

## Trade Agreement between the EU, Colombia, Peru and Ecuador

Minimal positive impact on human and labour rights, the environment and peace in Colombia

### 1. Introduction

Concerns have been raised by civil society organisations about the negotiation process for the Trade Agreement between the European Union, Colombia and Peru and its approval in the European Council and European Parliament. These organisations questioned the idea of signing a Trade Agreement with two countries with a history of human rights violations. In Colombia, the extent of the extrajudicial killing of civilians committed by the armed forces was just coming to light. Most of these killings were committed between 2002 and 2008, encouraged by State policies, leaving between 2,000 and 10,000 civilians dead<sup>1</sup>. Moreover, it had only recently come to light that the state intelligence services (DAS) had been spying for years on human rights defenders, journalists, high court magistrates, members of the Colombian Congress, trade unionists and that, in some cases, the information obtained was used to commit assassinations of these people in coordination with paramilitary groups<sup>2</sup>. There had also been reports of high murder rates against trade unionists: from 1973 to 2013, 3,095 trade unionists had been murdered in Colombia<sup>3</sup> and thousands had suffered other attacks, such as threats, enforced disappearance, etc. In the first decade of the 2000s, 5,664,952 victims of the armed conflict were registered<sup>4</sup>, more than half of the total victims (1981-2020), according to the Single Registry of Victims (*Registro Único de Víctimas*). Most of these are people who have been forcibly displaced. This is in the context in which the Trade Agreement with Colombia was negotiated.

Responding to the concerns expressed by organisations and also by the European Parliament, Commissioner Karel de Gucht argued that fostering more trade relations with Colombia and Peru was the best way to promote respect for human rights in these countries<sup>5</sup>. He also argued that Colombia was truly aspiring to put an end to its “history of violence and despair”<sup>6</sup> despite the fact that the Uribe Government of the time was engaged in armed confrontation with guerrilla groups. The European Union did not support the AUC demobilisation process because it did not offer guarantees for victims’ rights and was not effective: in Colombian regions “new” paramilitary groups were rearming, and while they may have been diverse in nature depending on the region, in some areas they only changed their name, but not their modus operandi<sup>7</sup>. The Commissioner made a definite commitment, in which he determined that the Trade Agreement would be used to promote and ensure respect for human rights, democracy and the law, as much as possible.

We would therefore like to consider the following questions:

Has the Trade Agreement been used to positively influence the situation of human rights, labour rights and the environment in Colombia? Has it had a positive impact on the human rights situation? Has progress been made in measures against impunity?

Has the Trade Agreement had any negative impacts on human rights, labour rights and the environment? If so, could the mechanisms of the Trade Agreement be used to intervene?

## 2. Economic balance: deterioration of the trade balance and focus on the export of raw materials

In Colombia there was a reduction in exports to Europe in the first 4 years of implementation of the Trade Agreement, while the European Union increased its exports to Colombia in this period. This trend continued, and consequently Colombia's trade balance became negative as of 2017<sup>8</sup>.

Although factors other than the Trade Agreement have affected this scenario (world economic crisis, falling prices of oil and coal derivatives), it is worrying that **the Andean economies depend on exporting natural resources**, within the European and world situation.

Despite the European Commission's commitments, **Colombia's exports to the European Union have not evolved towards a true diversification of its economy**, but instead have increased its dependence on the export of raw materials. Although there was a decrease in the value of mineral raw materials and fuels within Andean exports between 2012 and 2017, this can be explained by the drop in the prices of materials in the international market. Likewise, the increase in the proportion of agricultural products within Andean exports does not represent a diversification of exports towards higher value-added products, but, on the contrary, a deepening of the dependency on raw material exports for these economies<sup>9</sup>.

In the first five years of the Agreement, the number of different products exported from Colombia only increased by nine, from 613 in 2012 to 624 in 2017, according to data from *Cedetrabajo*<sup>10</sup>.

Despite the fact that expectations were raised that the signing of the Trade Agreement would bring prosperity, 8 years after its signing, there have been no positive results in terms of job creation. On the contrary, between August 2013 and July 2019, during the provisional application of the agreement, 384,500 people lost their jobs<sup>11</sup>. There was also no positive impact on income within the sectors that experienced an increase in exports, with the exception of the mining and energy sector, however, this sector only represents 0.9% of jobs in the country<sup>12</sup>.

## 3. Social impacts of the FTA

Has the Trade Agreement been used to positively influence human rights, labour rights and the environment?

### 3.1. Evolution of the human rights situation in Colombia 2013-2020

#### 3.1.1. Human rights defenders

Table 1 Killings and attacks – Figures from the NGO Programa Somos Defensores 2010-2020

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 (first 3 months)
Killings	32	49	69	78	55	63	80	106	155	124	47
Other attacks	142	190	288	288	571	619	401	454	650		140

During the period of application of the Trade Agreement, the murder rate of human rights defenders rose dramatically, reaching the alarming figure of 155 murders in 2018 and 124 murders in 2019. The NGO *Indepaz* has registered more than 800 murders of social leaders since the signing of the Peace Agreement until 2019<sup>13</sup>.

A legal action was filed for the protection of constitutional rights in relation to this situation, and the 45th Civil Court of the Bogotá Circuit ruled that “[...] it leads to interference that it may be a coordinated criminal organization for the systematic extermination of this population”<sup>14</sup>. The Court also condemned the systematic failure of the State to identify the causes of the threats, to create public policies to end the attacks or to achieve satisfactory results in investigations<sup>15</sup>. According to the 2019 report of the United Nations Special Rapporteur on the situation of people who defend human rights, 95% of these cases go unpunished in Colombia<sup>16</sup>.

The murder rate of former FARC-EP combatants is also worrying: since the signing of the Peace Agreement in 2016, 216 ex-combatants have been killed<sup>17</sup>. Colombia also has the highest murder rate of land and environment activists in Latin America 24 such defenders killed in 2018<sup>18</sup>.

In 2019, a new process of public policy-building began for guarantees for the work of human rights defenders. A coalition of human rights coordination groups and the *Cumbre Agraria* – collectively known as *La Confluencia*<sup>19</sup> participated in the process, insisting that points 2.1 and 3.4 of the Peace Agreement regarding guarantees be included in the policy. The *Confluencia* left the negotiation table in November 2019, citing the lack of guarantees and political will, shown by militarisation in the regions, numerous cases of killings of social leaders, with the involvement of the state security forces in alliance with illegal armed groups<sup>20</sup>. The process has not been resumed.

The lack of seriousness with which the State responds to the risk situation for human rights defenders was demonstrated in the public statements made in March 2020 by Minister of the Interior Alicia Arango, the Minister responsible for the Directorate of Human Rights. Ms Arango publicly argued that in Colombia “more people are killed during mobile phone robberies than human rights defenders”<sup>21</sup>, dismissing the seriousness of the situation. This type of statement also increases the risks for human rights defenders, by giving the implicit message that they are not a priority for investigations. Very soon after these statements, in the same place where the Minister expressed them, Marco Rivadeneira, spokesperson for the Colombia-United States Coordination Group, was killed. Mr Rivadeneira was a recognised defender who had spent years in dialogue with the Government on issues of peace and human rights<sup>22</sup>. Defenders have also been stigmatised by high-ranking government officials<sup>23</sup>.

### 3.1.2. Trade Unionists

Table 2 Figures on violence against trade unionists – Human Rights Information System in the Escuela Nacional Sindical

Year	2013	2014	2015	2016	2017	2018	2019	2020 (first 3 months)
Killings	37	21	21	20	19	28	13	
Other attacks	452	367	187	265	179	166	123	

Compared to the murder rate against social leaders, murder rates against trade unionists decreased. However, it is worrying that trade unionists continue to be killed. The figure of 13 cases in 2019 is still

too high and is unacceptable. What is more, between 2013 and 2019 there were 1,739 cases of anti-union violence<sup>24</sup>, which shows that guarantees for trade union activity in Colombia continue to be lacking. In 2020, Colombia ranks third on the list of the worst countries in the world for workers, according to ITUC/CSI<sup>25</sup>.

### **3.1.3. Environmentalists**

According to a recent study by the *Universidad del Rosario*, there are at least 250 environmental conflicts in Colombia<sup>26</sup>.

Colombia continues to be the most dangerous country in Latin America for environmental activists and the second most dangerous in the world (after the Philippines). Twenty-four environmentalists were killed in 2018, according to Global Witness<sup>27</sup>.

In December 2019, Colombia signed the Escazú Agreement<sup>28</sup>, which guarantees access to information and participation in decision-making processes, access to justice in environmental matters, among other guarantees. It is important to monitor the implementation of the commitments made by the Government when signing this agreement.

### **3.1.4. Impunity**

In European Parliament Resolution 2628 of 13 June 2012, in which the European Parliament conditions its approval of the Trade Agreement with Colombia and Peru on the progress of human rights, labour and environmental rights in Colombia, one of the indicators of progress requested from Colombia was a decrease in impunity. Impunity in Colombia continues to be one of the greatest risk factors for human rights defenders. According to Rapporteur Michel Forst, impunity for murders of human rights defenders stands at 95%<sup>29</sup>. In cases of extrajudicial killings, no high-ranking army commander has been convicted<sup>30</sup>. Less than 1% of complaints of sexual violence result in a conviction<sup>31</sup>. 99.5% of cases of enforced disappearance go unpunished<sup>32</sup>.

### **3.1.5. Respect for the right to social protest**

In Colombia, serious violations of the right to free protest have been reported. These disproportionately affect small-scale farming, indigenous and Afro-descendant populations who participate in demonstrations in rural areas<sup>33</sup>. During the National Agrarian Strike in 2013, the Agrarian, Ethnic and Grassroots *Minga* (collective protest) in 2016, and the Buenaventura civic strike and 21N National Strike in 2019, there were reports of murders, mass arbitrary arrests, injuries against numerous people, enforced disappearance and torture<sup>34</sup>.

There were cases of violence by the state security forces against women<sup>35</sup>, girls<sup>36</sup> and persons with disabilities<sup>37</sup>. The high rates of deaths and injuries are due to the use of “less-lethal” weapons<sup>38</sup>. Senior government officials delegitimised the social protests and their leaders and spokespeople in the media<sup>39</sup>. The application of restrictive legal norms on free demonstration<sup>40</sup> is of concern. For example, the Citizen’s Security Law<sup>41</sup> makes road blockades a criminal offence<sup>42</sup>. This has led to mass prosecutions<sup>43</sup> and increased overcrowding in Colombia’s prisons<sup>44</sup>. Likewise, the new Police Code<sup>45</sup> imposes conditions on demonstration<sup>46</sup> and opens the door to arbitrary arrests<sup>47</sup>.

The negative effects of the Trade Agreements for small-scale producers have been at the centre of the protests that have taken place in Colombia before and during the implementation of the Trade Agreement. These demonstrations are often met with violence and excessive use of force by the State. This was the case during the 2013 Agricultural Strike (see table), the 2016 *Minga Agraria*<sup>48</sup> and, recently, in the National Strike of 21 November 2019<sup>49</sup>.

**The case of potato imports and the 2013 Agrarian Strike: link between repression of social protest and Trade Agreements**

This example demonstrates the direct link between social protest and the negative effects of the Trade Agreements. When these protests take place, there is a violent response from the Colombian Government.

During the 2013 National Agrarian Strike, 12 people were killed by the state security forces during the protests. The Colombian Government's policy of signing the Trade Agreements was one of the reasons for the protest, as the Colombian small-scale farming economy was suffering negative effects caused by the Trade Agreements<sup>50</sup>. Small-scale farmers reported unfair competition, as the prices of imported potatoes were below the market price in Colombia. The Trade Agreement with the EU came into preliminary application during this period of protests, and the protesters' claims did not then directly refer to imports from the EU. Recently, however, a conflict broke out between Colombia and the EU within the framework of the Trade Agreement on exactly the same subject: the importation of Belgian, German and Dutch potatoes at "dumping" prices into Colombia, leading to unfair competition with Colombian producers<sup>51</sup>. After previous strikes, the Government had committed to take measures against unfair competition.

**3.2. Title IX on Sustainable Trade and Development and the impact of the FTA on the human rights situation**

Has the Chapter on trade and sustainable development positively influenced the human rights situation in Colombia?

- **Human rights defenders** - During the 2019 session in Bogotá of the Subcommittee on Trade and Sustainable Development, where countries present how they have implemented Title IX, the issue of human rights defenders was not included on the agenda, although the years of implementation coincided with the highest murder rates of human rights defenders in Colombia. The Ministry of Employment briefly touched on the matter, referring to protection programs for communities and convictions for murders<sup>52</sup>. The European Commission considers that the chapter does not cover this issue, because it only covers labour rights and environmental rights. At the request of the Internal Consultative Group established in the Trade Agreement to formally monitor the implementation of the chapter on trade and sustainable development, on one occasion the issue has been included but it was focused on environmental activists. This shows that Title IX is not suitable for monitoring human rights issues such as killings of social leaders and human rights defenders and that the promise to use trade relations to positively influence human rights in Colombia has not been fulfilled. The human rights clause has no monitoring mechanism through which these human rights

violations could be addressed. It has never been activated in the case of Colombia, despite the existence of serious human rights violations and repeated calls from civil society to invoke it.

- **Impunity.** The Subcommittees have focused on impunity for anti-union violence, not on attacks against human rights defenders. Nor has the human rights clause been used to invoke sanctions in relation to these situations. There has been no progress in other impunity rates. The European Union has supported the Comprehensive System for Justice, Truth, Reparation and Non-Repetition, where there are opportunities for progress in the general situation of impunity for crimes against humanity and massive human rights violations. However, this support would probably have been given without the existence of the Trade Agreement, as the EU has a framework policy to support transitional justice processes around the world.
- **Anti trade-union violence.** In the case of Colombia, anti-union violence is one of the priority issues for monitoring by the European Commission<sup>53</sup>. It is likely that the Labour Action Plan, included in the Trade Agreement with the United States, has increased international pressure related to the murder rate of trade unionists, as well as the prioritisation of the issue in the dialogue established under the Trade Agreement with the European Union. However, it has not been possible to reduce other attacks against trade unionists and it cannot yet be concluded that there are guarantees for trade union activity with such high rates of attacks on trade unionists.

#### **4. Situation of labour rights and environmental rights**

In Title IX of the Trade Agreement, on labour and environmental rights, the parties agree to “promote international trade, in order to contribute to the objective of sustainable development”<sup>54</sup>. They agree to:

- Promote dialogue between the parties on sustainable development
- Strengthen compliance with labour and environmental legislation
- Promote the conservation and sustainable use of biological diversity and natural resources
- Strengthen the commitment to labour rights
- Promote public participation in the issues covered by this Title<sup>55</sup>

##### **4.1. Labour Rights**

The priorities of the European Commission in terms of monitoring labour rights in Colombia are<sup>56</sup>:

- freedom of association
- informality
- child labour
- labour inspections

- anti-union violence

These are the issues that are addressed as a priority in the dialogue on Title XI.

Despite this monitoring, according to the recent report of the *Escuela Nacional Sindical* (National Trade Union School), the goals established in the Title on Sustainable Development were not achieved, in terms of strengthening compliance with employment legislation and commitment to labour rights.

**Informality** - between 2013 and 2018, years that the Trade Agreement has been implemented, the rate of informal employment was not significantly reduced, and nor was the percentage of workers who do not have a contract<sup>57</sup>. Associated work cooperatives (*cooperativas de trabajo asociadas* - CTA), a kind of labour outsourcing, decreased after the signing of the Labour Action Plan (with the United States) and under the conditions imposed by the OECD, but were replaced by union contracts. The National Development Plan enables the hourly hiring of workers, arguing that this facilitates workers' access to social security<sup>58</sup>. However, experiences in other countries shows that on the contrary, this practice increases job instability and reduces income.

**Labour inspections** - Currently there are 904 labour inspectors attached to the Ministry of Employment. This is a significant increase since 2011, however, Colombia still does not meet the ILO standard of one inspector for every 20,000 workers – for this the country would need 1,100 inspectors. In addition, the visits and inspections carried out have decreased and there is no compliance with sanctions issued<sup>59</sup>.

**Freedom of association** - Despite the prohibition by the Constitutional Court of collective agreements where unions exist<sup>60</sup>, these remain a common practice. Of the 57 complaints filed for the improper use of collective agreements, only 9 culminated in administrative sanctions, and none ended in the elimination of this anti-union mechanism<sup>61</sup>.

## 4.2. Environment

Between 2013 and 2019, Colombia imported raw materials into the European Union, including Coal (9,500 million Euros), metals (115 million Euros) and oil (8,500 million Euros). The extraction of these materials is the subject of the greatest number of environmental complaints and conflicts within Colombia. According to the NGO Business and Human Rights, 90% of attacks against environmentalists in Colombia occur in 4 sectors, namely mining, fossil fuels, agriculture and livestock, and hydro-electricity and dams.

### 4.2.1. Regressive amendments to the agreement: grassroots consultations on environmental issues

Colombia has readjusted its national laws since 2010, due to its interest in exporting raw materials. Instead of environmental regulations being strengthened or at least maintained at the same levels of protection as established in Article 277 of the FTA, this protection has been weakened, in order to guarantee the international market's access to Colombia's raw materials.

The grassroots consultation mechanism is established under Colombia's constitution, and municipalities with active local participation have used it since 2013 to defend their environmental heritage against large extractive projects by multinationals. However, this mechanism has been hampered by Colombian Constitutional Court ruling SU 095 of 2018.

Under the pretext that local decisions must conform to the interests of strengthening the national economy, in more than 100 municipalities in Colombia grassroots consultation for the the protection of natural heritage has not been permitted. This is due to the fact that since the entry into force of the FTA, the mechanism has undergone legal amendments to the point of being ineffective regulating the extraction of raw materials to Europe.

#### 4.2.2. Regressive amendments to the agreement: deforestation and climate change

The organisation *ENDA* has reported that the current Colombian Government has cut the budget of environmental institutions. The national budget for environmental protection was reduced by 20%. The National Development Plan proposes maintaining the current rate of deforestation.

Table 3 Deforestation by year in hectares<sup>62</sup>.

Years	2012	2013	2014	2015	2016	2017	2018	2019
Deforestation (in hectares)	116 070	120 934	140 356	124 356	178 597	219 973	197 159	158 894

This would imply that at the end of the current government’s administration, 800,000 hectares of forest could be lost, even though Colombia promised to make progress to protect the Amazon by signing the Leticia Pact and ratifying the Paris Agreement.

## 5. Peace Agreement and the persistence of armed conflicts

Has Colombia shown that it wants to leave behind the violence of the armed conflict? Has the country made progress in ending violence?

### 5.1. Peace Agreement

The Peace Agreement signed and approved in November 2016 has been the greatest step towards overcoming the structural causes of the violence experienced in the country for more than five decades. However, 5 armed conflicts persist in the country and violence rates have risen again in recent years as a consequence of these conflicts. In 2019 there were 36 massacres<sup>63</sup>; and more than 23 thousand people were displaced in 66 group displacements<sup>64</sup>.

The rapid and comprehensive implementation of the Peace Agreement is necessary to prevent the country from sinking further into conflict and violence. The international community has shown that it understands this need and has offered significant support. However, the implementation process has been slow since its inception and in 2019 it slowed down further, only advancing by 6 percent, according to the *Instituto Kroc*<sup>65</sup>.

#### 5.1.1. Comprehensive Rural Reform

Although the Land Fund has recovered 1 million hectares (of the goal of 3 million), not one hectare has been returned to small-scale farmers. The Development Plans with a territorial approach (PDET) have been drafted but not implemented and have had no funds allocated. There have been failures in the

inclusion of the gender approach in the PDETs. There is disagreement over land formalisation processes. According to the Government, 1.9 million hectares of land have been formalised, but according to the FARC the figure is only 100,000 hectares. Little progress has been made in creating the multipurpose land register<sup>66</sup>.

### **5.1.2. Reintegration of former FARC combatants**

One of the main concerns about the reintegration of former FARC combatants is the lack of security guarantees for those who have committed to peace. More than 200 former combatants have been killed since the signing of the Peace Agreement. The European Union also supports the reintegration process with the European Fund for Peace in Colombia, through the implementation of productive projects for former combatants. Of almost 13,000 members of the FARC-EP who laid down their arms, some 4,075 former combatants have accessed individual or collective projects to date.<sup>67</sup>

### **3.1.3 Substitution of Crops**

There are also serious delays in the implementation of other points of the Peace Agreement, such as the implementation of the National Integrated Crop Substitution Programs. This delay is one of the structural causes of murders of social leaders, as many of the victims promoted the implementation of these plans. Violent confrontations also broke out between eradication teams and coca farmers due to non-compliance with the agreements established in the constitution plans. Some people were wounded or killed during these confrontations. One of the most tragic cases was the October 2017 massacre of 14 small-scale farmers in Tumaco<sup>68</sup>. The situation has worsened in recent months as the Colombian Government has used mandatory confinement as part of its response to the Covid19 health crisis, as a way to make progress in forced eradications<sup>69</sup>.

## **6. Violations of the norms in the Chapter on Sustainable Trade and Development in the Trade Agreement**

### **6.1. Poligrow**

The Italian company Poligrow was the subject of complaints from the community of Mapiripán (Meta), as well as by Colombian and international human and environmental rights organisations. They reported damages to the environment, irregular accumulation of vacant lots by the company<sup>70</sup> and the presence of paramilitary structures guarding the facilities<sup>71</sup>. The Dutch organization *Somo* carried out research on the company and published a report on companies in conflict zones, in which they highlighted that Poligrow contributed to the worsening of the conflict in the region by accumulating large land holdings, operating in indigenous territories and inhibiting the return of communities who had been victims of forced displacement during the conflict<sup>72</sup>. Social leaders who reported human rights violations and irregularities, were threatened and attacked<sup>73</sup>. The Delegation of the European Union visited the company's operations site and human rights organisations carried out advocacy work on the case. However, there have been no effective interventions related to this case using the trade agreement mechanisms.

## 6.2. Mining Company “El Cerrejón”

The Committee for the Eradication of Racial Discrimination asked the Government of Ireland to stop purchasing coal from the Cerrejón mine in Colombia, in its latest monitoring report, as according to the Committee, the company has been linked to serious human rights violations particularly affecting Afro-descendants and indigenous peoples<sup>74</sup>. El Cerrejón exported 26.3 million tonnes of coal to Europe in 2019<sup>75</sup>. The buyer countries include Ireland, Spain and the Netherlands.

The coal mining activity of the Cerrejón company in the Colombian department of La Guajira, has had numerous effects on the environment, human rights, and on the economic, social, and cultural rights of the indigenous and Afro-descendant population in the region. Despite numerous complaints and campaigns by civil society organisations, no action has been taken by the European Commission on this case, through the mechanisms of the Trade Agreement.

## CONCLUSIONS

- The Trade Agreement has not benefited the Colombian economy in the way that was foreseen in the predictions and promises made at the time of its signature and approval. Economic relations have not evolved and continue to repeat a pattern of colonial relations via an economy dependant on exporting natural resources. Consequently, the Agreement has not brought the promised prosperity to Colombia: there has been no economic growth, there is no more employment and the standard of living has not improved.
- The State has direct responsibility for the high murder rate against human rights defenders in Colombia, by failing to make progress on policies to eliminate the structural causes of these attacks, by dismissing the seriousness of the situation, and by not showing significant progress in reducing impunity for attacks against this group. This constitutes a serious violation of human rights that merits the activation of the human rights clause.
- There has been a lack of action to confront serious human rights violations committed in Colombia during the provisional application of the Trade Agreement, including murders of human rights defenders, environmentalists and trade unionists, and the persecution of this group of people through State organs, the extrajudicial killing of civilians, and other human rights violations mentioned in this report, for example related to social protest against the Trade Agreements. The mechanisms of the Trade Agreement have not been effective to counteract or positively influence the situation and have indirectly contributed to its deterioration.
- Almost 4 years after the signing of the Peace Agreement between the Colombian Government and the FARC-EP, there are serious doubts about the political will to continue with the implementation of the Agreement and the construction of a lasting peace, which is an indispensable condition for European companies to carry out business activities without negatively influencing the existing conflict. There are serious doubts as to whether, in a context of the return to armed conflict in many regions of the country, it is appropriate to maintain the Trade Agreement with Colombia.
- Taking into account the doubts expressed, it is important that the European Parliament continues to proactively monitor the Colombian Government's compliance with the progress requested in Resolution 2628 of 2012, as it is not only a case of presenting an action plan for progress to be made. Instead, there must be results through the implementation of the announced measures.

It is urgent that adjustments are made to the Trade Agreement to enable an impact on the human rights situation in the case of non-compliance with the provisions of the Agreement and serious human rights violations, including the following:

- There must be a monitoring and follow-up mechanism for the human rights clause and clear procedures for its activation in the event of serious human rights violations.
- There must be a mechanism for investigation and sanction in case of non-compliance with the commitments established in Title IX of the Agreement.

- The European Commission must report annually to the public and to the European Parliament on how it is monitoring violations of human, labour and environmental rights in the partner countries to the Trade Agreement.

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- <sup>1</sup>Omar Rojas Bolaños, Ejecuciones extrajudiciales en Colombia 2002–2010: Obediencia ciega en campos de batalla ficticios.
- <sup>2</sup>El director del DAS Jorge Noguera fue condenado por el homicidio de Alfredo Correa de Andrés, asesinado por el paramilitar Jorge 40. <https://www.fiscalia.gov.co/colombia/noticias/condenado-ex-director-del-das-jorge-noguera-cote/>
- El ex sub director del DAS José Miguel Narváez fue condenado por el homicidio de Jaime Garzón, periodista y actor, asesinado por el jefe paramilitar Carlos Castaño. <https://www.eltiempo.com/justicia/jep-colombia/exsubdirector-del-das-condenado-por-homicidio-de-jaime-garzon-ira-a-la-comision-de-verdad-470370>
- <sup>3</sup>Escuela Nacional Sindical. En 2019 siguió la violencia antisindical en Colombia. Estas son las cifras. 10 de diciembre 2019. Cifras hasta el 5 de diciembre 2019.
- <sup>4</sup>Unidad de Víctimas. Registro Único de Víctimas. <https://cifras.unidadvictimas.gov.co/Cifras/#1/infografia> 2001-2005: 3 477 756, 2006-2010: 2 187 196 [ultimo acceso 14/7/2020]
- <sup>5</sup>European Commission (2010). Statement by the European Commissioner for Trade Karel De Gucht on the EU Trade Agreement with Colombia and Peru. Available at: [https://ec.europa.eu/commission/presscorner/detail/en/SPEECH\\_10\\_101](https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_10_101) (last accessed: 09/07/2020)
- <sup>6</sup>European Commission (2010). Statement by the European Commissioner for Trade Karel De Gucht on the EU Trade Agreement with Colombia and Peru. Available at: [https://ec.europa.eu/commission/presscorner/detail/en/SPEECH\\_10\\_101](https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_10_101) (last accessed: 09/07/2020)
- <sup>7</sup>Centro de Memoria Histórica. Grupos armados posdesmovilización (2006 - 2015): trayectorias, rupturas y continuidades. 2016
- <sup>8</sup>Servicio de Estudios del Parlamento Europeo. Acuerdo Comercial entre la Unión Europea y Colombia y Perú. Evaluación Europea de la Aplicación. Cuadros pp. 41-43. Julio de 2018.
- <sup>9</sup>Ibíd. Datos pp. 48-53.
- <sup>10</sup>Cedetrabajo. Informe SIA 47). TLC con la Unión Europea: Cinco años de deterioro comercial”.
- <sup>11</sup>Escuela Nacional Sindical, El fracaso del TLC con la UE. 2020
- <sup>12</sup>Escuela Nacional Sindical, El fracaso del TLC con la UE. 2020, p. 15-16
- <sup>13</sup>RCN Radio. 2019: Año trágico para líderes y defensores de los derechos humanos. 27 de diciembre 2019
- <sup>14</sup>Comisión Colombiana de Juristas. Tutela ordena proteger a líderes y lideresas sociales en Colombia y garantizar el derecho a defender derechos. 6 de abril 2020
- <sup>15</sup>Comisión Colombiana de Juristas. Tutela ordena proteger a líderes y lideresas sociales en Colombia y garantizar el derecho a defender derechos. 6 de abril 2020
- <sup>16</sup>Informe del Relator Especial sobre la situación de los defensores de derechos humanos acerca de su visita a Colombia. 27 de enero 2020. <https://undocs.org/es/A/HRC/43/51/Add.4>
- <sup>17</sup>WRadio. Farc denuncia un nuevo asesinato de un excombatiente. 7 de julio 2020
- <sup>18</sup>Global Witnes, Global Report 2019.
- <sup>19</sup>La Coordinación Colombia Europa Estados Unidos, La Plataforma Derechos Humanos, Democracia y Desarrollo, la Alianza de Organizaciones Sociales Afines y la Cumbre Agraria.
- <sup>20</sup>La Confluencia suspende su participación en el proceso de formulación de la Política Pública Integral de Respeto y Garantías para la labor de Defensa de los DERECHOS HUMANOS. 6 de noviembre 2019.
- <sup>21</sup><https://www.eltiempo.com/politica/gobierno/ministra-arango-compara-muerte-de-lideres-sociales-con-asesinatos-por-robo-de-celulares-468678>
- <sup>22</sup>Oidhaco. Oidhaco repudia el asesinato de Marco Rivadeneira y llama a medidas de protección para personas defensoras en la crisis COVID 19. 27 de marzo 2020
- <sup>23</sup>OANCU DH. ONU Derechos Humanos expresa preocupación por homicidios, estigmatización y hostigamientos a defensores y defensoras de derechos humanos en Colombia. 20 de diciembre 2017
- <sup>24</sup>Escuela Nacional Sindical. El fracaso del TLC con la Unión Europea. Abril 2020
- <sup>25</sup>ITUC/CSI. Global Rights Index 2020. p. 5
- <sup>26</sup>El Espectador. Colombia es el país con mas conflictos medioambientales en el mundo. 18 de octubre 2019
- <sup>27</sup>Global Witnes. Enemies of the State? 30 de julio 2020
- <sup>28</sup>“Acuerdo Regional sobre el Acceso a la Información, la Participación Pública y el Acceso a la Justicia en Asuntos Ambientales en América Latina y el Caribe”

Minambiente. Colombia firma “Acuerdo de Escazú” en pro del medio ambiente y los derechos humanos. 11 de diciembre 2019

<sup>29</sup>Informe del Relator Especial sobre la situación de los defensores de derechos humanos acerca de su visita a Colombia. 27 de enero 2020. <https://undocs.org/es/A/HRC/43/51/Add.4>

<sup>30</sup>FIDH y Cajar. FIDH y Cajar denuncian ante la CPI que en Colombia siguen las brechas de impunidad. **26 de mayo 2020**

<sup>31</sup>RCN Radio. El 95 % de casos de violencia sexual podrían quedar en la impunidad. **24 de mayo 2019**

<sup>32</sup>Human Rights Everywhere. Cartografía de la Desaparición forzada en Colombia. 15 de septiembre 2019

<sup>33</sup>Cinep. Ibidem, 2014. *Datos de Luchas Sociales del CINEP registró 171 luchas a lo largo del año [2013], sus participantes fueron: campesinos en el 42% de estas luchas; pobladores de frontera urbano-rural en el 32%; indígenas en el 14%; población rural desplazada por causa del conflicto armado en el 7% y, finalmente, afrocolombianos en el 5% de estas luchas.*

<sup>34</sup>Durante el **Paro Nacional Agrario 2013** se presentaron 262 detenciones arbitrarias, 12 personas asesinadas, 21 personas heridas con armas de fuego, 485 heridos con otro tipo de elementos, 4 desaparecidos, y 51 casos de ataques indiscriminados contra la población civil, situación denunciada por la Comisión de Derechos Humanos de la Mesa Nacional Agropecuaria y Popular de Interlocución y Acuerdos (MIA). Colombia Informa: Informe del Paro Nacional Agrario a sus 22 días. 11 de septiembre de 2013.

**Durante la Minga Agraria, Étnica y Popular** en 2016 se denunciaron 3 muertos a manos de la fuerza pública, 80 fueron heridos y 151 detenidos.

ONIC:Informe de DDHH de la Cumbre Agraria 2016 evidencia la grave situación de Derechos Humanos en Colombia, 9 de diciembre de 2016.

**Durante el Paro Cívico en Buenaventura en 2017** se denunció el uso de armas de fuego contra la manifestación y armas de baja letalidad como gas lacrimógeno que causaron 300 heridos, 10 con armas de fuego.

Colombia Plural. La “respuesta militar” del Gobierno a Buenaventura: 300 heridos, 10 con arma de fuego. 1 de junio 2017.

**Durante el Paro Nacional de noviembre 2019** se realizaron 21 allanamientos ilegales, 914 detenciones (47 personas judicializadas), 300 heridos algunos por arma de fuego, un asesinato (Dylan Cruz)

<https://defenderlalibertad.com/boletin-informativo-9-paro-nacional/>

<sup>35</sup>Semana: Castigan la fuerza desmedida del Esmad. 10 de septiembre de 2015.

<sup>36</sup>El Heraldó:. Destituyen a dos agentes del Esmad por abusos a estudiantes de Las Misericordias, en Soledad. 5 de septiembre de 2015.

<sup>37</sup>El Espectador: ESMAD usa gas lacrimógeno en protesta de personas con discapacidad. 19 de abril de 2017.

<sup>38</sup>El uso de estas armas es regulada bajo la Resolución 00448 de 2015 de la Policía Nacional, que regula el uso de armas “no letales” pero no ha prevenido el gran número de heridos e incluso muertos por el uso de ellas

<sup>39</sup>Caso César Jérez. El Tiempo: Un geólogo estudiado en Europa, el vocero de campesinos del Catatumbo. 4 de julio de 2013.

Caso negación del paro: El Presidente Santos comentó sobre el paro agrario que en este momento llevaba 7 días que ‘no existía’ y que la protesta campesina estaba infiltrada [por grupos armados ilegales] Semana:

‘Santos: “El tal paro agrario no existe”. 25 de agosto 2013.

<sup>40</sup>Comisión Interamericana de Derechos Humanos: Criminalización de defensoras y defensores de derechos humanos, 31 de diciembre de 2015.

<sup>41</sup>Ley de Seguridad Ciudadana. Ley 1453 de 2011.

<sup>42</sup>La reforma del Código Penal (concretamente del, artículo 353 A) tipifica las “*acciones de obstrucción a vías públicas*”.

<sup>43</sup>Oidhaco: Ley de Seguridad Ciudadana. Criminalización de la protesta y penalización de la vida de los ciudadanos. Diciembre 2013

<sup>44</sup>CCEEU y Móvice. Informe sobre protesta social y derechos humanos. 31 de octubre de 2013.

<sup>45</sup>La Ley 1801 del 29 de julio de 2016, por la cual se expide el Código Nacional de Policía y de Convivencia.

<sup>46</sup>Art. 53 de la Ley 1807 del 29 de julio de 2016 impone indicar por escrito, mínimo por tres personas, con 48 horas de antelación el recorrido prospectado (art. 53).

<sup>47</sup>El Espectador: Ante Corte Constitucional demandarán nuevo Código de Policía. 20 de junio de 2016.

<sup>48</sup>OLCA. Minga agraria y popular: el masivo paro campesino de Colombia. 2 de junio 2016

<sup>49</sup>Comité Nacional del Paro. 7 razones que explican el histórico Paro Nacional en Colombia. Sin fecha.

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- <sup>50</sup>Marco Coscione y Viviana García Pinzón: TLCs, paro nacional agrario y movimiento social en Colombia. Nuevo Mundo – Mundos Nuevos. 5 de septiembre 2014.
- <sup>51</sup>BBC. Colombia: cómo se desató una "guerra comercial" con Bélgica por las papas fritas (o a la francesa). 15 de octubre 2019
- <sup>52</sup>[https://trade.ec.europa.eu/doclib/docs/2019/november/tradoc\\_158481.pdf](https://trade.ec.europa.eu/doclib/docs/2019/november/tradoc_158481.pdf) VI REUNIÓN DEL COMITÉ DE COMERCIO DEL ACUERDO MULTIPARTES UNIÓN EUROPEA – COLOMBIA – ECUADOR - PERÚ SUBCOMITÉ DE COMERCIO Y DESARROLLO SOSTENIBLE. 21-23 de octubre 2019, bogota
- <sup>53</sup>DAG meeting, 24 junio 2020, Presentación DG Trade
- <sup>54</sup>Titulo IX del Acuerdo Comercial entre la Unión Europea, Colombia, Perú y Ecuador. P. 79
- <sup>55</sup>Titulo IX, art. 267. Parr. 2
- <sup>56</sup>Reunión DAG 24/6/2020
- <sup>57</sup>Escuela Nacional Sindical, El fracaso del TLC con la Unión Europea, 2020, p. 19
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- <sup>60</sup>Cajar. Pactos colectivos para atacar a sindicatos siguen siendo ilegales: Corte Constitucional. 24 May 2019
- <sup>61</sup>Escuela Nacional Sindical, 2020, p. 29
- <sup>62</sup>Cifras sacadas de la gráfica elaborada por CENSAT con base en el Plan Nacional de desarrollo. Censat. Injusticia ambiental desde el extractivismo. En: El Aprendiz del Embrujo, 2019. P. 270-271  
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- <sup>63</sup>Infobae. En Colombia hubo 36 masacres en 2019, el año más violento según la ONU. 27 de febrero 2020
- <sup>64</sup>Acnur. Informe Mensual de Las Americas. Enero 2020.
- <sup>65</sup>France24. Gerard Martin: "En 2019, la implementación del Acuerdo de Paz en Colombia avanzó un 6%". 25 de junio 2020
- <sup>66</sup>El Espectador. Así va el Acuerdo de Paz: la deuda con la Reforma Rural Integral. 13 de abril 2020
- <sup>67</sup>El espectador. La realidad de las nuevas áreas de reincorporación de excombatientes de las Farc. 16 de junio 2020.
- <sup>68</sup>Verdad Abierta. Tumaco, atrapado entre sustitución y erradicación de cultivos ilícitos. 6 de octubre 2017
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- <sup>70</sup>El Tiempo. Controlaria pide que se investigue 322 predios por acumulación de baldíos. 9 de mayo 2017  
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- <sup>73</sup>Contagioradio. Atacan a William Aljure reclamante de tierras del Meta. 23 de mayo 2017
- <sup>74</sup>CERD/C/IRL/CO/5-9, Comité para la Eliminación de la Discriminación Racial Observaciones finales sobre los informes periódicos quinto a noveno combinados de Irlanda, 23 de enero 2020
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