

**To: Oireachtas Joint Committee on Foreign Affairs and Defence**

**Opening Statement by Eamon Gilmore, EU Special Representative for Human Rights and EU  
Special Envoy for the Peace Process in Colombia**

**Tuesday, December 14<sup>th</sup>, 2021**

Chairperson, Deputies, Senators,

Thank you for inviting me to your meeting today, to discuss with you, the two mandates which I carry out on behalf of the European Union.

In February 2019, the Council appointed me as European Union Special Representative for Human Rights, and that mandate was renewed, earlier this year, until March 2023.

I had already, since October 2015, been the European Union's Special Envoy for the Peace Process in Colombia, to which I was appointed by the then High Representative for Foreign and Security Policy, Federica Mogherini.

The current HRVP Josef Borrell has re-appointed me to that role, to also run in conjunction with my terms as EUSR for Human Rights. They are roles, of course, which are highly compatible.

I had the privilege to attend regularly in Havana, during the final stages of the negotiation of the historic Peace Agreement between the government of Colombia and the FARC. I attended in Havana again in the late 2016, following the defeat of Peace Agreement in a plebiscite, for its re-negotiation, and since then, I have been accompanying the implementation of the Agreement, through the last 18 months of the Government of President Santos, and the full term of President Duque's administration.

3 weeks ago (November 22<sup>nd</sup> to November 26<sup>th</sup>) I was in Colombia for the events to mark the 5<sup>th</sup> Anniversary of the Peace Agreement, which were attended for a two day period, by the Secretary General of the United Nations, Antonio Guterres. I accompanied the President and the UNSG, on field visits and spoke on behalf of the EU.

That week, with the presence of the UNSG, marked a significant milestone in the Colombian Peace Process, urging all parties to acknowledge what has been achieved, and to re-commit to the full implementation of the Agreement.

The Colombian Peace Agreement brought to an end the longest and bloodiest conflict in the Americas, in the 20th and 21st centuries. It lasted for 53 years, in which 250,000 Colombian lost their lives; 6 million were driven from their homes; up to 100,000 are still missing; and these are more than 10 million victims.

The FARC have disarmed, formed a political party (Comunes); 90 % of their members are still in the process of re-incorporation (or re-integration) for which the EU has provided considerable financial support.

An innovative victim-centred system of transitional justice has been established including a Truth Commission, a Missing Persons Agency and a Tribunal, known as JEP. The JEP, although subject to criticism and attack in its early years is now firmly established and is proceeding to hear cases against both former guerrillas and state actors. It recently found the collective leadership of FARC to be guilty of "crimes against humanity", a finding which has been accepted by most of the FARC leaders concerned. The JEP was recently strengthened by the agreement reached between the Government

of Colombia, and the Chief Prosecutor of the ICC, which provides for the continued existence and work of the JEP. It was also significant, that the 5<sup>th</sup> Anniversary event convened by the JEP was the first occasion at which President Duque, former President Santos and Comunes Leader Rodrigo Londoño all met in the same place.

Other aspects of the Agreement which have been progressing include the bottom-up process of integrated Rural Development (known as the PDETs) which is also supported by the EU, and the recent decision to proceed next year with the election of 16 additional members of Congress from the areas and population which were worst affected by the conflict.

But, as we know from our own experience on this island, the implementation of any Peace Agreement can sometimes be slow, frustrating and uneven. The Kroc Institute from Notre Dame University, which reports on the implementation of the Colombian Agreement, states that by October 2021, 30% of the stipulations in the Colombian Agreement have now been completed; a further 18% are at an intermediate state; a further 37% have been initiated and 15% have yet to be initiated. So there is considerable scope for improvement, which is why the EU consistently calls for the full implementation of the Agreement, especially because of its integrated nature.

The EU principal concerns now are:

- 1) The alarmingly high number of killings of human right defenders, social leaders and former combatants, mostly in remote areas of the country; the need for increased and improved protection and for accountability. In that regard, the EU has provided funding to assist the work of Ombudsman and for the establishment of a Special Investigation Unit in the office of the National Prosecutor. I hope to hold the next EU-Colombia Human Rights Dialogue early in the New Year, and these issues, especially relating to Human Rights Defenders will be high on the agenda;
- 2) The need to accelerate the process of Rural Development and Land Reform. The Agreement sets a 15 year time horizon for this work, 5 of which has already elapsed. The implementation of this chapter of the Agreement will require significant Colombian resources;
- 3) The continuing and growing problem of illegal drugs and other illegal economics, from which much of the violence stems. Implementation of the plans for crop substitution contained in the Peace Agreement will be key. There is, I believe, a need for a fuller discussion in Europe and the United States particularly, about the relationship between the consumption of cocaine and violence in Colombia;
- 4) The COVID-19 pandemic has also impacted on implementation. The impact of the pandemic on the informal economy in Colombia, together with pre-existing inequalities, contributed to the large-scale strikes and public protests which took place in the country in the 2<sup>nd</sup> quarter of this year, and which resulted in large numbers of peaceful protestors being shot dead. I travelled to Colombia in June of this year and met with the Strike Committee, with representatives of young people, with business leaders, as well as with the President and the leadership of the Police. I urged respect for the right to peaceful protest, for accountability and for dialogue between the authorities and strikers and protesters.

During my last visit to Colombia, I was struck by the strong appreciation, at all levels, for the support of the international community for Peace in Colombia, and the particular welcome for the EU's role in

this support. As we know in Ireland, international support for the peace process was essential. In the case of Colombia, the role of the United Nations has been central, with consistent interest and support from the Security Council, of which Ireland is now a member.

In that context, I want to express my recognition of the role, which Ireland has played. Over the years, Irish civil society organisations, churches, trade unions, development agencies and parliamentarians, from North and South have regularly visited Colombia to express support for peace building and for the defence of human rights, which contributed to the climate in which it was possible to advance peace negotiations.

The decision by the Irish government to open a resident Embassy in Bogotá, has greatly increased Ireland's visibility and presence and I would also like to express my own thanks for the secondment of an Irish official to work with me on Colombia and on my Human Rights work, to which I now wish to turn.

Human rights, democracy and the rule of law are in the DNA of the EU. They are in the Treaties. They are a conditions for membership of the EU, and reflected in the Common Foreign and Security Policy of the Union. All of the EU's trade Agreements, and the Framework Agreements with countries outside the EU contain human rights clauses and obligations. The EU's system of trade preferences for third countries require compliance with core Human Rights Conventions.

The EU, together with its Member States, is the largest financial contributor to human rights and democracy in the world. The European Instrument for Democracy and Human Rights alone commits €1.5 billion over the next 6 years. One example is the funding the EU provides to protect and support Human Right Defenders. Protect Defenders.eu, which provides support through civil society organisations such as Front Line Defenders, which is headquartered in Ireland, has helped more than 46,000 Human Rights Defenders in the past five years alone.

In 2012, the Council decided to create the office of the EU for Special Representative for Human Rights as an added dimension of the EU overall effort. On my appointment, in 2019, the role was widened to put greater emphasis on international humanitarian law and international criminal justice; and more recently, when the new EU Action on Human Rights and Democracy (2020-2024) was unanimously adopted just a year ago, I was given responsibility to "guide its implementation".

In carrying out my mandate, I principally engage with Governments, usually at Ministerial level. Some of this is through formal Human Rights Dialogues, some of which I chair on behalf of the EU, such as in recent times with Brazil, and the African Union; some of it is through bilateral visits and bilateral meetings, and of course, during the pandemic, much of this was carried out virtually.

I also represent the EU at multilateral Human Rights fora and events. This week, for example, I spoke at a civil society conference on "Human Rights in the Middle East and North Africa"; at Finland's "Advisory Board for International Human Rights" and tomorrow in Geneva on the Human Rights dimension of the Digital Future.

Engagement with Civil Society is an essential part of my work. Last week I participated in the opening panel of the Annual EU-NGO Forum and just yesterday, I met with civil society and opposition leaders from Belarus.

Rather than summarise all of my engagements, it may be of interest to the Committee if I give some examples of my work;

- I visited Brazil (27 November – 2 December) when I co-chaired the EU-Brazil Human Rights Dialogue and visited Belém in the Amazon region to meet with civil society and indigenous representatives, and with courageous human rights defenders. The visit enabled me to underline the EU's expectations that Brazil will deliver on its commitments at COP26, and the nexus between environmental protection and human rights. (Roger Casement was British Consul in Belém in 1908/09, and it was from there that he prepared his report on the human rights abuses in the rubber industry).
- I visited Ukraine in October, to meet with Government Ministers, to visit eastern Ukraine and to engage with human rights defenders and representatives of the Tatar community from the illegally occupied Crimea. While there, I expressed the EU's support for Ukraine in relation to Crimea and the non-Government controlled areas of eastern Ukraine, and I saw first hand the hardships being faced by people living in those areas, and also the fragile nature of the ceasefire, and the concerns which are now to the fore regarding the mobilisation of Russian armed forces on the Ukrainian border.
- In early October, I visited Central Asia to speak at their Civil Society Forum and also for discussions with the Presidents of Kazakhstan and Kyrgyzstan about the human rights situation in their own countries, but also about the regional response to the crisis in Afghanistan, and how the human rights situation in Afghanistan should be addressed;
- In November, I co-chaired the EU-Africa Union Human Rights Dialogue with AU Commissioner Bankole. Inevitably, we discussed the conflict in Ethiopia.
- That conflict was also among the issues I discussed with the UN High Commission for Human Rights, Michelle Bachelet, during the first ever EU-OHCHR Strategic Dialogue which we held in early October. While I have had regular contact with HC Bachelet, and the EU is a strong supporter of her Office, and very active at the Human Rights Council, it was agreed when HC Bachelet attended the EU Foreign Affairs Council earlier this year, that our relationship and cooperation should be put on a more formal and strategic level. We intend to have the next meeting of this Strategic Dialogue later in 2022;
- In all my Human Rights Dialogues, I usually meet with the representatives of civil society, and when possible parliamentarians. In Brazil for example, I met with the Chairpersons and members of the Human Rights Committees of the Senate and Congress. In Ukraine and Kazakhstan, I met with the Chairperson of the Justice and Foreign Affairs Committees.

Among the many significant developments in my mandate have been:

- the resumption (during the Trump Administration) of the EU-US Consultations on Human Rights, which had been in abeyance since 2015. The relationship with the US on issue of human rights and democracy has significantly improved over the past year;
- the resumption of a Human Rights Dialogue (at a local level) with India, after a 7 year lapse;
- the holding of the first ever Human Rights Dialogue with Saudi Arabia in September;
- the adoption last December of the EU Global Human Rights Sanctions Regime, and the commencement of sanctions for human rights violations, under this regime;
- the EU's support for the ICC, over the past 3 years, in the face of threatened withdrawal by some countries and sanctions which were imposed by the Trump Administration on senior officials of the Court. I was directly involved in discussing the ICC with the then US Administration and I welcomed the decision by the new Administration to remove sanctions.

In this relatively short presentation it is possible only to touch on some of the countries and issues with which I engage, but before moving on to your questions and observations, I want to draw a few conclusions from my work as EUSR for Human Rights.

1. The rise in authoritarianism. All across the world, we are seeing democracy under pressure with consequences for human rights, such as the shrinking of civil society space, restrictions on fundamental freedoms such as on media, freedom of assembly and freedom of expression. The V-Dem study which measures the health of democracy, and freedom over time, states in its last report that 68% of the world's population now live under absolute autocracies or 'electoral autocracies' and that the levels of democracy and freedom experienced by 'the average global citizen' is back down to levels last seen 30 years ago.
2. Impact of the COVID-19 pandemic on human rights, on the most vulnerable and especially on women. It will take a long time to unwind many of the 'emergency measures'.
3. The several human rights crises which have emerged in the past few years, including the repression in Belarus, the plight of women and girls in Afghanistan, the violations of human rights and international humanitarian law in Ethiopia and the coup in Myanmar.

But there are also positive trends:

1. We have never been closer to the global abolition of the death penalty. Last year only 20 countries carried out executions. It was 20 too many but we need now to collectively think about more is needed to complete abolition;
2. The lessons that the world is learning from the COVID-19 pandemic, including the importance of multilateralism and the UN institutions; and in the human rights field, the renewed emphasis in economic, social and cultural rights, which is also reflected in the new EU Action Plan;
3. And related to that the emergence of business and human rights as an area of particular interest. I know that this is a topic to which the Committee has been giving some attention in recent times and I welcome that. It is also one which is receiving a higher priority at EU level, and I look forward to exchanging further with you about that.

Thank you again for your invitation and attention and I am happy to respond to your questions.