

**An Agreement on Human Rights: Reflecting Upon the
Unavoidable Challenges of the State**
*Presented by the Representative of the High
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In compliance with the Mandate of the Office of the United Nations High Commissioner for Human Rights and with the sincerest interest of being able to contribute to positively change the human rights situation in Colombia, we have invited all of the Candidates for the Presidency of the Republic to sign and commit to the *Agreement on Human Rights*.

The Agreement states:

Text of the Agreement:

Agreement on Human Rights

I, _____
as candidate for the Presidency of the Republic of Colombia publicly pledge that in my Government there will be a special emphasis to respect, protect, and guarantee human rights.

At the same time, the actions of my Government will promote, throughout the country, and in particular, in areas most affected by conflict and violence, the political, economic, and social inclusion of the people

who live in these areas, effectively exercising civil, political, economic, social, and cultural rights.

The proposal of the Agreement on Human Rights is an initiative of the United Nations High Commissioner of Human Rights Office in Colombia. In its analysis of the situation, the office has concluded that it is important to avoid the assassination of leaders, rural leaders, and human rights defenders, which will lead to true political, economic, and social inclusion in the country.

As a Presidential Candidate, I pledge to adhere to this agreement that is both of the State and society.

March 13, 2018

I am pleased to say that all of the candidates have signed this Agreement ratifying their commitment to human rights. It is evident that the next government, whatever that may be, will face multiple challenges in putting that commitment into practice; but this should not discourage them, rather encourage them.

Compliance with international standards in the area of human rights plays a central role in the recovery of social trust, in the exercise of public power, and in the consolidation of the Rule of Law. This **Agreement on Human Rights** describes the ratification of fundamental social values for peaceful

coexistence and provides a common framework that encompasses the entire political spectrum that rejects and condemns all acts contrary to human rights.

This political commitment must materialize itself in concrete actions in fields that are priorities for the strengthening of the Rule of Law in Colombia.

Within the framework of its mandate and taking into consideration the recommendations of the Treaty Bodies and the Universal Periodic Review (UPR), which took place on May 10th, the UN Human Rights Office proposes the following four themes as starting points that are paramount for the improvement of the human rights situation in the country.

Challenge no. 1: Combating impunity. Impunity with regards to human rights violations of the past and present is contrary to the general obligations of the State in the area of human rights, and generates an atmosphere of tolerance or connivance with atrocious acts that entail serious repercussions. First, those responsible for violations see their behavior favored by not receiving sanctions. Secondly, impunity deepens mistrust between victims and state institutions, by not fulfilling the expectations of justice. And thirdly, it sends a message to society highlighting the weakness of the State or its complicity with the crime, insofar as the authorities do not sanction atrocious acts.

Impunity, including cases of femicide or violence against women, whether due to incapacity or lack of will from the authorities, reinforces the interests of those who use violence as a method of social control, and amplifies and radiates the

intimidating and paralyzing nature of any attack. The lack of sanctions stands as a failure of both legitimacy and authority of the State that must and can be overcome. The action of the authorities must not fragment the whole spectrum of violations, including the multitude of cases that demand truth and justice.

Challenge no. 2: Provide guarantees for the exercise of the defense of human rights. The defense of human rights in Colombia is an exercise inhibited by multiple factors: the lack of guarantees for the exercise of rights and freedoms, the recurrent attacks against people engaged in the defense of rights, the operation and installation of regimes that use coercive violence to control social, economic and political territories and activities, and the paralyzing fear that has been internalized by a large sector of Colombian citizens as a result of unpunished violence. Lethal attacks against defenders of rights are the most visible symptoms of a deeper problem, which must be addressed to foster a safe and tolerant environment that guarantees freedom of thought and expression.

Physical attacks and the stigmatization of those who defend rights produce drastic limitations of the space of civil society to participate in public affairs and claim their interests from a framework of rights. The accumulated violence and stigmatization, along with the lack of condemnation of attacks, produce an inhibitory and immobilizing effect on broad social sectors that experience fears of persecution or retaliation if they exercise their rights. The fear of violence leads to self-censorship and produces paralysis of the collective action necessary in a democratic society. It is then necessary to redouble efforts to guarantee the timely and

effective protection of leaders and human rights defenders and members of social and political movements, as well as to strengthen the participation of women at all levels of national life: political, economic, social and cultural.

Challenge no. 3: Use the opportunities offered by the construction of peace in Colombia to consolidate a state power that respects human rights. The consolidation of the rule of law requires the presence and strengthening of public institutions at the local level. In addition to guaranteeing presence throughout the territory, the Colombian State must confront those areas in which the public power is conditioned by violence and corruption; the regions in which corruption has led to the diversion of state power to favor particular interests deserve special attention. The cooptation of institutions seriously affects the enjoyment of human rights by citizens and negates guarantees for the exercise of rights and freedoms. The construction of State legitimacy implies strengthening the institutions to serve the citizens and the general interest. The state presence in the territories cannot be limited to the formal exercise of power, or an armed presence, but must be converted into the improvement of civil, political, economic, social, cultural and environmental rights. Specifically, the state also bears the responsibility for guaranteeing the implementation of the Integral Rural Reform, as pledged in the Peace Accords, which formalizes employment and guarantees workers in the agricultural sector just and dignified working conditions, allocates sufficient resources to the health sector, guarantees accessibility, availability, affordability and quality of medical care, especially considering the needs of indigenous and Afro-Colombian peoples.

Challenge no. 4: Provide security and protect rights. Citizens demand the right to live in safe conditions and tranquility. Undoubtedly, it is a longing shared by residents throughout the national territory, both in urban and rural contexts. There must be a firm response to the different manifestations of crime; firm but also in full respect of human rights. A great challenge of the authorities is to respond to this social clamor for security without using fear to seek inadequate limitations on rights and freedoms. The contraposition of security and human rights is a false dilemma: “more and better security” does not mean overpowering the system of human rights. The response to the factors that disrupt the social order will have legitimacy and effectiveness insofar as it respects the rights of all, including the rights of the offenders of criminal law. Latin American societies, including Colombia, experience a tendency to overexploit citizens’ fear in order to implement easily publicized drastic measures without addressing the causes of crime. The answers in terms of security must start from a technical understanding of the manifestations of crime, which allows for the design and implementation of rational measures to combat insecurity, in line with human rights standards.

To conclude, I would like to acknowledge the formal commitment that all the candidates have expressed with regards to the international obligations of the Colombian State. Whoever is elected will have the responsibility to materialize that commitment and to bring this agreement into practice through his government policies. The four exposed

themes carry unavoidable challenges, and demand technical capacity, adequate resources and, above all, political will.

We hope that this agreement will serve as a meeting point to guide the exercise of public power in Colombia, and that it demonstrates concrete advances in aspects of the human rights situation. I reaffirm the will and commitment of the Office of the High Commissioner to continue working in Colombia with the State, civil society, and the international community to contribute to the improvement of the human rights situation in the country.