights situation in Colombia is the European Parliament. The EP has historically been one of the EU's staunchest advocates for the protection of human rights around the world. It had previously highlighted its human rights concerns with regard to the FTA with Colombia and Peru, and the Subcommittee on Human Rights held a public hearing with HRDs in November 2013 to discuss the trade deal's potential impacts on human rights in Colombia.

On 20 January 2016, the Parliament adopted a unanimous resolution in support of the peace process in Colombia, mentioning specifically the importance of involving women's organisations in the peace talks, the duty of the Colombian state to protect HRDs, and the necessity for the peace deal to be focused on the victims of the conflict. It also called on the ELN to commit to peace without further delay (European Parliament, 2016b).

The EU's broadening relationship with Colombia evolved at the same time as the EU was seeking to enhance the coherence and effectiveness of its external policies relating to human rights. In December 2011, the European Commission adopted a Joint Communication entitled: 'Human Rights and Democracy at the Heart of EU External Action - Towards a More Effective Approach.'

The report outlined how there was a “perception that the **EU’s statements on human rights and democracy are not always fully matched by its external or internal policies**” (European Commission, 2011).

In June 2012, the Foreign Affairs Council adopted a ‘Strategic Framework on Human Rights and Democracy,’ which emphasised placing human rights at the heart of the EU’s internal and external policies, working in cooperation and multilaterally with other actors, and pursuing coherent human rights actions (Council of the European Union, 2012).

This was closely followed by a Human Rights Action Plan for the period 2015-2019, composed of 113 actions under 34 objectives. Actions of particular relevance to the Colombian peace process include protecting HRDs and indigenous peoples, promoting ESCR (economic, social and cultural rights), supporting women’s organisations and victims of sexual violence, and aiding areas specifically hit by violence through social development programs.

Moreover, in 2014, the European Parliament and Council created a new financing tool, the EIDHR. It is meant specifically to finance projects related to the promotion of human rights and democracy across the world, with a budget of just over 1.300 million euros for the period 2014-2020. Of specific importance, Objective 1 of the EIDHR mandate mentions support for HRDs in areas of risk (European Commission, 2018d).



# PEACE AGREEMENT & POST-CONFLICT ENGAGEMENT

On 26 September 2016, the Colombian government signed a PA with FARC-EP. Both the HR/VP and the Special Envoy attended the official signing ceremony and reaffirmed the EU's commitment to **accompany Colombia in the implementation of the peace deal provisions.**

The text of the deal included three areas for which the EU would be jointly responsible: comprehensive rural reform (Point 1), reintegration of former guerrillas (Point 3.2), and the formation of a Special Investigative Unit in the Prosecutor-General's Office (Point 3.4) (UNSC, 2017). The day following the ceremony, **the EU removed FARC-EP from its list of international terrorist organisations** (EEAS, 2016). On 28 September 2016, the European Parliament sent a delegation of MEPs to "accompany and observe" the national referendum that was to take place on 2 October (European Parliament, 2016a).

The EU aid package announced earlier in the year by the HR/VP included loans from the EIB (400 million euros) and peace-building and crisis response projects financed through the IcSP (28 million euros). This package came on top of ongoing bilateral budget support (120 million euros) towards rural and sustainable development and on the heels of a 163 million euros package rolled out between 2007 and 2013 towards peace and stability, human rights and justice, and trade. The EU also drafted a Multiannual Indicative Programme (MIP), worth 67 million euros over 2014-2017, to phase out bilateral cooperation with Colombia under the Development Cooperation Instrument (DCI) due to its status as an upper-middle income country.

The MIP had two core objectives that reflected the duality of the EU's relationship with Colombia: local development and institution-building (53.6 million euros) and sustainable trade and investment (10 million euros) (European Commission, 2016a). This was meant to "pave the way for developing a new type of partnership with Colombia" (Domínguez 2015, p.108) that would recognise its status as a key regional ally for the EU, both in terms of protecting human rights and as a reliable trade partner.

Although **the text of the MIP scarcely mentions the topic of human rights**, the broader DCI Multiannual Indicative Regional Programme for Latin America from which its funding was issued mentions the importance of "fostering sustainable and inclusive growth in a context of respect for human rights" (European Commission, 2013b), highlighting specifically a human rights-based approach to drug policies, substandard prison conditions, and the interrelationship between gender, the environment, and human rights.

**The centrepiece of the post-conflict aid package is the European Trust Fund for Colombia, which was established in December 2016.**

The decision to use this specific tool was made for three reasons: it is a rapid way to raise and dispense aid funds, it publicly shows the EU (and all its Member States) is taking action, and it addresses past criticisms of EU interventions that characterised it as uncoordinated and inefficient (Interview 1). It would be a 'tailor-made response'

to the Colombian conflict, pooling together 95 million euros from 19 EU Member States, the DCI, and Chile to finance local projects to support the post-conflict period (European Commission, 2016a). In November 2018, the Director General for International Development and Cooperation (DG DEVCO), Stefano Manservigi announced the EUTF's budget would be increased to 120 million euros (European Commission, 2018b).

The EUTF's six pillars have defined the types of projects it finances, the majority of which are led on the ground by local or European NGOs. They include reconciliation and conflict education; reincorporation of former FARC-EP members; inclusion of women, youth and ethnic groups; sustainable productivity; institutionalisation, sustainability, and the legitimate presence of the State; and added value of the EU.

**These pillars reflect the EU's broader human rights agenda.** Protecting human rights defenders, and promoting women and children's rights and gender equality are featured prominently in the Strategic Framework on Human Rights and Democracy (Outcomes I and V respectively).

Other projects focusing on the **rehabilitation and reintegration of former guerrillas and sustainable rural development** were spelled out in the EU's mandate as part of the PA. As of May 2019, 25 projects have been approved for implementation and over 70 million euros of the EUTF's funds have been dispensed (European Commission, 2019).

The post-conflict period also saw **the EU continue supporting and cooperating with other organisations with important presences in Colombia**, in line with its normative commitment to enhance multilateral cooperation and coordination on global issues. The EU has been a vocal supporter of the International Criminal Court (ICC), including of its work in transitional justice in Colombia since 2009 (European Parliament, 2018c).

Furthermore, the EU and individual Member States have been active supporters of and

contributors to the OAS' Mission to Support the Peace Process in Colombia since its inception in 2004 (OAS, 2016).

It has also operated closely with the UN, by contributing to its Colombia Post-Conflict Trust Fund (UNMPTF), collaborating with the Office of the United Nations High Commissioner for Human Rights (OHCHR) to monitor human rights violations in areas formerly controlled by FARC-EP (European Commission, 2016b), and publicly supporting the UN Verification Mission (EEAS, 2017a), launched in 2017 to ensure all parties respect the commitments agreed upon in the peace deal.

**The EU has also expressed public support for the PA and the respect for human rights** at such fora as EU-CELAC summits, annual UN Human Rights Fora, and UN Security Council sessions.

The year 2017 marked the beginning of the implementation of the various projects approved for EUTF funding, as well as renewed EU commitments to upholding the peace accords. Two high-level EU delegations visited Colombia to assess the implementation of EU-funded rural development programs: one in July, led by the European Commissioner for DEVCO Neven Mimica, and a second in October, led by DG DEVCO Stefano Manservigi.

These were accompanied by announcements of new funding for specific initiatives, including a 1.7 million euros package allocated to projects supporting HRDs and victims of gender-based violence (EEAS, 2017b). On 13 September 2017, the European Parliament adopted a resolution on political relations with Latin America, in which it explicitly reiterated its support for the Colombian peace process. It mentioned the necessity of the Colombian state to **guarantee the human rights of at-risk groups (indigenous peoples, HRD, LGBTQ community, migrants and refugees)** as well as the importance of drafting and upholding clauses safeguarding human rights in any trade agreement between European Union and Latin American countries (European Parliament, 2017).

# RECENT CHALLENGES

On 16 January 2018, a new challenge to the EU's presence in Colombia arose. Following a speech by Commissioner for Humanitarian Aid and Crisis Management Christos Stylianides in which he praised the EU's efforts in supporting Colombia, Members of Parliament (MEPs) discussed whether to draft a unanimous resolution to reaffirm their support, as they had previously done two years prior.

In the ensuing debate, many MEPs expressed their doubts in doing so, denouncing the slow implementation of the PA, the continued killings of HRDs, and the refusal of the ELN to commit to peace. Other MEPs criticised the EU's engagement, arguing that the EUTF lacked transparency, that there was a lack of visible returns on the 1.5 billion euros that the EU had contributed since 2002, and that the Colombian people themselves had voted against the PA (European Parliament, 2018e).

The majority of MEPs, however, expressed continued support both for the peace process and for the EU's presence in Colombia. After failing to rally unanimous consensus for a written resolution, MEPs from three political groups (S&D, Greens-EFA, and GUE/NGL) released a public statement which, while expressing support for the agreement, noted MEPs' concerns with regards to the growing number of murdered social leaders. They also pointed to the slow pace of the implementation of the accords and the lack of progress in negotiations with the ELN as other sources of particular concern (S&D Group, 2018).

In March 2018, 27 MEPs sent a letter to President Santos to express **their concerns "about the increase of assassinations and aggressions against human rights and environmental defenders as well as social and community leaders in Colombia"** (OMCT, 2018b).

The EU has historically been a major advocate for protecting HRDs around the globe. In 2004, it published the 'European Union Guidelines on Human Rights Defenders' to enhance their protection in the EU's external actions.

**HRDs hold an important place in the 2015-2019 Action Plan on Human Rights and Democracy** and have been a priority area in the EU's involvement in Colombia. It has made use of numerous tools to this effect: funding related projects through the EIDHR and the EUTF, direct communication between HRDs and the EU Delegation in Colombia, and the creation of 'ProtectDefenders.eu'.

It has also supported the OHCHR in strengthening human rights monitoring capacity and protecting HRDs, as well as the Special Investigative Unit branch of the Prosecutor's Office, which was set up by the PA to combat criminal activities and investigate the murders of HRDs and former guerrilla members.

Partly in response to the concerns expressed by MEPs, President Santos formally addressed the European Parliament in Brussels on 30 May 2018. He assured them that **"progress towards peace is definitive, irreversible"** (European Parliament, 2018a) and thanked them for their support. He then attended an event hosted by the EU in Havana alongside HR/VP Mogherini.

In her opening remarks, she praised President Santos and concluded with a powerful reiteration of the EU's commitment: **"we have been here with you from the very first day, we have believed in this process and in the capacity of the Colombian people to make peace, to build peace.** We continue to do so and we will continue to accompany Colombia [and] the Colombian people on this path" (EEAS, 2018c). This was followed by an announcement

for 15 million euros additional funding towards the reintegration of former guerrillas to civilian life (European Commission, 2018e).

With regard to the FTA, some of the concerns expressed by opposition groups prior to its signing have been validated over the six years since its implementation. In subsequent annual reports, the European Commission has noted the fact that human rights violations continue to persist, in spite of the relevant legislative articles written into the agreement.

In its 2018 Implementation Assessment, the EP raised human rights **concerns about foreign direct investment centred on extractive industries and commodity production**, the negative impacts of this on sustainable development within Colombia, the severe socio-environmental impacts of these industries on Colombia's ecology, and the violation of labour and trade unions rights by European companies who began conducting business in Colombia as a consequence of the trade deal. Independent reports on the FTA have raised similar concerns to those outlined in European Commission's assessment (TNI, 2016).

In an EP resolution adopted on 16 January 2019, however, little was mentioned with regard to these issues. Instead, the focus was on the FTA's potential for "having a strong positive impact on [...] sustainable development [and] human rights" whilst providing "a solid foundation for a deeper relationship with a long-term commitment to human rights" (European Parliament, 2019).

The document also brings to light the EU's view that its human rights and economic agendas can not only be pursued simultaneously, but also reinforce each other. Point 5 stresses "the need to make the best possible use of the [trade] agreement in order to help in implementing the PA."

Beyond parliamentary disagreements and concerns with the implementation of the FTA, two major events have put strains on the EU's commitment to assisting Colombia in the post-conflict period. The first is the ongoing Venezuelan crisis, which has gradually occupied a larger share of the EU's attention in the region. The EU has been especially involved in Venezuela over the last two years.

It has allocated over 117.6 million euros to the crisis since 2018 (EEAS, 2019a), sent official delegations to report on the situation, and publicly stated its support for interim president Juan Guaidó. Furthermore, it formed an International Contact Group, composed of the EU, eight EU Member States, and three Latin American countries, "to forge a common international approach to support a peaceful, political, democratic and Venezuelan owned resolution to the crisis" (EEAS, 2019b). The EU, as such, has had to divert attention in resources to the Venezuelan crisis, which has forced over 3 million people to flee, a third of which have settled in Colombia.

**The second event was the election of Iván Duque to the Colombian presidency in June 2018**, a candidate whose presidential campaign had been highly critical of the PA. His predecessor at the head of the Democratic Centre Party, former president and current senator Álvaro Uribe, was himself a vocal opponent of the agreement, and rallied opposition to it before the referendum alongside Duque (Felbab-Brown, 2018). The latter's election has caused issues for the EU, who had been one of the deal's most consistent and fervent supporters.

Approximately four months after the election, President Duque flew to Europe on an official state visit and met HR/VP Mogherini, President of the European Council Donald Tusk, and President of the European Commission Jean-Claude Juncker.

The latter denounced the ELN's refusal to sign the agreement: "those who are standing away [from the PA] will be kept on the European list of terrorist organisations." President Duque agreed, adding that Colombia would continue implementing the peace deal with "those who genuinely are making the transition to reincorporation and legality; there will be zero tolerance for those who want to continue doing criminal activities" (European Commission, 2018c).

**There is little evidence to show that the EU's commitment to accompanying Colombia in the post-conflict period will wane anytime soon.** It has maintained close relations with the country for almost three decades and has invested significant resources in support.



However, internal disagreements, criticisms of some of the EU's initiatives (namely the FTA and the Trust Fund), and **uncertainty related to the Duque government have cast doubts on its long-term strategy.**

Furthermore, **the worsening crisis in Venezuela** will continue warranting a larger share of the EU's attention and resources, potentially forcing it to reduce its engagement in Colombia.

---

*Two major events have put strains on the EU's commitment to assisting Colombia in the post-conflict period: the ongoing Venezuelan crisis and the election of Iván Duque in 2018.*



# ASSESSMENT

*The EU remains committed to pursuing its dual economic and human rights agenda in Colombia in the post-conflict period.*

**The EU's engagement in Colombia on human rights matters is at a crossroads.** While over two decades of extensive material and diplomatic support have confirmed the EU as one of Colombia's principal allies, especially in the context of the peace process, this high level of commitment seems to have recently diminished. The EU remains committed, however, to pursuing its dual economic and human rights agenda in Colombia in the post-conflict period.

The EU's human rights engagement policy in Colombia has been clearly led by two principal actors: HR/VP Federica Mogherini, assisted by the EEAS and the now former Special Representative to the Peace Process, and the European Parliament. Both actors have made consistent use of their extensive normative influence to promote the EU's values in the context of the peace process. Moreover, the use of the EU trust fund to provide project funding has allowed the EU and its Member States to publicly present a united front in support of the peace process (Interview 1).

The EU's **policy coherence**, however, has been increasingly questioned recently in the face of the unfolding crisis in Venezuela, as the EU has shifted the bulk of its attention and resources towards Venezuela and away from Colombia. In addition, internal debates within the European Parliament on the EU's extensive engagement in Colombia have undermined the united front it has sought to present. **Concerns with regard to the lack of discernible progress in key issues, namely the protection of HRDs**, as well as the results of the 2016 referendum on the PA, led some MEPs to question the validity of the EU's presence there.

With regard to the **effectiveness** of its policy, material incentives have undoubtedly played an incremental role in the lead-up to and the period since the final peace negotiations of 2016. As has been previously stated, over 1.5 billion euros has been invested in various programs; the EUTF, in particular, has financed 25 projects and dispensed over half of its 120 million euros budget as of May 2019. With regards to the FTA, furthermore, **it remains to be seen whether the positive impact the EU claimed it would have on rural development, the fostering of respect for human rights and the rule of law, and on supporting the PA will materialise.**

Recent events, however, have tested the EU's resolve as President Duque sent back the legislation implementing the JEP to be modified, arguing it is "too lenient on rebel commanders accused of committing war crimes" (Murphy, 2019). The lower house soundly rejected the government's proposed changes in a 110-44 vote in April 2019.

Furthermore, the ELN continues to present a credible threat to peace in Colombia. President Duque cut off negotiations with the organisation in January 2019, and the slow implementation of the peace deal could push FARC-EP dissidents towards joining the rebellious group.

EU Member States have extensively criticised the Colombian leader for his administration's handling of the PA. Members of the UK parliament denounced the continued killing of human rights defenders (59 killed in the first four months of 2019 alone) and "dismissed [Duque's] claim of a 32% drop in social leader assassinations as directly contradicting reports from human rights organisations" (Veitch, 2019).

A June 2019 report by the French Senate's External Affairs, Defense, and Armed Forces committee noted the apparent **lack of political will in the implementation of the PA's provisions**. Measures have been delayed and funding has been lacking, and the country itself "appears more than ever divided on [the PA] and the polarisation of the debate [...] has increased" (Commission des Affaires Étrangères, de la Défense, et des Forces Armées, 2019). It also highlighted the failure of various initiatives, for example those aiming at replacing illicit crops, as well as the increased pace of killings of HRDs.

Such criticisms have not, however, been publicly expressed by EU officials, and **NGO representatives interviewed for this study expressed their frustration at the EU's perceived 'softness' in confronting the Duque administration**, saying condemnations of recent actions seemingly meant to sabotage the agreement have been too lenient and have come too late (Interviews 3, 4).

They believe that **the EU, as a key supporter of the peace process and promoter of human rights, needs to play a more assertive role in this respect**, for example by promoting the implementation of components of the agreement that have been neglected by the government (e.g. the National Commission for Security Guarantees, the body responsible for devising and implementing protection measures for social leaders, HRDs, and ex-combatants).

There exist a number of tensions at the core of the EU's commitment to human rights in Colombia, particularly the contradictions between its economic and human rights agendas. While the EU has expressed its confidence in this two-pronged approach, by emphasising how the FTA would positively

complement the ongoing peace process, there have been numerous doubts expressed by trade unions, civil society organisations, and politicians (Just Trade, 2011).

Implementation assessments since 2013 have repeatedly noted continued human rights violations by European companies (TNI, 2016). At the same time, concerns that the FTA would negatively impact labour and environmental rights have been partly validated, even though specific chapters on each one were included in the original agreement.

The tension between, on the one hand, the EU's economic interests in an upper-middle income country like Colombia that, just last year, joined the OECD, and on the other, the promotion of respect for basic human rights as a key aspect of a milestone PA, have been clearly present over the last decade.

A second source of tension has been between the EU's expressed commitment to the promotion of human rights in Colombia and the lack of willingness on its part to denounce the Duque administration in its repeated attempts to undermine the agreement.

The EU has invested a tremendous amount of resources in the peace process (over 1.5 billion euros since 2000 and countless public expressions of support); and yet, this commitment has not been reflected in the face of direct challenges to the very peace they have supported for so long.

It must be said, however, that though the EU's **normative alignment** has been weakened by these tensions, its commitment to the promotion of human rights and the rule of law across its various branches and programs remains very strong.

*The EU has invested a tremendous amount of resources in the peace process (over 1.5 billion euros since 2000 and countless public expressions of normative influence in support); and yet, this commitment has not been reflected in the face of direct challenges to the very peace they have supported for so long.*

# IV. GENERAL RECOMMENDATIONS

This section provides concrete recommendations pertaining to the main human rights issues identified throughout this study. Recommendations are organised into three sections: political and diplomatic actions, resource-funding and management, and civil society engagement.

## POLITICAL & DIPLOMATIC RECOMMENDATIONS

### **The EU must actively support the implementation of the Peace Agreement**

Given that the EU made a conscious and deliberate choice to take part in Colombia's PA negotiations and implementation (point 6.3.2 "International Support" of the PA), it now bears the political obligation to uphold the responsibilities related to its role. This is now a matter of broader credibility and accountability for the EU as a global leader in human rights and post-conflict initiatives.

Given the EU's special role as an observer and guarantor, it is incumbent on the EU to adopt a more proactive involvement in the implementation of the Agreement, considering that the pressure of the international community is crucial for the protection of the agreed human rights components that have recently been at risk of modification.

One route consists of the EU Delegation in Colombia and the EP demanding accountability from Duque's government as to the PA commitments on the integral rural reform, DDR and the JEP. Additionally, a new EU Special Envoy for the Peace Process should be appointed as soon as possible to guarantee the role of the EU in the implementation of the agreement.

### **Increased EU support for the National Human Rights System to strengthen the prevention, protection and prosecution of human rights violations**

The Colombian state's commitments, as stipulated in the PA, to the strengthening of its human rights information and monitoring systems, the development of a Human Rights National Plan, and the implementation of protection mechanisms for HRDs and civil society organisations have been weakly implemented and should not be abandoned at this critical stage.

The EU should financially support and strengthen the work of the National Ombudsman Office (*Defensoría del Pueblo*) whose mission of preventing human rights violations has been hindered by budget cuts and limited institutional capacity, especially in rural areas. Additionally, the EU should continue supporting the Presidential Office for Human Rights (*Consejería Presidencial para los Derechos Humanos*), in charge of issuing the next human rights policy and monitoring its implementation through financial aid and technical assistance. Strengthening these institutions could target not only the staggering impunity related to abuses of women's rights, indigenous rights, and HRDs but increase the efficiency of prevention and remediation mechanisms.

### **The EU should continue advocating for a diplomatic resolution to the Venezuelan crisis**

Colombia has recently received more than 1 million displaced Venezuelans (GIFMM, 2018) and is facing significant challenges to provide humanitarian aid and guarantee the rights of refugees.

Despite Colombia's effort to provide support for transit and the provision of adequate living, the refugees' situation continues to deteriorate due to the lack of resources and limited Colombian state capacity.

Taking into account that any military action will aggravate the displacement situation and trigger human rights violations in both Colombia and Venezuela, the EU should formally oppose any military intervention and should continue supporting diplomatic actions to solve the country's crisis.

Similarly, the Colombian state should steer away from any possible military intervention.

### **The EU should consider nominating Colombian human rights defenders (as a group) for the Sakharov Prize**

In light of the unabated trend of HRD murders in Colombia and the lack of political willingness to implement various provisions of the PA specifically relating to the protection of HRDs (see previous recommendation), the EU should consider nominating a group of HRDs or a civil society group for the award.

These individuals have devoted, and in some cases sacrificed their lives to the protection of the Colombian people and their most basic rights, making them worthy candidates of the Sakharov Prize.

This action would internationally leverage the issue and pressure the Colombian government to comply with the PA more proactively and to adopt effective measures to protect HRDs. Furthermore, it would recognize the crucial role that the Colombian civil society sector has played on the ground and in communities in the post-conflict period.

## **RESOURCE FUNDING & MANAGEMENT**

### **The EU must allocate resources for the adoption of effective protection measures for human rights defenders and FARC-EP ex-combatants**

Violence against HRDs, local leaders and former FARC-EP members has reached worrying levels in 2018, showing a systematised failure in the Colombian state's capacity to provide guarantees to social leaders in rural territories.

The protection of former FARC-EP members and the implementation of political and community leadership guarantees are pivotal in the actual success of the building process of a long-lasting peace.

The EU should allocate resources for the adoption of HRD protection mechanisms included in the PA (e.g. the National Commission of Security Guarantees (NCSG) periodical meetings). In addition, the EU must advocate for an end to the criminalisation and stigmatisation of HRD and local leaders as this facilitates the impunity and the State's inaction.

### **Greater regulation of the practices of European companies that have violated human rights in Colombia**

In its implementation reports on the FTA, the EU recognised that European companies have not complied with the mutually agreed human rights provisions between the EU and Colombia in terms of protection of the environment, indigenous rights, and labour and trade union rights (Zygierewicz, 2018; 91).

The specific details of those organisations that have been found guilty of human rights violations since the signing of the FTA are, however, limited. Information on these violations should be made publicly available to ensure greater transparency in the analysis of the FTA implementation.

This would strengthen the prospects of accountability for those companies and organisations that do not comply with the standards of the FTA.

The EU should also more effectively monitor the practices of European companies in Colombia, specifically with regard to their environmental impacts, their treatment of workers, and their respect for trade unions.

One way this could be done is via a system of mandatory reporting, whereby these companies have to commit to presenting regular reports to a special European Parliament committee composed of members of the Subcommittee on Human Rights (DROI) and the Subcommittee on International Trade (INTA).

These reports could then be cross-checked using testimonials from union leaders, NGO workers, government representatives, and HRDs both to ensure that these companies are respecting the FTA's human rights provisions and to identify areas in need of improvement.

## CIVIL SOCIETY ENGAGEMENT

### **The EU should continue supporting local and transnational NGOs**

The European Commission should continue providing support for NGOs in Colombia, that tackle key human rights issues that the Colombian state does not have the willingness, resources, or institutional capacity to address.

This support has chiefly come through the EUTF and direct funding to various organisations.

As revealed through interviews, however, local NGOs made note of lengthy delays, uncertainty, and difficulties with the EUTF application processes, resulting in some foregoing the application process altogether.

The Commission should work with the EUTF's Operational Committee and the fund's various contributors to streamline the application process and clarify the prerequisites needed to establish alliances and cooperation with local and transnational NGOs.

### **The EU should uphold its commitment to hold annual Human Rights Dialogues**

Considering the vital role of civil society actors in the implementation of the PA and the reporting of human rights violations, it is imperative that EU and Colombian leaders fulfil their previous commitment to holding Human Rights Dialogues every year. While this was agreed upon in 2012, only one such event has been held since 2016. Their objective is not only to find ways to improve the human rights situation through a constructive dialogue involving a wide diversity of relevant actors, but also to "give visibility to [human rights] issues in bilateral relations" (FRAME, 2016b, p.5). As such, Human Rights Dialogues are valuable tools in addressing some of the human rights concerns that have arisen in the post-conflict period, creating a forum of discussion to get feedback from the plethora of actors involved in the peace-building process, and maintaining high levels of communication and coordination between the EU and Colombian governments.

# BIBLIOGRAPHY

## ACADEMIC LITERATURE

Berry, A. (2017). 'Reflections on Injustice, Inequality and Land Conflict in Colombia'. *Canadian Journal of Latin American and Caribbean Studies*, 42 (3), pp. 277-297.

Capone, F. (2018). 'An Overview of the DDR Process Established in the Aftermath of the Revised Peace Agreement between the Colombian Government and the FARC: Finally on the Right Track?'. *Global Jurist*, 18 (1), pp. 1934-2640.

Domínguez, R. (2015). *EU Foreign Policy towards Latin America*. London: Palgrave Macmillan.

Hydson, R.C., Benedek, W., & Matín, F.F. (2009). *Peace, Conflict and Identity: Multidisciplinary Approaches to Research*. Deusto: University of Deusto.

Jaimes-Reyes, A. (2019). 'El Derecho a la Educación en Colombia, desde la Perspectiva de Derechos Humanos'. *Revista Principia Iuri*, 13 (26), pp. 243-260.

McKay, B. (2017). 'Democratising Land Control: Towards Rights, Reform and Restitution in Post-Conflict Colombia'. *Canadian Journal of Development Studies*, 39 (2), pp. 163-181.

Rodríguez, E.V. (2009). *The European Union Free Trade Agreement: Implications for Developing Countries*. Working Paper 8/2009. Madrid: Elcano Royal Institute.

Rodríguez, G. (2015). *Los Derechos de los Pueblos Indígenas de Colombia*. Bogotá: Editorial Universidad del Rosario.

ABColumbia (2013). *Colombia: Women, Conflict-Related Sexual Violence and the Peace Process*. Available at <https://www.abcolombia.org.uk/wp-content/uploads/2017/06/4-Sexual-Violence-English.pdf> (last accessed: 25/06/2019).

ABColumbia (2016). *Self-Protection Mechanisms: Colombian Rural Defenders and Communities Report*. Available at: [http://www.abcolombia.org.uk/wp-content/uploads/2017/06/ABC-Self\\_protectENGWEB.pdf](http://www.abcolombia.org.uk/wp-content/uploads/2017/06/ABC-Self_protectENGWEB.pdf) (last accessed: 01/04/2019).

ABColumbia (2019). *Towards Transformative Change: Women and the Implementation of the Colombian Peace Accord*. Available at <https://www.abcolombia.org.uk/wp-content/uploads/2019/03/Towards-Transformative-Change-ENG-f-WEB.pdf> (last accessed: 25/06/2019).

Amnesty International (2015). *Colombia: Restoring Land, Securing the Peace - Indigenous and Afro-Descendant Territorial Rights*. Available at: [https://www.amnestyusa.org/wp-content/uploads/2017/04/colombia\\_land\\_-\\_briefing\\_eng.pdf](https://www.amnestyusa.org/wp-content/uploads/2017/04/colombia_land_-_briefing_eng.pdf) (last accessed 13/03/2019).

Amnesty International (2018). *The Amnesty International Report 2017/18*. Available at: <https://www.amnesty.org/en/latest/research/2018/02/annual-report-201718/> (last accessed: 23/02/2019).

Association for Women's Rights in Development (AWID) (2011). *Women's Rights and the Armed Conflict in Colombia*. Available at <https://www.awid.org/news-and-analysis/womens-rights-and-armed-conflict-colombia> (last accessed: 25/06/2019).

Center for Reproductive Law and Policy (CRPL) (1996). *Women's Reproductive Rights in Colombia: A Shadow Report*. Available at <http://www.reproductiverights.org/sites/crr.civactions.net/files/documents/Columbia%20CEDAW%201998.pdf> (last accessed: 25/06/2019).

Centro de Investigación y Educación Popular (CINEP) (2018). *La Paz en Jaque: Retos y*

## POLICY LITERATURE & MEDIA SOURCES

ABColumbia (2013) *Colombia: Women, Conflict-Related Sexual Violence and the Peace Process*. Available at <https://www.abcolombia.org.uk/wp-content/uploads/2017/06/4-Sexual-Violence-English.pdf> (last accessed: 25/06/2019).

- perspectivas en la implementación de los acuerdos de La Habana. Available at: <http://www.revistacontroversia.com/index.php?journal=controversia&page=article&op=view&path%5B%5D=1110&path%5B%5D=626> (last accessed: 21/06/2019).
- Commission des Affaires Étrangères, de la Défense, et des Forces Armées (2019). *Colombie: Une Paix Encore Fragile - Rapport d'information n° 548 (2018-2019) du 5 Juin 2019*. Available at: <http://www.senat.fr/rap/r18-548/r18-548.html> (last accessed: 25/06/2019).
- Departamento Administrativo Nacional de Estadística (DANE) (2007). *Colombia una nación multicultural*. Available at: [https://www.dane.gov.co/files/censo2005/etnia/sy/s/colombia\\_nacion.pdf](https://www.dane.gov.co/files/censo2005/etnia/sy/s/colombia_nacion.pdf) (last accessed: 07/06/2019).
- Duarte, J., Bos, M.S., & Moreno, M. (2012). *Quality, Equality and Equity in Colombian Education*. Available at: <https://publications.iadb.org/en/publication/16580/quality-equality-and-equity-colombian-education-analysis-saber-2009-test> (last accessed: 16/03/2019).
- El Tiempo (2014). *Colombia, en el Puesto 12 en el Mundo en Desigualdad: Pnud*. Available at: <https://www.eltiempo.com/archivo/documento/CMS-14298377> (last accessed: 19/03/2019).
- Felbab-Brown, V. (2018). 'Death by Bad Implementation? The Duque Administration and Colombia's Peace Deal(s)', *Brookings Institute*, 24 July. Available at: <https://www.brookings.edu/blog/order-from-chaos/2018/07/24/death-by-bad-implementation-the-duque-administration-and-colombias-peace-deals/> (last accessed: 18/12/2019).
- FRAME (2016a). *Assessing the Strategic Use of the EU Fundamental and Human Rights Toolbox*. Available at: <http://www.fp7-frame.eu/frame-reps-14-2/> (last accessed: 03/03/2019).
- FRAME (2016b). *Human Rights Concepts in EU Human Rights Dialogues*. Available at: <http://www.fp7-frame.eu/frame-reps-3-5/> (last accessed: 03/03/2019).
- Fundación Forjando Futuros (2018). *Balance 8 años de la Ley de Restitución de Tierras*. Available at: [http://www.forjandofuturos.org/resources/pdf/uploads/379-forjando-futuros\\_2018-07\\_publicacion\\_asi-va-la-restitucion\\_balance-gobierno-santos.pdf](http://www.forjandofuturos.org/resources/pdf/uploads/379-forjando-futuros_2018-07_publicacion_asi-va-la-restitucion_balance-gobierno-santos.pdf). (last accessed: 13/03/2019).
- Gobierno de Colombia (2017). *Informe Anual de Derechos Humanos*. Bogotá: Consejería Presidencial para los Derechos Humanos.
- Governance and Social Development Resource Centre (GSDRC), Kangas, A., Haider, H., and Fraser, E. (2014). *Gender: Topic Guide*. Revised edition with E. Browne. Available at <https://gsdrc.org/wp-content/uploads/2015/07/gender.pdf> (last accessed: 25/06/2019)
- Grupo Interagencial sobre Flujos Migratorios Mixtos (GIFMM) (2018). *Refugiados y Migrantes Venezolanos en Colombia: Reporte Situacional*. Available at: <https://www.refworld.org/es/pdfid/5c534b634.pdf> (last accessed: 18/02/2019).
- Guttmacher Institute (2011). *Unintended Pregnancy and Induced Abortion in Colombia: Causes and Consequences*. Available at <https://www.guttmacher.org/report/unintended-pregnancy-and-induced-abortion-colombia-causes-and-consequences> (last accessed: 25/06/2019).
- Human Rights Watch (2013). *Colombia, Events of 2012*. Available at: <https://www.hrw.org/world-report/2013/country-chapters/colombia#> (last accessed: 24/06/2019).
- Human Rights Watch (2017). *Colombia, Events of 2017*. Available at: <https://www.hrw.org/world-report/2017/country-chapters/colombia> (last accessed: 24/06/2019).
- Human Rights Watch (2018). *Country Summary - Colombia*. Available at:



- <https://www.hrw.org/world-report/2019/country-chapters/colombia> (last accessed: 08/02/2019). Human Rights Watch (2019). Colombia, Events of 2018. Available at <https://www.hrw.org/world-report/2019/country-chapters/colombia> (last accessed: 24/06/2019).
- International Center for Transitional Justice (ICTJ) (2018). An Overlooked Aspect of Sexual and Gender-Based Violence. Available at <https://www.ictj.org/news/overlooked-aspect-sexual-and-gender-based-violence> (last accessed: 27/06/2019).
- Just Trade (2011). Policy Brief: Time for Europe to Put Values and Human Rights Above Commercial Advantage. Available at: <http://just-trade.org/sites/just-trade.org/files/publications/EU-Colombia-Peru-FTA%20Policy%20Brief-EU.pdf> (last accessed: 19/12/2018).
- Kroc Institute (2018). State of Implementation of the Colombian Peace Agreement - Report 2. Available at: [https://kroc.nd.edu/assets/288008/180830\\_english\\_policy\\_report\\_2.pdf](https://kroc.nd.edu/assets/288008/180830_english_policy_report_2.pdf) (last accessed: 26/02/2019).
- Ministerio de Salud (2015) Encuesta Nacional de la Situación Nutricional. Available at: <https://www.icbf.gov.co/bienestar/nutricion/encuesta-nacional-situacion-nutricional> (last accessed: 27/05/2019).
- Murphy, H. (2019). 'Colombia's Duque to Return Peace Legislation to Congress', Reuters, 10 March. Available at: <https://www.reuters.com/article/us-colombia-peace/colombias-duque-to-return-peace-legislation-to-congress-idUSKBN1QS085> (last accessed: 12/05/2019).
- National Ombudsman Office (2017). XXV Informe del Defensor del Pueblo al Congreso de la República. Available at: <http://defensoria.gov.co/public/pdf/XXV-Informe-del-Defensor-del-Pueblo-al-Congreso.pdf> (last accessed: 26/02/2019).
- Organization for Economic Cooperation and Development (OECD) (2016). Education in Colombia Highlights (2016). Available at: <https://www.oecd.org/education/school/Education-in-Colombia-Highlights.pdf> (last accessed: 16/01/2019).
- Organization of American States (OAS) (2016). The Mission to Support the Peace Process in Colombia (MAPP/OAS). Available at: [http://www.oas.org/en/media\\_center/press\\_release.asp?sCodigo=S-017/16](http://www.oas.org/en/media_center/press_release.asp?sCodigo=S-017/16) (last accessed: 05/05/2019).
- Oxfam (2017). Informe Radiografía de Desigualdad Colombia. Available at: [https://www-cdn.oxfam.org/s3fs-public/file\\_attachments/radiografia\\_de\\_la\\_desigualdad.pdf](https://www-cdn.oxfam.org/s3fs-public/file_attachments/radiografia_de_la_desigualdad.pdf) (last accessed: 24/05/2019).
- Progressive Alliance of Socialists and Democrats (S&D Group) (2018). Statement in Support of the Peace Process in Colombia, One Year After the Initial Implementation of the Peace Agreements. Available at: <https://www.socialistsanddemocrats.eu/sites/default/files/STATEMENT%20IN%20SUPPORT%20OF%20THE%20PEACE%20PROCESS%20IN%20COLOMBIA%20180116.pdf> (last accessed: 22/05/2019)
- Somos Defensores (2019). Clockwork Orange: 2018 Annual Report on the Aggressions against Human Rights Leaders Information System in Colombia. Available at: [https://somosdefensores.org/wp-content/uploads/2019/04/informe-somos-defensores-2019-ingles\\_web.pdf](https://somosdefensores.org/wp-content/uploads/2019/04/informe-somos-defensores-2019-ingles_web.pdf) (last accessed: 25/05/2019).
- Statista (2019). Number of voluntary abortions performed by Profamilia\* in Colombia from 2013 to 2017 (in 1,000s). Available at <https://www.statista.com/statistics/998107/colombia-number-voluntary-abortions-profamilia/> (last accessed: 25/06/2019).
- Transnational Institute (TNI) (2016).. Repercussions in Colombia of the Free Trade Agreement with the European Union after Three Years of Implementation. Available at: [https://www.tni.org/files/publication-downloads/ue-colombia\\_ftaen.pdf](https://www.tni.org/files/publication-downloads/ue-colombia_ftaen.pdf) (last accessed: 03/03/2019).

- United Nations High Commissioner for Human Rights (OHCHR) (1993). Declaration on the Elimination of Violence against Women of 20th December 1993. Available at <https://www.ohchr.org/Documents/ProfessionalInterest/eliminationvaw.pdf> (last accessed: 25/06/2019).
- United Nations High Commissioner for Human Rights (OHCHR) (2018). Annual Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia. Available at: [https://reliefweb.int/sites/reliefweb.int/files/resources/A-HRC-37-3-Add\\_3\\_EN.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/A-HRC-37-3-Add_3_EN.pdf) (last accessed: 09/03/2019).
- United Nations High Commissioner for Refugees (UNHCR) (2004). Breaking the silence over violence against women in Colombia. Available at <https://www.unhcr.org/news/latest/2004/11/41a5f1e34/breaking-silence-violence-against-women-colombia.html> (last accessed: 26/06/2019).
- United Nations High Commissioner for Refugees (UNHCR) (2018). UNHCR support to the Mass Registration of Venezuelans. Available at: <https://data2.unhcr.org/en/documents/download/67157> (last accessed: 27/05/2019).
- United Nations Security Council (UNSC) (2017). Letter dated 29 March 2017 from the Secretary-General addressed to the President of the Security Council. Available at: [https://unmc.unmissions.org/sites/default/files/s-2017-272\\_e.pdf](https://unmc.unmissions.org/sites/default/files/s-2017-272_e.pdf) (last accessed: 05/12/2018).
- United Nations Verification Mission in Colombia (2018). Report of the Secretary-General, December 26th, S/2018/1159. Available at: <https://www.securitycouncilreport.org/un-documents/document/s20181159.php> (last accessed: 05/01/2019).
- Veitch, A. (2019). 'Duque Returns from Trip to Europe Marred by Protests and Scrutiny', Colombia Reports, 24 June. Available at: <https://colombiareports.com/duque-returns-from-trip-to-europe-marred-by-protests-and-scrutiny/> (last accessed: 25/06/2019).
- Victims Unit Colombia (2018). Data Victims Registry. Available at: <https://www.unidadvictimas.gov.co/es/registro-unico-de-victimas-ruv/37394> (last accessed: 26/05/2019).
- Victims Unit Colombia (2019). Data Land Restitution Unit. Available at: <http://cifras.unidadvictimas.gov.co/tierras?tema=40&subtema=42> (last accessed: 03/02/2019).
- World Food Programme (2017). World Food Programme in Colombia. Annual Country Report. Available at: <https://es1.wfp.org/publicaciones/informe-anual-colombia-2017> (last accessed: 26/05/2019).
- World Food Programme (2018). Colombia. Country Brief. Available at: <https://reliefweb.int/report/colombia/wfp-colombia-country-brief-april-2019> (last accessed: 26/05/2019).
- World Organization against Torture (OMCT) (2004). Violence against Women in Colombia: A Report to the Committee against Torture. Available at [http://www.omct.org/files/2004/07/2409/eng\\_2003\\_04\\_colombia.pdf](http://www.omct.org/files/2004/07/2409/eng_2003_04_colombia.pdf) (last accessed: 25/06/2019).
- World Organization against Torture (OMCT) (2018a). Colombia: No Peace for Human Rights Defenders. Available at: [http://www.omct.org/files/2018/05/24862/colombia\\_report.pdf](http://www.omct.org/files/2018/05/24862/colombia_report.pdf) (last accessed: 28/06/2019).
- World Organisation against Torture (OMCT) (2018b). Letter from 27 MEPs to President Juan Manuel Santos Regarding the Situation of Human Rights Defenders in Colombia. Available at: [http://www.omct.org/files/2018/03/24777/180316\\_letter\\_european\\_parliament.pdf](http://www.omct.org/files/2018/03/24777/180316_letter_european_parliament.pdf) (last accessed: 05/05/2019).
- Zygierewicz, A. (2018). Trade Agreement between the European Union, Colombia and Peru: European Implementation Assessment.

Available at: [http://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS\\_STU\(2018\)621834](http://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_STU(2018)621834) (last accessed: 01/12/2018).

**EUROPEAN UNION PRIMARY SOURCE MATERIALS**

'Council Decision of 31 May 2012 on the signing, on behalf of the Union, and provisional application of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part' (2012) Official Journal L354, pp. 5-6.

Council of the European Union (2012). EU Strategic Framework on Human Rights and Democracy. Available at: [https://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/131181.pdf](https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/131181.pdf) (last accessed: 22/05/2019).

Council of the European Union (2015). EU Action Plan on Human Rights and Democracy. Available at: [https://www.consilium.europa.eu/media/30003/web\\_en\\_\\_actionplanhumanrights.pdf](https://www.consilium.europa.eu/media/30003/web_en__actionplanhumanrights.pdf) (last accessed: 06/04/2019).

Council of the European Union (2017). Joint Staff Working Document: EU Action Plan on Human Rights and Democracy: Mid-Term Review. Available at: <http://data.consilium.europa.eu/doc/document/ST-11138-2017-INIT/en/pdf> (last accessed: 06/04/2019).

European Commission (2010). Statement by the European Commissioner for Trade Karel De Gucht on the EU Trade Agreement with Colombia and Peru. Available at: [http://europa.eu/rapid/press-release\\_SPEECH-10-101\\_en.htm?locale=en](http://europa.eu/rapid/press-release_SPEECH-10-101_en.htm?locale=en) (last accessed: 05/03/2019).

European Commission (2011) Joint Communication to the European Parliament and the Council: Human Rights and Democracy at

the Heart of EU External Action – Towards a More Effective Approach. Available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0886:FIN:EN:PDF> (last accessed 22/05/2019).

European Commission (2012). Antonio Tajani: Enhancing Business Cooperation Between SMEs in Colombia and the EU. Available at: [http://europa.eu/rapid/press-release\\_MEMO-12-349\\_en.htm?locale=en](http://europa.eu/rapid/press-release_MEMO-12-349_en.htm?locale=en) (last accessed: 06/04/2019).

European Commission (2013a). Multiannual Indicative Programme (MIP) 2014-2017: Colombia. Available at: [https://ec.europa.eu/europeaid/sites/devco/files/mip-colombia-2014-2017\\_en.pdf](https://ec.europa.eu/europeaid/sites/devco/files/mip-colombia-2014-2017_en.pdf) (last accessed: 05/05/2019).

European Commission (2013b). Multiannual Indicative Regional Programme for Latin America 2014-2020. Available at: [https://ec.europa.eu/europeaid/sites/devco/files/dci-multindicativeprogramme-latinamerica-07082014\\_en.pdf](https://ec.europa.eu/europeaid/sites/devco/files/dci-multindicativeprogramme-latinamerica-07082014_en.pdf) (last accessed: 22/05/2019).

European Commission (2014). Meeting between President Santos and HR/VP Federica Mogherini: EU Confirms Commitment to Support Colombia Peace Process. Available at: [http://europa.eu/rapid/press-release\\_IP-14-1422\\_en.htm](http://europa.eu/rapid/press-release_IP-14-1422_en.htm) (last accessed: 19/12/2018).

European Commission (2015). The EU Takes Further Steps in Favour of Peace in Colombia. Available at: [https://ec.europa.eu/europeaid/sites/devco/files/colombia-press-release-eu-peace-support-sz\\_en.pdf](https://ec.europa.eu/europeaid/sites/devco/files/colombia-press-release-eu-peace-support-sz_en.pdf) (last accessed: 19/12/2018).

European Commission (2016a). Agreement Establishing the European Trust Fund for Colombia, and its Internal Rules. Available at: [https://ec.europa.eu/europeaid/sites/devco/files/eu-colombia-trust-fund-signed\\_en.pdf](https://ec.europa.eu/europeaid/sites/devco/files/eu-colombia-trust-fund-signed_en.pdf) (last accessed: 04/03/2019).

European Commission (2016b). European Union's Peace Building Support Almost €600 Million for Colombia. Available at: [http://europa.eu/rapid/press-release\\_MEMO-16-4294\\_en.htm](http://europa.eu/rapid/press-release_MEMO-16-4294_en.htm) (last accessed: 05/03/2019).

European Commission (2017a). Coherence Report - Insights from the External Evaluation of the External Financing Instruments. Available at: [https://ec.europa.eu/europeaid/sites/devco/files/coherence-report-main-report-170717\\_en\\_0.pdf](https://ec.europa.eu/europeaid/sites/devco/files/coherence-report-main-report-170717_en_0.pdf) (last accessed: 04/01/2019).

European Commission (2017b). EU Trust Fund for Colombia: First Annual/AOSD Report to the Management Board. Available at: [https://ec.europa.eu/europeaid/sites/devco/files/utf-colombia-annual-report-2017\\_en.pdf](https://ec.europa.eu/europeaid/sites/devco/files/utf-colombia-annual-report-2017_en.pdf) (last accessed: 24/04/2019).

European Commission (2018a). Commission Implementing Decision on the Multi-Annual Action Programme 2018-2020 for the European Instrument for Democracy and Human Rights (EIDHR), Annex 9: Action Document - Regional Mechanisms. Available at: [https://ec.europa.eu/europeaid/sites/devco/files/eidhr-maap-annex-9-regional-mechanisms\\_en.pdf](https://ec.europa.eu/europeaid/sites/devco/files/eidhr-maap-annex-9-regional-mechanisms_en.pdf) (last accessed: 17/04/2019).

European Commission (2018b). DG Manservisi Discusses Current and Future Cooperation with Cuba, Colombia and Haiti. Available at: [https://ec.europa.eu/europeaid/news-and-events/dg-manservisi-discusses-current-and-future-cooperation-cuba-colombia-and-haiti\\_en](https://ec.europa.eu/europeaid/news-and-events/dg-manservisi-discusses-current-and-future-cooperation-cuba-colombia-and-haiti_en) (last accessed 25/05/2019).

European Commission (2018c). EC joint press point by EC President Jean-Claude Juncker, HRVP Federica Mogherini, and the Colombian President Iván Duque following their meeting at the European Commission. Available at: <https://ec.europa.eu/avservices/video/player.cfm?ref=1162737> (last accessed: 05/05/2019).

European Commission (2018d). European Instrument for Human Rights and Democracy (EIDHR). Available at:

[https://ec.europa.eu/europeaid/how/finance/eidhr\\_en.htm\\_en](https://ec.europa.eu/europeaid/how/finance/eidhr_en.htm_en) (last accessed: 07/11/2018).

European Commission (2018e). The European Union Mobilises Additional €15 million for Peace Building Support in Colombia. Available at: [http://europa.eu/rapid/press-release\\_IP-18-3977\\_en.htm](http://europa.eu/rapid/press-release_IP-18-3977_en.htm) (last accessed 15/02/2019).

European Council (2013). Remarks by President of the European Council Herman Van Rompuy after his Meeting with President of Colombia Juan Manuel Santos and President of Peru Ollanta Humala. Available at: <https://data.consilium.europa.eu/doc/document/ST-29-2013-INIT/en/pdf> (last accessed: 11/01/2019).

European External Action Service (EEAS) (2012). Statement by EU High Representative Catherine Ashton on the Announced Start of Peace Talks with the FARC in Colombia. Available at: [https://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/EN/foraff/132230.pdf](https://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/132230.pdf) (last accessed: 22/05/2019).

European External Action Service (EEAS) (2015a). EU Will Support Peace Process in Colombia with Special Envoy Eamon Gilmore. Available at: [https://eeas.europa.eu/headquarters/headquarters-homepage/2521/node/2521\\_sr](https://eeas.europa.eu/headquarters/headquarters-homepage/2521/node/2521_sr) (last accessed: 25/05/2019).

European External Action Service (EEAS) (2015b). Statement by the HR/VP Federica Mogherini on the Agreement on Transitional Justice in Colombia. Available at: [https://eeas.europa.eu/delegations/cuba/3157/statement-hrvp-federica-mogherini-agreement-transitional-justice-colombia\\_en](https://eeas.europa.eu/delegations/cuba/3157/statement-hrvp-federica-mogherini-agreement-transitional-justice-colombia_en) (last accessed: 04/03/2019).

European External Action Service (EEAS) (2016). EU Suspends FARC from Terrorist List to Support Colombia Peace Deal. Available at: [https://eeas.europa.eu/headquarters/headquarters-homepage/10564/eu-suspends-farc-from-terrorist-list-to-support-colombia-peace-deal\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/10564/eu-suspends-farc-from-terrorist-list-to-support-colombia-peace-deal_en) (last accessed: 05/02/2019).

European External Action Service (EEAS) (2017a). EU Statement – United Nations 5th Committee: Special Political Missions – UN Verification Mission in Colombia. Available at: [https://eeas.europa.eu/delegations/un-new-york/39423/eu-statement-%E2%80%93-united-nations-5th-committee-special-political-missions-un-verification-mission\\_en](https://eeas.europa.eu/delegations/un-new-york/39423/eu-statement-%E2%80%93-united-nations-5th-committee-special-political-missions-un-verification-mission_en) (last accessed: 18/05/2019).

European External Action Service (EEAS) (2017b). Más de \$6.100 Millones de Pesos de la Unión Europea para Proyectos de Derechos Humanos y Género. Available at: [https://eeas.europa.eu/headquarters/headquarters-homepage/36899/m%C3%A1s-de-6100-millones-de-pesos-de-la-uni%C3%B3n-europea-para-proyectos-de-derechos-humanos-y-g%C3%A9nero\\_es](https://eeas.europa.eu/headquarters/headquarters-homepage/36899/m%C3%A1s-de-6100-millones-de-pesos-de-la-uni%C3%B3n-europea-para-proyectos-de-derechos-humanos-y-g%C3%A9nero_es) (last accessed: 06/05/2019).

European External Action Service (EEAS) (2018a). EU-Colombia Relations, Factsheet. Available at: [https://eeas.europa.eu/headquarters/headquarters-homepage\\_en/16968/EU-Colombia%20relations,%20factsheet](https://eeas.europa.eu/headquarters/headquarters-homepage_en/16968/EU-Colombia%20relations,%20factsheet) (last accessed: 18/05/2019).

European External Action Service (EEAS) (2018b). High Representative Mogherini meets with Colombian Foreign Minister Carlos Holmes Trujillo. Available at: [https://eeas.europa.eu/delegations/colombia/50664/high-representative-mogherini-meets-colombian-foreign-minister-carlos-holmes-trujillo\\_en](https://eeas.europa.eu/delegations/colombia/50664/high-representative-mogherini-meets-colombian-foreign-minister-carlos-holmes-trujillo_en) (last accessed: 01/03/2019).

European External Action Service (EEAS) (2018c). Opening remarks by High Representative/Vice-President Federica Mogherini at the “Conflict Resolution in the 21st Century: the Case of Colombia” Event with Colombian President Juan Manuel Santos. Available at: [https://eeas.europa.eu/headquarters/headquarters-homepage/45637/opening-remarks-high-representativevice-president-federica-mogherini-conflict-resolution-21st\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/45637/opening-remarks-high-representativevice-president-federica-mogherini-conflict-resolution-21st_en) (last accessed: 06/05/2019).

European External Action Service (EEAS) (2019a). EU Increases Emergency Aid to Venezuela by 50M Euro. Available at: [https://eeas.europa.eu/delegations/barbados\\_en/60357/EU%20Increases%20Emergency%20Aid%20to%20Venezuela%20by%2050M%20Euro](https://eeas.europa.eu/delegations/barbados_en/60357/EU%20Increases%20Emergency%20Aid%20to%20Venezuela%20by%2050M%20Euro) (last accessed 25/05/2019).

European External Action Service (EEAS) (2019b). International Contact Group - Meeting 7 February. Available at: [https://eeas.europa.eu/headquarters/headquarters-homepage/57788/international-contact-group-%E2%80%93-meeting-7-february\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/57788/international-contact-group-%E2%80%93-meeting-7-february_en) (last accessed: 15/02/2019).

European Parliament (2012). Resolution of 13 June 2012 on the EU Trade Agreement with Colombia and Peru (2012/2628(RSP)). Available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2012-0249+0+DOC+XML+V0//EN> (last accessed 05/05/2019).

European Parliament (2013). “Colombia is a Key Ally in EU-Latin American Relations” – the President of the European Parliament. Available at: [http://www.europarl.europa.eu/former\\_ep\\_presidents/president-schulz-2012-2014/en/press/press\\_release\\_speeches/press\\_release/2013/2013-february//colombia-is-a-key-ally](http://www.europarl.europa.eu/former_ep_presidents/president-schulz-2012-2014/en/press/press_release_speeches/press_release/2013/2013-february//colombia-is-a-key-ally) (last accessed: 19/12/2018).

European Parliament (2016a). European Parliament Delegation to Observe Colombia’s Peace Deal Referendum. Available at: <http://www.europarl.europa.eu/news/en/press-room/20160927IPR44273/european-parliament-delegation-to-observe-colombia-s-peace-deal-referendum> (last accessed: 19/12/2018).

European Parliament (2016b). Resolution of 20 January 2016 in Support of the Peace Process in Colombia (2015/3033(RSP)). Available at:

<http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P8-TA-2016-0016> (last accessed: 05/05/2019).

European Parliament (2017). Resolution of 13 September 2017 on EU Political Relations with Latin America (2017/2027(INI)). Available at: [http://www.europarl.europa.eu/doceo/document/TA-8-2017-0345\\_EN.html?redirect](http://www.europarl.europa.eu/doceo/document/TA-8-2017-0345_EN.html?redirect) (last accessed: 05/05/2019).

European Parliament (2018a). Colombia: Santos Thanks the EU for its Support of the Peace Process. Available at: <http://www.europarl.europa.eu/news/en/press-room/20180524IPRO4224/colombia-santos-thanks-the-eu-for-its-support-to-the-peace-process> (last accessed: 19/12/2018).

European Parliament (2018b). Enhancing EU Actions on Economic, Social and Cultural Rights within its Human Rights Policy. Available at: <https://publications.europa.eu/en/publication-detail/-/publication/e47e70a6-1dce-11e8-ac73-01aa75ed71a1/language-en/format-PDF> (last accessed: 22/05/2019).

European Parliament (2018c). International Criminal Court: Achievements and Challenges 20 Years After the Adoption of the Rome Statute. Available at: [http://www.europarl.europa.eu/RegData/etudes/BRIE/2018/625127/EPRS\\_BRI\(2018\)625127\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2018/625127/EPRS_BRI(2018)625127_EN.pdf) (last accessed 05/05/2019).

European Parliament (2018d). Parliamentary questions: Answer given by High Representative/Vice-President Mogherini on behalf of the Commission, E-003934/2018. Available at: [http://www.europarl.europa.eu/doceo/document/E-8-2018-003934-ASW\\_EN.pdf](http://www.europarl.europa.eu/doceo/document/E-8-2018-003934-ASW_EN.pdf) (last accessed: 03/03/2019).

European Parliament (2018e). Statement by the

HR/VP: EU Support for the Colombian Peace Process (2017/3021(RSP)) – European Parliament Debate. Available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20180116+ITEM-011+DOC+XML+V0//EN> (last accessed: 22/05/2019).

European Parliament (2018f). The Sakharov Prize. Available at: <http://www.europarl.europa.eu/sakharovprize/en/home/the-prize.html> (last accessed: 19/12/2018).

European Parliament (2018g). The Situation of the Rule of Law and Human Rights in Cuba and Venezuela and EU Engagement. Available at: <https://ssrn.com/abstract=3300842> (last accessed: 28/05/2019).

European Parliament (2018h). The Venezuelan Migrant Crisis: A Growing Emergency for the Region. Available at: [http://www.europarl.europa.eu/RegData/etudes/BRIE/2018/630343/EPRS\\_BRI\(2018\)630343\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2018/630343/EPRS_BRI(2018)630343_EN.pdf) (last accessed: 03/03/2019).

European Parliament (2019). Resolution of 16 January 2019 on the Implementation of the Trade Agreement between the European Union and Colombia and Peru (2018/2012(INI)). Available at: [http://www.europarl.europa.eu/doceo/document/TA-8-2019-0031\\_EN.html?redirect](http://www.europarl.europa.eu/doceo/document/TA-8-2019-0031_EN.html?redirect) (last accessed 05/05/2019).

'Framework Agreement on Cooperation between the European Economic Community and the Cartagena Agreement and its member countries, namely the Republic of Bolivia, the Republic of Colombia, the Republic of Ecuador, the Republic of Peru and the Republic of Venezuela' (1998) Official Journal L127, pp. 10-25.

# LIST OF INTERVIEWEES

<b>Number</b>	<b>Interviewee</b>	<b>Method</b>	<b>Date</b>
1	European Union Official	Telephone	06/05/2019
2	NGO Representative	Telephone	15/05/2019
3	NGO Representative	Telephone	16/05/2019
4	NGO Representative	Telephone	22/05/2019
5	NGO Representative	Telephone	23/05/2019