



BAR HUMAN RIGHTS
COMMITTEE OF
ENGLAND AND WALES

London, 10 September 2015

STATEMENT

BHRC expresses its support for the Constitutional Court of Colombia

Following the allegations of corruption levelled against *Magistrado* Jorge Pretelt, President of the Constitutional Court of Colombia, the Bar Human Rights Committee of England and Wales (BHRC) expresses its support for the *institution* of the Court.

BHRC supports corruption allegations being properly addressed, in accordance with the rule of law and due process. At the same time, these allegations should not be allowed to obscure the essential role of the Court or the important work that it does in Colombia.

Since its inception in 1991, Colombia's highest court has been instrumental in enforcing fundamental rights and providing access to justice for Colombians. In a country plagued for decades by a conflict that has had a devastating toll on the civilian population, the Court has offered one of the few tangible avenues for safeguarding the rule of law and protecting human rights.

Over the years the Constitutional Court has issued a number of landmark judgments, bravely showcasing its determination to hold the Executive to account.

In 1998, it declared that the harrowing conditions in Colombia's prisons- which included severe overcrowding and a chronic lack of access to clean water, sanitation and healthcare- were contrary to prisoners' fundamental rights (Decision T 388/13). This was reiterated in a ruling in March of this year, in which the State was ordered to tackle the humanitarian crisis in six of the worst establishments within the next three years or face closure of the prisons.

The Court has strived to address the protection needs of one of the world's largest internally displaced populations. In 2004, it found that an "unconstitutional state of affairs" had arisen from the State's failure to secure adequate protection to victims of displacement, leading to continuous violations of their rights (Decision T-025). In a follow up decision in 2008 (Decision 092), the Court expressly recognised the nexus between conflict-related sexual violence and displacement. It ordered the State to implement a series of corrective measures

designed to protect displaced women and girls related to health promotion, educational assistance and access to land.

The Court has sought to advance the rights of indigenous and Afro-Colombian communities, who have historically faced systemic discrimination at the hands of the State. In particular, in line with Colombia's obligations under international law (ILO Convention No.169 on Indigenous and Tribal Peoples) it has upheld the right of cultural minorities to be adequately consulted over projects seeking to exploit natural resources on their territories. This includes acting in good faith to ensure the effective participation of affected communities and conducting environmental impact assessments. In 2009, suspending a Rio Tinto mining project, the Court added that in cases of large-scale development or investment, the State was also required to obtain communities' free, prior and informed consent (Decision T-769/2009).

The jurisprudence of the Constitutional Court of Colombia serves to illustrate how principled and courageous judges can, in a complex and tumultuous political environment, work to make international human rights standards a reality for all.

BHRC is dedicated to promoting principles of justice and respect for fundamental human rights through the rule of law in different parts of the world. BHRC believes that the availability of an effective legal profession and infrastructure is a crucial pre-condition for civil liberties and human rights.

It is in this capacity that BHRC supports the role of the Constitutional Court in Colombia. It calls upon the international community to join in its support of this institution.

ENDS.

NOTES FOR EDITORS

1. For an interview with our spokesperson, please contact Céline Grey, Project Coordinator, on +44 (0)7854 197862
2. For more information on the Bar Human Rights Committee (BHRC), visit our website at <http://www.barhumanrights.org.uk>
3. The Bar Human Rights Committee of England and Wales (BHRC) is the international human rights arm of the Bar of England and Wales, working to protect the rights of advocates, judges and human rights defenders around the world. The BHRC is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. It is independent of the Bar Council.