



# COLLECTIVE PROTECTION OF HUMAN RIGHTS DEFENDERS OF THE RIGHT TO LAND AND TERRITORY

CONCEPTUAL DEVELOPMENTS  
AND METHODOLOGICAL CHALLENGES











# COLLECTIVE PROTECTION OF HUMAN RIGHTS DEFENDERS OF THE RIGHT TO LAND AND TERRITORY

## CONCEPTUAL DEVELOPMENTS AND METHODOLOGICAL CHALLENGES

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**Pensamiento y Acción Social (PAS)** and **Protection International (PI)** published the report “**The Collective Protection of Defenders of Land and Land Rights in Colombia: Conceptual Developments and Methodological Challenges**” (*La protección colectiva de los defensores del derecho a la tierra y el territorio en Colombia: Desarrollos conceptuales y desafíos metodológicos*) in early 2017. It is the product of a two-year long research project that seeks to explore more comprehensive approaches to protection for human rights defenders, particularly those defending the right to land and territory.

The full report (only available in Spanish) can be downloaded at the following link:  
**<https://indd.adobe.com/view/57f2f76f-ac47-44d1-807a-13665f5c191e>**

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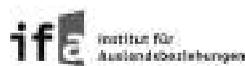
1. Note to the English edition: the English version of the executive summary has been edited to facilitate the understanding of the case study of the Asociación de Campesinos de Buenos Aires (ASOCAB), of Las Pavas community in Colombia, to readers who are not familiar with the Colombian context.



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## EXECUTIVE SUMMARY

At least three elements motivated **Pensamiento y Acción Social (PAS)** and **Protection International (PI)**<sup>2</sup> to undertake research on collective protection measures for human rights defenders (HRDs), civil society organisations (CSOs) and their communities struggling for the right to land and territory: First, the high level of risk being faced by HRDs, CSOs and communities, particularly those who live and operate in remote rural areas. Second, since 2015, the issue of collective protection has received growing attention both in Colombia's jurisprudence and the human rights community. And third, the need to expand the focus of HRD protection beyond the government-led protection programme, which has shown strong limitations in responding to the risks these community-based HRDs face.

Building on PI and PAS ongoing support to the community of Las Pavas and its organisation Asociación de Campesinos de Buenos Aires (ASOCAB),<sup>3</sup> this research aims at exploring a more comprehensive approach to the protection of HRDs, and community-based CSOs, particularly those based in remote, rural areas and linked to the defence of land and territory. This approach understands that collective protection corresponds to two specific types of social subjects: formally (legally) constituted grassroots organisations and communities that organise themselves for the defence of their right to land and territory. Such approach reflects the spirit of the UN General Assembly Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect

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2. *PI and PAS contribute to the improvement of security management capacities of HRDs in Colombia through their joint project Protection Desk Colombia (PDCOL).*

3. *The farmers' and peasants' association ASOCAB represents over 100 families in their struggle for the right to land. Over the past two decades, since they peacefully occupied unused land and started farming for their subsistence, they have struggled to formalise land tenure and resisted all kinds of violations committed by illegal paramilitary forces, palm oil company interests and the police: forcible displacement, illegal evictions, destruction of their crops and physical aggressions. Also, their leaders have been stigmatised, harassed and criminalised. Despite a Constitutional Court ruling in 2011 that found that the actions leading to the forcible eviction of the families of Las Pavas had been illegal, and ordered a reassessment of the question of land possession, aggressions and harassment continue.*

Universally Recognised Human Rights and Fundamental Freedoms (also known as the UN Declaration on HRDs). The latter foresees that “[e]veryone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”.<sup>4</sup>

## Background on collective protection in Colombia

Collective protection actions promoted by the Colombian State originate in response to the internal armed conflict and the forced displacement of rural populations. These particular conditions brought about ad hoc definitions of both

“collective protection” and the “collective subject”, which is the object of State protection responses. Thus, the understanding of collective protection in Colombia has emerged and evolved based on different situations experienced by the State, the communities, international stakeholders, and international cooperation agencies.

There is a number of protection responses that incorporate a collective element in their execution: the Early Warning System (SAT in Spanish) of the Ombudsman’s Office (Defensoría del Pueblo), which since 2005 focuses on prevention through the identification of risks within a specific geographic framework;<sup>5</sup> the Community Defenders Programme, also of the Ombudsman’s Office, which initially focused on accompanying

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4. UNGA. *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*. A/RES/53/144. 8 March 1999. Available at <http://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf>.

5. *The SAT is a tool of the Ombudsman’ Office for the collection and assessment of information related to risk and vulnerabilities affecting the civil population in conflict areas. Through Early Warning Reports, SAT analysts alert the Government bodies in charge of coordinating a response for the protection of the population at risk.* Defensoría del Pueblo. “Sistema de Alertas Tempranas”. [Online] 2001. Spanish version available at: <http://www.defensoria.gov.co/es/public/atencionciudadanao/1469/Sistema-de-alertas-tempranas---SAT.htm>

6. *The Programme originated from a proposition of the Cacarica community in 1999, and was subsequently managed by the Ombudsman’s Office from 2002 to 2011. The Programme provides permanent accompaniment to communities at high risk through the protection of the civilian population.* ACNUR. *Balance de la Política Pública para la Atención Integral al Desplazamiento Forzado en Colombia*. Enero 2004-Abril 2007. Ricardo Alonso / Torre Gráfica. Bogotá. August 2007. P. 222. Defensoría del Pueblo. *Defensoría Delegada para los Derechos de la Población Desplazada*. [Online] S/F. Available at: <http://www.defensoria.gov.co/es/public/defensoriasdelegadas/1449/Para-los-derechos-de-la-poblaci%C3%B3n-desplazada.htm>

communities at high risk of forced displacement (2002-2011);<sup>6</sup> and the Communities at Risk Programme, created by the Human Rights Directorate of the Ministry of Interior in 2005, which developed capacities of communities to formulate protection plans in response to the armed conflict. The latter was implemented in specifically designated areas by the national Government, known as “consolidation zones” (i.e. territories whose control was taken back by the Colombian armed forces from the far-left guerrillas during the military offensive in the 2000s).<sup>7</sup>

The evolution of the “collective” concept reflected the developments of Colombia’s internal armed conflict: from an exclusive reference to internal forced displacement to a more recent focus on territorial and community aspects. Framed by international humanitarian law (IHL), different communities promoted the creation of “Humanitarian Spaces”. These spaces applied originally to rural contexts and, since 2002, also to urban contexts. Similar to the humanitarian spaces, the “Peasant Reserve Zones” (Zonas de Reserva Campesina) correspond to geographical areas with comparable agro-ecological and socio-economic characteristics. Operating in a similar

manner to the humanitarian spaces, these zones have been created with the purpose of preserving specific territorial and environmental orders, as well as more effective access to land in respect of peasants’ rights.

This background reveals that, in terms of protection, between the late 1980s and the late 1990s, the notion of “collective” referred to a large group of individuals who shared one of the cruellest violations of human rights: internally forced displacement. The number of internally displaced people in Colombia was estimated to 2 million between 1985 and 1999; in more recent estimations, the number may reach about 7 million victims.<sup>8</sup> After 2000, the “collective” concept progressively acquired a territorial and community connotation. By 2015 the Constitutional Court Decision (Auto) 321/2015 called on the National Government to define “collective protection”, to specify its scope, and to establish the difference as well as complementarity with respect to individual protection. This ruling opened a debate on collective protection among State authorities, on the one hand, and the human rights movement represented in the National Guarantees Committee, on the other.

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7. *Programa Presidencial de Derechos Humanos. “Los Derechos de las Comunidades en Riesgo”*. [Online] 2006. Boletín Número 11, March 2006. Available at: <http://historico.derechoshumanos.gov.co/Prensa/Destacados/Documents/2010/Documentos/boletin11-comunidades.pdf>

8. *UNHCR. Forced displacement growing in Colombia despite peace agreement*. [Online] March 10, 2017. Available at: <http://www.unhcr.org/news/briefing/2017/3/58c26e114/forced-displacement-growing-colombia-despite-peace-agreement.html>

# LEGAL FRAMEWORK OF THE PROTECTION PUBLIC POLICIES IN COLOMBIA

## International instruments and jurisprudence

Much of Colombia's public policies on protection derives from the adoption of international instruments and jurisprudence. Some of these instruments are: the American Declaration of Human Rights and Duties (1948),<sup>9</sup> the Universal Declaration of Human Rights (1948),<sup>10</sup> the International Pact on Civil and Political Rights (1966),<sup>11</sup> International Humanitarian Law (1949),<sup>12</sup> International Labour Organisation (ILO) Convention 169 -Rights of Indigenous and Tribal Peoples(1989),<sup>13</sup> the Guiding Principles on Forced Displacement (1997)<sup>14</sup> and the United Nations Declaration on HRDs (1998).<sup>15</sup>

Collective protection has also featured in the Inter-American human rights system through provisional measures issued by the Inter-American Commission on Human Rights (IACHR) and the precautionary measures provided by the Inter-American Court of Human Rights (IACtHR). The purpose of these measures is to prevent irreparable damage to persons who, due to their association with an organisation, a group or a community, face urgent and grave danger. When these measures are adopted in countries using the traditional logic of individual protection (e.g. assigning bodyguards, armoured vehicles, mobile phones, etc.), the IACtHR has deemed it desirable to identify the beneficiaries.

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9. See <https://www.cidh.oas.org/basicos/english/basic2.american%20declaration.htm>.
  10. See <http://www.un.org/en/universal-declaration-human-rights/>
  11. See <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>.
  12. In particular, the Additional Protocol II to the Geneva Convention. See <https://treaties.un.org/doc/publication/unts/volume%201125/volume-1125-i-17513-english.pdf>
  13. See [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C169](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169).
  14. See <http://www.un-documents.net/gpid.htm>.
  15. See <http://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf>

In the case of Colombia, the Inter-American human rights system has ensured some collective protection in over 20 cases, including indigenous peoples, afro-descendants, peasant communities and grassroots civil society organisations (CSOs), through provisional or precautionary measures.<sup>16</sup>

## Colombia's legislative framework for collective protection

Collective protection has been included in national legislation since the adoption of Law 418 of 1997 and the subsequent regulations by the Ministry of Interior: Decree No. 978 of 2000, Decree 1592 of 2000, and Decrees 1386 and 2742 of 2002. Further legislations partially addressed collective protection, such as the Law 1448 of 2011 (Victims' Law and Land restitution) and its enabling regulation - Decree 4800 of 2011. The latter produced specific decrees for victims belonging to indigenous peoples and communities - Decree-Law 4633 of 2011; victims belonging to Afro-Colombian, *raizales* and *palenqueras* communities - Decree-Law 4635 of 2011; and victims from

the Rom or Gypsy people - Decree-Law 4634 of 2011. As a result, the obligation of the Colombian state has gradually expanded in terms of - collective - protection for victims and vulnerable populations.

The need to design a specific mechanism for collective protection was addressed by the Constitutional Court Auto 200/2007, which establishes the presumption of risk for populations in situation of forced displacement. Consequently, the Court urged the national Government to design a specific "instrument for the risk assessment of groups, collectives or communities" (Auto 266/2009), different from the one being previously used to assess the risks of individuals. Ongoing failure to comply with this ruling by the National Programme of Protection (revamped in 2011) pushed the Constitutional Court to ratify its request to the Ministry of Interior and the National Protection Unit with a new decision (Auto 321/2015).

As a result, the Ministry of Interior conveyed the creation of a "Collective Protection Roadmap" (*Ruta de Protección Colectiva*). Efforts to

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16. *Dejusticia, et al. "Las medidas cautelares y su importancia para la protección de los derechos humanos en las Américas". [Online] 2011. Available at: [https://www.oas.org/es/cidh/consulta/docs/ll.es.14.dejusticia\\_dplf\\_conectas\\_cels\\_idl\\_medidas\\_cautelares.pdf](https://www.oas.org/es/cidh/consulta/docs/ll.es.14.dejusticia_dplf_conectas_cels_idl_medidas_cautelares.pdf). Also see CIDH. "Medidas Provisionales Solicitadas por la Comisión Interamericana de Derechos Humanos Respecto de La República de Colombia Caso Pueblo Indígena Kankuamo". [Online] 2004. Available at: [http://www.corteidh.or.cr/docs/medidas/Kankuamo\\_se\\_01.pdf](http://www.corteidh.or.cr/docs/medidas/Kankuamo_se_01.pdf). And CIDH. "Resolución de la Corte Interamericana de Derechos Humanos de 17 de noviembre de 2004 Medidas Provisionales Respecto de la República De Colombia Caso de las Comunidades del Jiguamiandó y del Curbaradó". [Online] 2004. Available at: [http://www.corteidh.or.cr/docs/medidas/Jiguamiando\\_se\\_02.pdf](http://www.corteidh.or.cr/docs/medidas/Jiguamiando_se_02.pdf)*

implement the procedure started in June 2012 and included the building of a Collective Risk Assessment Instrument, the creation of a Committee for Risk Assessment and Recommendation of Measures to assess collective risks (collective CERREM), and the design of a typology of collective protection measures. The roadmap culminated with the adoption of Resolution 1085 in August 2015.

## Collective Protection Roadmap

As a result of a joint exercise involving numerous protection funds and programmes operating in Colombia,<sup>17</sup> **PDCOL** identified a number of important improvements, as well as gaps, setbacks and points for further clarification, contained in Resolution 1085 of 2015.

The list of possible protection measures are (art. 4):

- Individual protection actions when these have an impact on the collective (object of protection).

- Support to infrastructure for protection purposes.
- Organisational and community strengthening.
- Strengthening of institutional presence.
- Establishment of strategies of communication, participation and interaction with entities that reduce the degree of exposure to risk.
- Development and implementation of strategies aimed at addressing the root causes of risk and threat.

Among the advances, the resolution:

- Provides access to the programme not only to formally established CSOs, but also to groups, communities, social or political organisations that lack formal, legal status.<sup>18</sup>
- Allows for having a follow-up mechanism to evaluate the effectiveness in the implementation of the protection measures.
- Creates a space for collaboration between local and national levels of Government, by assigning

17. *Urgent Action Fund for Women's Rights - Latin America, Ansur Collective, Swedish Movement for Reconciliation (SweFOR), Peace Brigades International (PBI) Colombia, Fund for Emergency Aid and Organisational Strengthening for Protection and Self-Protection (FFP), Movimiento Nacional de Víctimas de Estado (MOVICE), Centro de Investigación y Educación Popular (CINEP), Somos Defensores Programme, Pastoral Social, Standing Committee for Human Rights (CDPH) and PDCOL (PI-PAS joint project).*

18. *Resolution 1085 of 2015 provides some guidance on the possible requirements to determine the existence of the collective subject (art. 3) : i) pursue clearly defined objectives; ii) share cultural, social and/or political features; iii) have geographical base; iv) be organised and cohered; v) meet temporarily or permanently to reach concrete or specific objectives; vi) have an identified or identifiable representative; and vii) belong to a specific population based on the valid juridical framework.*

this responsibility to the Directorate of Human Rights of the Ministry of Interior.

- Requires the consent of the group or community for the conduction of the risk assessment.
- Establishes the need of field visits for collecting and analysing information with the participation of the group or community. This allows for a more accurate understanding of the risk and protection needs.

One of the negative aspects present in the resolution is the limitation imposed to the role of CERREM in collective protection by the National Government. The functions regarding the measurement of levels of risk and the definition of protection measures, usually under the fold of this body, are diluted: while CERREM is responsible for the assessment of individual protection cases,<sup>19</sup> its functions are replaced by the employment of a standardised tool in the case of collective risk assessment. As consequence and problematically,

the quality of risk analysis is highly reduced front of a greater degree of complexity in cases of collective protection, as CERREM only validates the results of the exercise.

The “collective protection roadmap” unfortunately maintains and deepens a “militaristic/policing” bias for assessing risks, while applying the use of bodyguards (which may be useful when protecting elected officials and civil servants) to all civil society groups at risk as a general protection measure. On the one hand, the Technical Body of Information Collection and Analysis (CTRAI in Spanish), composed of officials of the National Protection Unit (UNP in Spanish) and the national police, applies the standardised tool and reaches an agreement on the measures to provide to the group or community requiring protection. On the other hand, the CERREM maintains overrepresentation of the national police while the Ombudsman and civil society representatives only have voice but no vote.

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19. *Composition of CERREM (Ministry of Interior Resolution 4912 of 26 December 2011; art. 36-37): with voice and vote: director of the Human Rights Directorate of the ministry of interior; director of the Human Rights and IHL Programme of the President's Office; director of the Victims' Support Unit; director of Protection and Special Services of the national police; and coordinator of the Human Rights Office of the national police inspector general. With voice but no vote: inspector General's Office (Procurador General de la Nación); Ombudsman's Office; Attorney General's Office (Fiscalía); Office of the High Commissioner for Human Rights; four delegates of the population covered by the Prevention and Protection Programme; and if required, delegates of public entities and a representative of a private entity.*

# LAND AND TERRITORY: OBJECT OF LEGITIMATE DEFENCE

Recognition of the right to land is incipient. The UN Human Rights Council Declaration on the Rights of Peasants and other Persons Working in Rural Areas<sup>20</sup>, despite its non-binding character, constitutes an important reference for defending the right to land. The right to land is further reinforced by virtue of its connection with other human rights of greater normative recognition: access to land is in fact recognised as necessary and indispensable for the exercise of the economic, social, and cultural rights of peasant communities. In this sense, the lack of access to land as a source of livelihood through crop growing or livestock could constitute a violation of a peasant community right to food and water.

The right to land can also be understood as protected by provisions that recognise the right to a healthy environment, the protection of cultural diversity, the right to work and freedom to choose a profession or

trade, as well as the right to minimum living standards and food security.

## **Peasants as HRDs who require special protection**

In Colombia the conflict over land tenure has an historical character, since the democratic distribution of land is a claim that has not been met so far. This social conflict has been at the heart of the country's protracted internal armed conflict and has also marked vast numbers of the population as victims of the violence and forced displacement. The problem is aggravated by informality in land tenure and the concentration of vast swaths of land into a few hands. Colombia remains one of the countries with the highest inequality rates in rural property in Latin America and the world.<sup>21</sup> Moreover, the current rural development model, which is based on "promoting investment on the basis of an impoverished and abandoned rural sector, favours the concentration of property".<sup>22</sup>

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20. UN HRC. *Promotion and protection of the human rights of peasants and other people working in rural areas.* (Ref. 23). A/HRC/RES/21/19. 11 October 2012. Available at <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/G12/174/70/PDF/G1217470.pdf?OpenElement>.

21. According to the World Bank, Colombia's GINI coefficient reached a peak of 0.55 points in 2005, and remains at 0.51 in 2016, making Colombia one of the most unequal countries in the Americas. World Bank. *GINI Index statistics* at <https://data.worldbank.org/indicator/SI.POV.GINI?end=2014&start=2014&view=map>.

Faced with such reality, peasants in several regions of the country have stood up in the defence of their rights, including the right to land and territory. In recent years, the struggle has been driven by the promulgation of the Victims' and Land Restitution Law (2011). To this end, peasants have begun to carry out the tasks that define a human rights defender (HRD), in accordance with the UN Declaration on HRDs.

Colombia's small farmers and peasants are a particular group of HRDs who require special protection by virtue of at least four central elements:

- a.** The very nature of the rights they defend: the loss of land for a peasant equates to losing not only property, crops, livestock and source of income, but also her/his bonds with nature, family, social networks and cultural traditions.
- b.** Their exposure to higher levels of risk: the high levels of violence against rural-based HRDs - nearly 50% of the HRDs killed in the country in 2015 - is an indicator of this.<sup>23</sup>
- c.** Their situation of greater vulnerability: in Colombia, the peasantry is made up of approximately 7 million people with extreme poverty rates;<sup>24</sup> and one third of rural inhabitants live with unsatisfied basic needs (i.e. access to housing, health and sanitary services, education system, socio-economic conditions).<sup>25</sup>
- d.** The existence of contexts that significantly aggravate their situation: Colombia is a country of regions with different levels of development and presence of State institutions. In vast rural areas, State presence may be inexistent or have weak local authorities, who can be easily co-opted by illegal armed groups, organised crime or social and economic powerholders. This leads to the inaction of both local authorities and the security forces to fulfil their obligation to protect HRDs against aggressions and to curb the impunity that perpetrators enjoy. In this context, the invisibility of the peasantry as a social subject and the fragmentation of their collective action, end up increasing their vulnerabilities.

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22. Paola García Reyes. "Agrarian structure in Colombia and rural development models". Observatory of Restitution and Regulation of Agricultural Property Rights. [online] 2014. Available at <http://www.observatoriodeltierras.org/wp-content/uploads/2014/06/ESTRUCTURA-AGRARIA.pdf>.

23. Colombia is the second deadliest country for land and environmental defenders, after Brazil, counting 37 defenders killed in 2016. Global Witness [online] 2016, available at <https://www.globalwitness.org/en/campaigns/environmental-activists/defenders-earth/>

24. While Colombia has seen its poverty indicators decrease in the last decade, the differences between urban and rural areas remain striking. In 2016 the extreme poverty rate in Colombia was 8.5% of the total population. In the main urban centers, it rose from 7.9% in 2015 to 8.6% in 2016, while multidimensional poverty in the rural areas of the country registered 37.6%. Portafolio. "Más de cinco millones de personas salieron de la pobreza en la última década". 22 March 2017.

25. Paola García Reyes. "Agrarian structure in Colombia...". Op. Cit.

# FINDINGS OF THE RESEARCH

## Restricted interpretation of protection in Colombia

In Colombia, a vast universe of jurisprudence has been developed, which the State fails to translate into a comprehensive and effective public policy for protection. Normative fragmentation and dispersion, as well as poor results on the matter, question the existence of the necessary political will to provide improved security conditions to the work of HRDs. Also, State authorities limit themselves to providing reactive, physical security measures to HRDs at risk without addressing the root causes of the threats. This restricted interpretation on how to protect HRDs is compounded by the absence of HRDs themselves as key actors in the design and implementation of a more flexible, adaptive and sustainable protection policy.

An example of this restrictive approach to collective protection is represented by the case of the Asociación

de Campesinos de Buenos Aires (ASOCAB), of Las Pavas community (south of Bolívar Department, in the Magdalena Medio region).<sup>26</sup> In June 2014 ASOCAB submitted a request for protection to the UNP. Although the proposal received a favourable response from the CERREM, its policy implementation has not yet materialised at the time of writing this report.<sup>27</sup> It appears that a narrow interpretation of protection constitutes the underlying motive that prevents the adoption of adequate measures.

### • Measures to curb impunity

Impunity in the case of Las Pavas and ASOCAB could be tackled by a number of actions, such as the investigation of complaints filed by the community, the transfer of judicial processes to the special human rights and IHL prosecutor (*fiscal*), and ensuring the due process in their legal struggle to formalise the possession of the land. However, our research has found that:

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26. For a brief background on ASOCAB and Las Pavas community, see Executive Summary of this report above.

27. Although the request for protection received approval in mid-2014, there was no implementation two years later.

- All these measures are excluded from the government protection programme;
- The Colombian judiciary has taken up the case following pressure from civil society: a group of vulnerable peasants were forced to carry out multiple actions to raise public visibility of their case - diplomatic community, national and international human rights organisations, national media, etc.;
- By not being proactive on the question, the State loses its capacity to take action and fails to fulfil its obligation to uphold the rights of community-based organisation ASOCAB.

- **Measures of political protection**

Although protective political actions have been promoted by the Constitutional Court jurisprudence -such as acknowledging the condition of peasants and their rights as owners, or communities' proposals and requests for collective protection- the Government programme still fails to recognise and implement corresponding and appropriate measures.

- **Collective measures**

The traditional measure of establishing an immediate response mechanism

and defining a protection perimeter where police units can be deployed has proved to be a major challenge for rural communities in remote areas in Colombia. First, deployment of police units outside the urbanised areas of small towns where illegal armed groups remain operational requires the accompaniment of the military.<sup>28</sup> Second, the budgetary restrictions of the police and the precarious conditions of the communities make it impossible to sustain the permanence of the police in the communities or their perimeter areas.

Moreover, the coordination of different State agencies that have an obligation to protect is not exerted by the UNP or the Human Rights Directorate of the Ministry of Interior. This makes very difficult to engage in dialogue with the communities such as Las Pavas and its organisation ASOCAB.

Finally, in the case of La Pavas, support to infrastructure for protection, which is a possible measure included in the Collective Protection Roadmap -and also requested by the community,<sup>29</sup> was approved by the UNP over two years ago. However, its implementation remained at an impasse while a big embezzlement and corruption scandal shook the entity in 2015-2016.<sup>30</sup>

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28. See interview with the mayor of Simití municipality in the section on Colombia at Protection International. "Focus Report. Public policies for the protection of human rights defenders: Global trends and implementation challenges. Update 2017". Brussels. (To be published).

29. Ministry of Interior. Article 4. Resolution 1085 of 2015. [online] 2015, Available at: <http://www.unp.gov.co/normatividad/Documents/RESOLUCI%C3%93N%201085%20DE%202015%20MININTERIOR.pdf>.

30. Protection International. "Focus Report..." Op. Cit.

## Absence of a conceptual framework guiding collective protection

A number of questions formulated by the Constitutional Court to the Colombian Government in its Ruling (*Sentencia*) T025 of 2004 and Auto 321/2015 are quite pertinent when it comes to understanding collective protection. They are also telling of the absence of an adequate framework for addressing collective protection in the country. Already in *Sentencia* T025/2004, the court asked: “(i) What do we refer to when we speak of ‘collective protection’?; (ii) What is the collective subject to be protected ?; (iii) How (do we) devise measures that address collective risks?”.<sup>31</sup>

And in Auto 321/2015, the court asked (about the provision of some goods and services that the concerned Government authorities defined as collective protection measures):

“(i) (a) What does the National Protection Unit mean by ‘collective’ when it considers that the delivery of goods and services such as boots, machetes, fishing kits, lanterns, boats, etc., are ‘a collective protection measure’? and (b) To what extent can the specific delivery of goods to some of the members of

the community be considered as a ‘collective’ measure?; (ii) (a) What is the added value in terms of protection that stems from the delivery of these goods, beyond the benefits they can report for daily activities? And, consequently; (b) What reason (can be argued to) justify that the National Protection Unit is the Government body in charge of delivering them?; (iii) (a) What was the collective risk assessment?; (b) What are the risks that the delivery of these goods and services seeks to avert?; and (c) How does their delivery manage to mitigate them?”.<sup>32</sup>

The State-led protection programmes understand the term “collective” as a plural number of people connected to each other by one or more types of risks or threats they face. In this sense, the Constitutional Court initially recognised nine types of vulnerable groups that had priority to obtain State protection: forcibly displaced people, reinserted combatants, political minority parties and movements, threatened teachers and professors, health care workers, public officials who have been targeted due to their position, HRDs, journalists and trade unionists. Thus, a person belonging to one of these groups could claim her/his right to life and physical integrity in order to have access to the Government Protection Programme administered by the UNP.<sup>33</sup>

31. Constitutional Court. Ruling T025 / 04 [online] 2004, Available at: <http://www.corteconstitucional.gov.co/relatoria/2004/t-025-04.htm>. Free translation by PI.

32. Constitutional Court. Auto 321/2015 [online] 2004, Available at: <http://www.corteconstitucional.gov.co/relatoria/2004/t-025-04.htm>. Free translation by PI.

33. UNP (National Protection Unit). “What do we do?”. [Online] 2004. Available at: <http://www.unp.gov.co/quehacemos>.

However, the acceptance procedures consider these rights as individual. In short, belonging to the group prioritised by virtue of its vulnerability, generates the possibility of access to a programme that materialises an individual right.

The IACHR perspective on this issue differs, as protection becomes collective when protection measures are provided to a plural number of people who face risks or threats as a result of their attachment to a determined, or determinable, organisation, group or community.<sup>34</sup> This approach notwithstanding, the IACHR points out that for measures following the traditional logic (e.g. assigning bodyguards, cars, mobile phones, etc.), it is desirable to individualise their beneficiaries.<sup>35</sup> From this perspective, collective protection is not a strategy, or a form of protection itself, but a consequence of protecting several individuals who are put at risk at a specific moment and context due to their links. This notion however does not recognise communities, groups or CSOs, which are not associated to specific ethnic groups (i.e. indigenous or Afro-descendants), as subjects of protection – but only the individuals that comprise them.

Given this absence, this study suggests that the subject of collective protection can be a “social subject”, which is understood in sociological terms as a group that shares an awareness of itself, a common identity and common interests.<sup>36</sup> A common identity can be developed by living in and sharing a same territory: this is an essential characteristic of the social subjects defending the right to land and territory.<sup>37</sup> In addition to shared common identity and consciousness, the social subject has a political dimension – i.e. a shared sense of purpose in the transformation of its environment. Social subjects may adopt various forms of expression. One of them is the creation of community-based CSOs with a greater or lesser degree of formality.

Therefore, it is possible to adopt two different notions of the subject, as the object of collective protection. The first notion is understood as a plural number of people who share the same type of risks; this is the meaning used by the State-led protection programme. The second notion, suggested by this research, defines the social subject as a grouping of people with qualitatively different characteristics: shared identity,

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34. *Observatory for the Protection of HRDs. “Annual Report: We are not afraid, Defenders of the right to the land: attacked by facing unbridled development”. [online] 2014. Available at: [https://www.fidh.org/IMG/pdf/obs\\_2014](https://www.fidh.org/IMG/pdf/obs_2014). (Pp. 121).*

35. *DeJusticia et al. “Las medidas cautelares...”. Op. Cit.*

36. *In this regard see Rosa Nidia Buenfil. “El interminable debate sobre el sujeto social”, in Da Porta and Saur (Coord.). Theoretical Spirals in the Social Sciences and Humanities. Comunicarte. Mexico. 2008 (pp. 117-126). Juanita Henao Escovar. “The construction of a social subject in Colombia. Politics and Culture” [online] 2003, (autumn): Available at: <http://www.redalyc.org/articulo.oa?id=26702004>.*

37. *Henry Granada. “The social environment. Research & Development” [online] 2001. Available at: <http://www.redalyc.org/articulo.oa?id=26890102>. David Delaney. Territory: a short introduction, Blackwell Publishing. Maden, USA. 2005. pp.16*

common project, political will to take transformational action to its environment, along with the ability to carry out the project, which goes beyond sharing the same or a similar risk.

Adopting either one of the two definitions of the collective subject to be protected has serious implications in terms of protection policy, strategies and measures to be adopted. First, it reconsiders what the ultimate purpose of protection should be; second, it broadens the basic notions of protection; thirdly, it modifies the relationship between the protected and the protector, since the social subject (i.e. the community-based CSO) should also be acknowledged as both a subject and an agent of protection.

### **The notion of collective risk and its level**

Assuming the perspective of the protection of community-based (CSOs) as social subjects raises the question about the difference between the risks faced by individual persons and the CSO (social subject).

In the first case, the government protection programme can be activated by claiming one's right to life and physical integrity. This right covers only natural persons simply because they are individually recognisable individuals. For the latter, as suggested

by Colombia's Constitutional Court, it should be recognised that CSOs (recognised, or not, as legal persons) can also be bearers of specific fundamental rights: due process, equality, inviolability of domicile and non-disclosure of correspondence, freedom of association, inviolability of documents and private papers, access to the administration of justice, information, habeas data, among others.<sup>38</sup> However, and with the exception made in the case of indigenous communities, neither the Colombian Government protection programme nor high courts' jurisprudence recognise the right to life and physical integrity of CSOs.

Another necessary step is to identify the specific set of risks faced by CSOs defending human rights in Colombia. These risks are so significant that they can put their existence in jeopardy. However, they are not perceived as impairing the defence of human rights. Examples of this are attacks (i.e. physical aggressions and harassment) against one or several of its members, the use of premeditated strategies to divide a CSO, or the pressing of judicial or criminal charges against CSO leaders or members. Such attacks end up stigmatising the membership to the CSO, thus hampering the full and free exercise of the rights to freedom of association and to freedom of expression.

The Spanish Constitutional Court set a precedent in recognising the

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38. *Constitutional Court. Sentencia T-378/06. [Online] 2006. Available at <http://corteconstitucional.gov.co/relatoria/2006/T-378-06.htm>.*

rights of CSOs defending human rights. In its Ruling 64 of 1998, the court States that the effectiveness of fundamental human rights requires that their enjoyment is not only for the individuals considered in isolation, but also when the latter are part of groups and organisations whose specific purpose is to defend certain spaces of freedom, or to realise fundamental human rights. The court goes on to suggest the need to recognise the fundamental rights of legal persons in order to guarantee the fundamental rights of citizens.<sup>39</sup>

There is a set of risks that are of particular concern to CSOs. For adequately gauging whether the risks are of individual or collective nature, it is necessary to undertake an in-depth context analysis and assessment of risks and threats.<sup>40</sup> In the case of collective threats, there are two key elements to consider: First, even when the attacks are perpetrated against individual members of a CSO (incidental character), the aggressor's ultimate motivation is to destroy the CSO as a social subject (determinant character). Second, the impact or

damage generated when a group is attacked surpasses the impact on individual people that make up the CSO - and can even have an impact in society as a whole.<sup>41</sup>

In the case of social subjects (i.e. community-based CSOs), the level of collective risk cannot be estimated as the sum of the risks that its individual members face. On the contrary, the social subject must be kept at its centre by identifying the vulnerabilities<sup>42</sup> and capacities<sup>43</sup> that may hamper the work or even affect the existence of the collective project.

## Protection of community-based CSOs

Although the Constitutional Court established that the individual rights to life and to physical integrity can be invoked in order to become a beneficiary of State protection, these are not the only rights that the State must protect. Nor does it mean that the protection of the rights of individuals only involves, in an exclusive way, individual protective measures.

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39. *Ruling of the Spanish Constitutional Court 64/1998. Cited by Ángel J. Gómez Montoso. "The ownership of fundamental rights by legal persons". [online] 2010. Available at: [http://www.derechojusto.org/administrador/documentacion/derechos\\_fundamentales\\_de las\\_personas\\_juridicas.pdf](http://www.derechojusto.org/administrador/documentacion/derechos_fundamentales_de las_personas_juridicas.pdf).*

40. *The concept of "risk refers to possible events, however uncertain, that result in harm". A threat can be defined as "the possibility that someone will harm somebody else's physical or moral integrity or property through purposeful and often violent action". For more details on how to undertake context analysis and risk assessments, see Enrique Eguren and Marie Caraj. New protection manual for human rights defenders. Brussels. 2012. pp. 27-28. Available at <http://protectioninternational.org/publication/new-protection-manual-for-human-rights-defenders-3rd-edition/>*

41. *An example of this are the systematic threats and aggressions against the left-wing Patriotic Union party between 1985 and 2005: its leadership and members were targeted by selective killings, forced displacement, arbitrary detentions, judicial harassment, etc., all of which aimed at making the political party disappear.*

Collective protection aims to create safe spaces for the existence and work of a social subject – the community-based CSOs, which could also be conceived as a “collective HRD”. This requires a multidimensional intervention at the level of policies, strategies and protective measures to be adopted.

**PI’s** and **PAS’s PDCOL** accompaniment of rural communities and their CSOs comprises three dimensions of protection for collective subjects: territorial, social and physical.

- **Territorial dimension**

This dimension relates both to the construction of the community-based CSO’s identity through the defence of rights to land and territory, and to the response to risks affecting the land/territory as the physical (and cultural) space where the defence of rights is carried out. The objective is to guarantee the minimum conditions allowing HRDs to remain in, protect, use and enjoy the usufruct of the territory, as well as to intervene within the territory economically, socially and politically according to the will and means of the community.

Communities and their CSOs accompanied by PDCOL may face a number of specific threats linked to the territorial dimension, which may include the loss of land and

territory due to forced displacement and obstruction to return – including through the resettling of new populations in the territory in dispute; intentional breach of writ of protection issued by State entities to guarantee the status quo within a disputed territory (favouring the aggressor); destruction of crops or planting of new ones; and alteration of the ecosystem to prevent communities to pursue its traditional agricultural activities or cultural traditions.

The accompanied community-based CSOs have engaged duty-bearing authorities to demand specific State protection responses, such as:

- Legal counselling: obtaining land titles and seeking legal options to proceed against aggressors who dispute land ownership.
- Dialogues between the parties in dispute with accompaniment of Government authorities and external oversight to reach agreements of coexistence.
- Writ of protection and administrative decisions to delimitate the territory or to restore the rights of the affected community.
- Timely police actions to support administrative decisions: ensuring that the national police acts as guarantor of rights as legally ordered by the competent authorities.

42. “Vulnerability is the degree to which people are susceptible to loss, damage, suffering and death in the event of an attack”. Eguren & Caraj. *New Protection Manual... Op. Cit.* p. 29.

43. “Capacities are the strengths and resources a group or defender can access to achieve a reasonable degree of security”. *Ibid.*

## • Social dimension

It relates to the possibility of strengthening the internal social networks of the CSO and community and the external networks of support with the aim of transforming their environment and generating capacities for their self-protection.<sup>44</sup> The actions considered in this dimension seek to protect the existence of the community-based CSO as a social subject, its social and political project, the strengthening of the internal links in the community and the bridges that can be built with similar organisations or with those stakeholders who support HRDs in their struggle.

In the case of Las Pavas community, ASOCAB has built a social network that fulfils a number of functions linked to protection by: a) providing sustained support to the community members exposed to a context of almost daily aggressions; b) allowing the community to break its isolation, foster exchanges of information linked to its security with external supportive actors, and strategise on their struggle; c) offering solidarity and emotional support to other community members; d) acting as an immediate response mechanism in case of attacks and emergency situations; and e) calling for State response in such cases.

Communities and their CSOs accompanied by **PDCOL** may face a number of specific threats linked to the social dimension, which may include the violation of the right to freedom of association (as membership to the community-based CSO is concerned); inciting and fuelling the division within the communities - e.g. through the creation of parallel organisations; physical obstruction to the presence of national and international accompaniment and even smear campaigns of accompaniment volunteers and staff.

To face this situation **PDCOL** has been supporting community-based CSOs to advocate for the following actions on four axis of intervention:

### a. *Political protection:*

- Receiving guarantees to freedom of association and freedom of expression; actions that prevent repression or social and moral punishment of those affiliated to a CSO; campaigns and media actions that seek to legitimise the work of the social subject in defence of human rights associated with land and territory.
- Public recognition of emblematic cases in defence of land and territory rights, through the creation of a system for recording attacks and violations of human rights, as well as a quantified record of material damage done to their property, led by the Directorate of Human Rights.

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42. "Vulnerability is the degree to which people are susceptible to loss, damage, suffering and death in the event of an attack". Eguren & Caraj. *New Protection Manual... Op. Cit.* p. 29.

43. "Capacities are the strengths and resources a group or defender can access to achieve a reasonable degree of security". *Ibid.*

- Public recognition by civil and military authorities of the community's right to land tenure, once this right has been recognised by the competent (judicial or administrative) authority on the matter.

- In cases that reach public notoriety (emblematic ones), advocate to obtain police orders that establish a transitory delimitation of a territory and the rights of use for the parties in dispute; in addition to agreeing to non-aggression pacts for the non-violent resolution of the land dispute.

- Appeals from the Inspector General's Office to public officials requesting them to refrain from making Statements that may lead to stigmatisation, or damage to the public image and good name of the community-based CSOs at risk.

- Coordination and follow-up of the actions of all public entities regarding protection by the National Protection Unit.

- Combating impunity by investigating attacks against community-based CSOs defending human rights. In Colombia, this occurs within a context of systematic illegal land grabbing and not as isolated common crimes against individual HRDs. This measure involves unifying the judicial processes and transferring them to the Specialised National Prosecutor's Office for Human Rights and International Humanitarian Law.

- Seeking guarantees of a due process and the respect to the right to justice, applying principles of

impartiality and celerity in cases of extinction of ownership and/or land adjudication at the national level.

**b. *Favour the connectivity of defenders:***

- Provision of means of communication, such as short -and long-range radios.

- Provision of an immediate response mechanism: it should be activated in situations of imminent risk or emergency. This measure includes a focal point with local authorities, security forces and entities holding the capacity to make operational decisions regarding the protection and the possibility of implementing them in the field.

**c. *Regular monitoring of the risk situation:***

- In the case of Las Pavas, the case is followed at the level of the Inter-Institutional Technical Committee for the Follow-up of Cases of the Magdalena Medio (*Mesa Técnica Interinstitucional de Seguimiento de Casos del Magdalena Medio*) or the Inter-institutional Bureau of security, prevention, protection and guarantees of non-repetition for returns and relocations (*Mesa interinstitucional de seguridad, prevención, protección y garantías de no repetición para retornos y reubicaciones*). This is an ad hoc space created to deal with cases that have gained national visibility, and may propose additional protection measures to cases in the Government programme led by the UNP.

- Early warnings, follow-up notes and reports issued by the Ombudsman's Office.
- Seek that national authorities engage in dialogue with local authorities in order to ensure that the latter fulfil their duty of protection.
- Preventive visits on the ground by security forces (Army and National Police) and under the direct supervision of the National Human Rights Directorate of the National Police.
- Support for Bogota advocacy tours planned by the CSO while pursuing dialogue with Government entities, international cooperation and UN agencies; enhancing the visibility of their situation in national media outlets.

**d. *Support for self-protection measures:***

- Raising the public profile of the case nationally and internationally as a deterrent measure.
- Providing support for organisational strengthening, especially in improving their ability to manage risks.
- Providing support for preventing the division of the collective subject and managing internal conflicts in order to maintain the cohesion of the social fabric.

**• Personal dimension**

It relates to protecting the life and physical integrity of the social subject and its specific members. It refers to

policies, measures or strategies that seek to prevent, avoid, or reduce the effects of those threats directed at diminishing, or eliminating the capacity of the social subject for collective action, by attacking the physical, psychological and moral integrity of its members.

Threats range from verbal and written announcements of intent to cause harm, physical assault, illegal surveillance, verbal assault, regular harassment of women and children, pressures and / or blackmail to obtain false testimony, stigmatisation, criminalisation and prosecution. Threats can also target the community-based HRDs livelihoods, including destruction on livestock and crops, goods and assets owned by HRDs, confinement in their houses of illegal eviction from the territory.

To face this situation **PDCOL** has been supporting community-based CSOs in three axis of intervention:

**a. *Measures to protect representatives - leaders:***

- Individual measures of protection, applied with collective sense: measures that must be applied to people who show higher levels of risk. In the case of members of the organisation with greater risks it is considered key not to link the protection measure (e.g. bodyguards, cars, etc.) to a person, but to a position.

- Physical protection of housing: improvements to the physical conditions of the houses of members of the organisation with greater risk and/or the CSO headquarters. These improvements are aimed at hindering possible physical attacks.

**b. *Measures to protect all members of the social subject***

- Promote the permanence of the social subject in the territory: promote permanence through productive projects or basic infrastructure such as construction of water wells, construction of roadways, food supply and basic medicines, etc.

- Patrimonial protection of assets of the social subject and its members: especially those assets provided by the State as a result of humanitarian assistance and/or reparation (in cases of population victims of violence and forced displacement by the conflict). Including the protection of “goods of special interest” raises the legal and economic cost of their destruction.

- Presence of accompanying advocates and/or international observers: they appear as deterrents for potential attacks.

**c. *Reinforcement and support to existing self-protection measures, especially in cases where the opposing actor is in the territory:***

- Basic training for introducing judicial complaints: due to the low levels of formal education and

oral tradition, peasants have great difficulties in interacting effectively with judicial authorities.

- Support for territorial control through actions that are undertaken by the community or community-based CSO: this measure involves the construction of monitoring points, the installation of alarm systems, the construction of homes in the disputed territory, signalling of humanitarian spaces and areas of reforestation, conservation, fishing and other uses defined by the social subject.

- Provision of elements for security, including personal property and territory (elements that facilitate the control of the territory by the community), as well as elements for the collection of evidence (e.g. cameras) to support judicial complaints in case of human rights violations.

- Support for the production and diffusion of communications with information related to the defence of rights that the CSO carries out, and relations with the media outlets (e.g. support to the CSO to convene press conferences, the dissemination of their communications, urgent actions or public appeals, especially in cases of emergency).

- School transportation routes created by the local authority when minors are exposed to threats during the entry and exit journey of their community of residence.

## CONCLUDING REMARKS

More than five decades of protracted internal conflict in Colombia, and the ensuing grave human rights violations, have posed a major challenge to peasant and farmer communities in remote, rural areas. The grassroots CSOs that some of these communities have created to defend their right to land and territory have been targeted by aggressions coming from State and non-State authorities (i.e. illegal armed groups, organised crime linked to drug trade and those powerholders associated with them). In many cases, the ultimate goal of such attacks is not to eliminate individual HRDs defending the rights of the communities, but the CSOs and the collective struggle they represent.

Since the late 1990s, both Colombian authorities and organised civil society have been adopting ad hoc responses, and some progress has been made in framing the issue for the cases of ethnic communities – i.e. indigenous and Afro-descendants. However, the discussion among different actors (Government, high courts, cooperation agencies and civil society, including civil society-led protection programmes) about how to address collective protection has been marked by sharp tensions

and resistance. De facto situations have pushed the normative and jurisprudential developments in this field. Nonetheless, the current Government-led response has not been able to incorporate the views of civil society in the design, implementation and evaluation phases of the public policy.

As addressed in the full version of this report (available in Spanish only), national public policies for the protection of rural communities and their associated CSOs defending the right to land and territory should not limit their collective protection response to a closed list of standard measures. The protection of collective subjects requires a complex response where different State authorities at different levels (from national to local Government) contribute to create and ensure a safe space for the defence of human rights. Strategies and measures to prevent and counter aggressions are dependent on thorough risk assessments that take into account territorial, social and personal dimensions; as the context is dynamic, threats and risk are also, thus requiring regular assessments.

The case of las Pavas community and its associated organisation ASOCAB

provides evidence that Colombia's public protection policy has a very limited capacity to properly address the protection of populations at risk, especially community-based CSOs defending human rights in rural and remote areas. Part of these limitations can be attributed to the fact that the Government Protection Programme fails to adequately incorporate community-based HRDs and their CSOs in the definition and implementation of the public policy.

Moreover, the Government Protection Programme narrows its focus to protecting the right to life and physical integrity of individual HRDs at risk, usually the community leaders, -which can be costly and resource intensive, i.e. deployment of bodyguards, armoured vehicles, etc.-while leaving aside the fulfilment of its obligations as guarantor of other fundamental rights that assist community-based CSOs, thus properly assessing the collective dimension of risks and the necessary collective protection response.

Despite the recent signature of the peace agreements between the national Government and the Revolutionary Armed Forces of Colombia (FARC in Spanish) and promising signals regarding a reduction in the indicators of violence in the country,<sup>45</sup> the transition to a post-conflict scenario is already indicating that violence against rural-based HRDs and their CSOs will not wane any time soon.<sup>46</sup> Of the total 80 HRDs assassinated in Colombia in 2016, 46 were peasant, community indigenous and afro-descendant defenders. On the other hand, and given the context of increasing political polarisation brought by the negotiations and peace agreement with the FARC,<sup>47</sup> the political movements of demobilised FARC members and other left-wing sympathisers running for office in the coming 2018 general elections could likely bring a new meaning to collective protection for the Colombia's duty-bearing authorities.

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45. *Semana*. "El nuevo mapa de la violencia en Colombia". 11 July 2017. Available at: <http://www.semana.com/nacion/articulo/mapa-de-la-violencia-en-colombia-segun-medicina-legal/532133>.

46. *It is important to note that the peace negotiations and agreement did not involve other smaller left-wing guerrilla groups, such as the National Liberation Army (ELN) and the People's Liberation Army (EPL), which still keep military capacities in some regions of the country. Moreover, already in early 2016, reportedly 14 new illegal armed or paramilitary groups were present in 149 municipalities in 22 departments (69% of the country territory). El Espectador*. "La magnitud del fenómeno paramilitar". 26 April 2016. Available at: <http://www.elespectador.com/noticias/politica/magnitud-del-fenomeno-paramilitar-articulo-628513>.

47. *International Crisis Group*. "In the Shadow of 'No': Peace after Colombia's Plebiscite". Report N° 60. Latin American & Caribbean. 31 January 2017. Available at: <https://www.crisisgroup.org/latin-america-caribbean/andes/colombia/060-shadow-no-peace-after-colombia-s-plebiscite>.

## PROPOSALS AND WAY FORWARD

The full report includes a list of detailed proposals on how different actors - community-based HRDs and their CSOs, duty-bearing authorities and key stakeholders - can embark on to redefine and consolidate collective protection approaches in Colombia. PAS and PI wish that they serve as inspiration for approaching collective protection in other countries of the world as well:

i. The complexity of collective protection requires a complex response. Building safe spaces for community-based HRDs and their CSOs involves interventions at different levels that go beyond reactive, physical protective measures for individual organisation leaders and members. For the case of Colombia national protection policies and programmes that incorporate territorial protection plans for specific regions of the country.

ii. Collective protection approaches should be broadened by revising the existing legal and jurisprudential frameworks to enable the recognition of fundamental rights for legal persons and CSOs that defend human rights.

iii. There is need to modify the way the national Government, civil society and the Constitutional Court relate to one another, with the aim to open new spaces for dialogue and discussion that can feed the design and implementation of a comprehensive collective protection policy.

iv. The Government protection programme needs to:

- Recognise the existence of specific collective risks (different from individual risks) and design instruments for properly assessing collective risks.

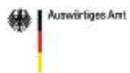
- Study policy developments and experiences in other countries on collective protection and seek ways to incorporate substantive institutional adjustments into the current protection policy.
- Expand the objective of collective protection - policies, strategies and measures - with a view to ensuring a safe space for action for individual HRDs as well as CSOs.
- Prior to conducting the risk assessment, conduct thorough context analysis to identify sets of factors that play unfavourably to the defence of human rights by HRDs and CSOs at local, regional and national levels, and coordinate actions with other relevant authorities to operate transformations that enable the promotion and defence of human rights by HRDs and CSOs.
- Ensure that the civil servants and officials working in the Government protection programme are adequately trained to break with the “protection-equals-bullet-proof-vests” logic and address the specific needs of collective subjects that defend human rights.
- Work with the relevant Government authorities to revise and adjust the functions of the national police in rural areas in order to effectively protect rural-based HRDs and their CSOs.



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