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From February 3-15, 2010, I participated in an International Pre-Electoral Observation Mission to Colombia. As part of a 22-person group, we carried out observation in four departments—Córdoba, Valle del Cauca, Antioquia, and Santander—as well as the capital city of Bogotá. The regional observation teams were made up of professionals from different countries, organizations, and disciplines, to assure a broad and multi-faceted perspective to the Mission. I have previously observed pre electoral conditions and election day voting in Mexico, the United States and in Ethiopia with the Carter Center.

I offer this testimony as important consideration for the Committee considering the CCFTA – as the existence of a strong and healthy democratic system should be a key consideration of the Committee as it deliberates on the CCFTA. As with the question of whether or not to recommend ratification of the CCFTA without a Human Rights Impact Assessment, we are convinced that the exercise of democracy cannot be understood as an isolated event on the day of voting.

Our methodology for observation was designed to be as broad and inclusive as possible. We met with leaders of all major political parties; representatives of civil society organizations; local, state, and national government officials; electoral authorities; officials charged with electoral oversight on municipal and departmental levels; journalists, and members of the media. We also sought out direct contact with citizens organized through the church, civic groups, unions, indigenous and Afro-Colombian groups, the LGBT community, displaced persons, feminists, and others.

The purpose of the Mission was to gather information regarding the conditions surrounding the March 14 congressional elections, also relevant to the presidential elections at the end of this month. International standards stipulate that valid electoral observation cannot take place without a study of pre-electoral conditions, as these constitute the often invisible but determinant backdrop to voting on Election Day. In a situation of internal conflict, the presence of illegal armed groups, widespread violence and violation of human rights, and internal displacement, as in Colombia, this is especially critical.

In early March each of your offices received a copy of the Mission's final report. I will use the bulk of my time to highlight our key concerns with only a few of the examples that are covered in the Mission's report.

1. Influence of Armed Groups (Paramilitary and Narco-Traffickers) on the Electoral Process

The influence of narco-traffickers and armed actors on the electoral process in certain parts of Colombia is, by all indications, significant and alarming. Their forceful interventions are directly related to their ultimate objective of becoming the de facto political authority in various parts of the country. It is certain, in places where these groups have been active or allowed to operate with impunity, that the legitimacy of both the electoral process and the candidates elected during those campaigns have not, and will not, be trusted by the people. High profile scandals, which this Committee has heard about, further erode the people's sense that the government and its representatives exist to serve them and address their needs.

According to community leaders and organizations based in various parts of the country, the government bears a large portion of the responsibility for the recent expansion of armed banditry and violence that is evident in all areas of social life, including electoral politics. Evidence from numerous sources indicates narco-traffickers and armed actors in and around Buenaventura are heavily involved with all aspects of electoral politics, including handing out gifts and bribing and intimidating candidates and the electorate, monitoring polling places, and directly interfering with poll workers and ballots after the voting process has ended.

2. Electoral Fraud and Electoral Crimes

In our meetings with Colombian citizens, elected officials, and representatives of political parties, the following complaints were registered which constitutes interference with the free exercise of the vote:

- To begin, in all regions there were reports that official poll watchers have been “bought” by parties to promote their interests and either turn a blind eye to irregularities or actively participate in them. These include activities such as marking ballots in favor of their candidate, annulling ballots marked for opposing candidates, and falsifying vote counts. This level of collusion is essential to operationalize many of the strategies mentioned below.
- The buying and selling of votes was the most common complaint received by the regional delegations of the Mission. Citizens in Tierra Alta, Montelíbano, and Montería reported being offered anything from bags of cement and roofing materials, to the construction of houses, to cash payments of 20,000 to 50,000 pesos (between 10-25 CAD) per vote. Typically, voters and representatives of opposition parties reported that vote-buyers from various political parties would require confirmation that a citizen had voted as agreed before paying the full amount. There are various methods for ensuring this, including taking photos of marked ballots with cell phones or cameras, or using a carbon to prove the vote.
- The misuse of voter ID cards was commonly cited as a method of voter fraud in all regions. ID cards from people of other voting districts, counterfeit cards, and even cards from deceased persons have been used.

In the Mission's final report, we also discuss and cite examples of election observers being removed or obstructed from observing Election Day activities and report impediments to the right to vote as relayed by witnesses we interviewed. In the final report we also discuss testimony of the existence of illegal electoral campaign financing practices, especially originating in drug trafficking, which I will not elaborate on here to respect the time guidelines.

3. The Use of Government Programs to Influence Election Results

Acción Social is the agency that channels national and international resources to social programs under the presidency, and that attends to the needs of vulnerable sectors of the population affected by poverty, drug trafficking, and violence.

Among the different programs that have been developed under Acción Social, the "Familias en Acción" program is the most recognized at the national level and has the broadest coverage, serving nearly 3 million families. The program consists of providing conditioned subsidies to mothers and poor families and/or families displaced by violent conflict, on the condition that they fulfill commitments such as sending their children to school regularly and conducting regular health evaluations.

After analyzing the results of all four regional delegations, we were impressed to find that a wide variety of sources coincided in affirming that candidates of the ruling Partido de la U and of other parties in the governing coalition have attended meetings with beneficiaries of the social programs, where they stated that if the beneficiaries do not support them with their votes "the subsidies they receive from the President will end."

It is of grave concern that there appears to be no separation between the presidential figure and needed government programs that attend to displaced persons and other vulnerable sectors and that, from reports we received, there is an alarmingly high rate of manipulation and misinformation on the part of regional politicians regarding "Familias en Acción" is delivered in poor neighborhoods. This practice leaves open the possibility of manipulation of subsidies and the restriction of the voter's right to choose freely who to vote for.

Before ending, I wanted to point your attention to the OAS election report released on May 6 that highlighted similar findings in regards to vote buying and lack of citizen participation and understanding of the democratic process during the congressional election. Reports that commend the fact that these elections were the most peaceful in years – indicates that the bar for democracy is pretty low when absence of bombings at polling centres or assassinations of candidates is marker of a successful election.

Pre electoral observation includes a multitude of factors that run from daily participation in decision-making by a free and informed citizenry, to defense of national sovereignty at the geopolitical level. For this reason, we strongly believe that an in-depth analysis of the social and political conditions in the country is indispensable, since these constitute the often invisible but crucial backdrop to the electoral process.

I would offer that in consideration of the CCFTA, the human rights impact assessment proposed by this Committee is an essential step to understanding the context on the ground in Colombia.

In closing, and I thank you for the opportunity to make this presentation, and feel strongly that the Committee needs to hear from the outstanding list of witnesses that have requested to testify in the coming weeks.