Perilous Pursuit of Defending Human Rights in the Americas

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Recommended Citation
Perilous Pursuit of Defending Human Rights in the Americas

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Category/Department: Region
Published: 2012-09-14

On Aug. 23 of this year, attorney Diego Luiz Berbare Bandeira was shot to death in front of his home in the city of Caraguatatuba, in the state of São Paulo, Brazil. Two unidentified assailants fled the scene on a motorcycle. According to the Inter-American Commission on Human Rights (IACHR), the Brazilian lawyer had reportedly filed complaints alleging corruption and abuse of convicts at the Temporary Detention Center in Caraguatatuba.

Weeks earlier, on May 31, Fabiola Osorio Bernáldez was killed by gunshots in Pie de la Cuesta, near the Mexican city of Acapulco. A member of the organization Guerreros Verdes (Green Warriors), she had reportedly been an advocate for conservation of the Coyuca Lagoon and had opposed construction of a tourism wharf there.

These are just two examples of the dangers faced by people who defend and promote human rights throughout the region. In its Second Report on the Situation of Human Rights Defenders in the Americas, issued a few months ago, the IACHR said murders, extrajudicial executions, and forced disappearances of activists were on the rise. It called such crimes "one of the most serious obstacles to the exercise of promoting and protecting human rights."

The IACHR said attacks on the lives of human rights defenders have been more prevalent in countries "where there have been democratic breakdowns; where an internal armed conflict persists; or where there are ongoing confrontations with organized crime groups or sectors with considerable economic power, as in the case of companies that manage projects in the extractive industries." It singled out three South American countries where the situation is especially serious—Brazil, Colombia, and Venezuela—along with El Salvador, Guatemala, Honduras, and Mexico.

In addition to suffering fatal attacks, many human rights defenders in the region are subject to assaults, threats, illegal searches, and smear campaigns, according to the report, a follow-up to a study the commission did in 2006. All of this has a "chilling effect" on everyone who defends and promotes human rights, the IACHR said.

IACHR establishes new human rights office

In recent years, the IACHR has focused increased attention on human rights defenders—a category that includes "every person who in any way promotes or seeks the realization of human rights and fundamental freedoms, nationally or internationally," whether or not the person is paid for such activity or belongs to a formal organization. In 2001, the commission formed a special unit to track the issue, and last year it established the Office of the Rapporteur on the Situation of Human Rights Defenders. During its regular sessions, the IACHR has held a growing number of hearings on specific situations involving defenders.

"Human rights defenders are an essential pillar for the strengthening and consolidation of democracies, since the purpose that motivates their work involves society in general, and seeks to
benefit society," the IACHR said in its report. "Accordingly, when a person is kept from defending human rights, the rest of society is directly affected."

Certain groups tend to face particular risks, including organized labor, defenders of women's rights, campesino and community leaders, and indigenous and Afro-descendant leaders. In its latest report, the IACHR devoted sections to three other high-risk groups as well: environmental activists, those who defend the rights of migrant workers and their families, and advocates for the rights of lesbian, gay, trans, bisexual, and intersex persons (LGBTI).

Sometimes, attacks on human rights defenders are carried out by private individuals, perhaps someone working for organized crime or for a company whose financial interests are being threatened; in other cases, the attacks come from law enforcement or military agents, or with their collusion. The attacks range from brutal violence to bureaucratic harassment. The IACHR noted "a growing sophistication of the mechanisms designed to hamper, block, or discourage the work of defending and promoting human rights, which is reflected in baseless criminal charges being filed, financing sources for organizations being restricted, and in the absence of adequate and effective mechanisms for their protection."

Regardless of the source or methods of the attacks, states have the obligation to protect human rights defenders, the IACHR said. This means not only preserving their life and ensuring their safety but also taking steps to address the "structural causes" that place them in danger. Among other things, the IACHR report said, governments must immediately and thoroughly investigate attacks on human rights defenders and ensure that both the perpetrators and masterminds of such crimes are punished.

The report included a number of recommendations to the countries in the region on improving the situation for human rights defenders. It underscored the need to foster a culture "in which the fundamental role played by human rights defenders in guaranteeing democracy and the rule of law is recognized publicly and unequivocally."

**Colombian rights advocates face serious risks**

For those on the front lines, this is no abstract matter. In recent interviews, several human rights defenders in Colombia described what it was like to live in constant danger.

Angélica Bello, who heads an organization to promote the rights of women—Fundación Nacional Defensora de los Derechos Humanos de la Mujer (FUNDHEFEM)—has had to relocate several times through the years, as a result of threats she has received from paramilitary and criminal groups. In 2009, she was abducted in a taxi in Bogotá and sexually violated. "What happened to me was a political rape," she told a reporter, adding that sexual violence against women activists has been an ongoing part of the internal armed conflict in Colombia.

Carmen Palencia, who heads the nongovernmental organization Tierra y Vida also knows what it's like to be a target. Paramilitary forces killed her husband in 1989 and have carried out "systematic" attacks on her through the years. Just a few months ago, a homemade explosive device went off outside her house.

Betty Cortina has rankled different factions—"anyone who's armed"—in the country's conflict. This year, as a result of her advocacy work on behalf of forcibly displaced campesinos in northwestern
Colombia, an attempt was made on her life. Cortina saw a motorcyclist pull up alongside the SUV she was riding in and was able to hit the floor before he shot out the window and sped off.

All three women now have government-provided vehicles and bodyguards through the country's National Protection Unit. The agency protects a wide range of people deemed to be particularly vulnerable, including union leaders, human rights and political activists, journalists, and elected local officials.

"All the activities of the individuals we protect are activities the state considers valuable to society," Andrés Villamizar, the agency's director, said in an interview. "The nation considers their role to be essential, so the idea is for them to be able to continue carrying it out."

Carmen Palencia said the agency, which was created late last year to replace the country's previous protection system, has been more responsive and effective. Still, like other human rights defenders, she recognizes that she can't depend entirely on someone else to protect her. "I try to be very aware of the risks," she said. "My protection also depends on my being alert at all times."

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