

# THE SITUATION OF HUMAN RIGHTS IN COLOMBIA

**2018-2022**

REPORT OF INTERNATIONAL  
COORDINATION GROUPS AND  
ORGANIZATIONS FOR THE UNIVERSAL  
PERIODIC REVIEW OF  
COLOMBIA 2023



**THE SITUATION OF  
HUMAN RIGHTS  
IN COLOMBIA  
2018-2022**

# TABLE OF CONTENTS

*Report submitted  
1st of March 2023 to the Office of the  
High Commissioner on Human Rights*

## Contact

International Office for Human Rights –  
Action on Colombia (OIDHACO)  
oidhaco@oidhaco.org  
0032 (0)2 536 1913  
Rue de la Linière  
1060 Brussels  
Belgium

*Cover picture : Serrania Perijá, Yukpa, 2011. Juan Pablo Gutierrez*

Supported by:



This publication has been produced with the financial support of the Generalitat Valenciana. The content of this publication is the responsibility of the ad hoc coalition of international organizations and do not necessarily reflect the standpoint of the Generalitat Valenciana.

Introduction	4
Peace and Armed Conflict	6
Implementation of the 2016 Final Peace Agreement	6
Transitional Justice	8
Situation of the armed conflict – violations of IHL	9
Enforced disappearance	10
Extrajudicial killings	11
Peace talks	12
Economic, social and cultural rights	12
Business and human rights	12
Free, prior and informed consultation	13
Right to water	14
Right to food	14
Right to land and territory	15
Land restitution	15
Human Rights Situation	17
Human Rights Defenders	17
Access to justice	18
Independence of the judiciary	19
Trade unionists	19
Journalists and freedom of the press	20
Social protest	21
Illegal military intelligence	22
Environment and Human Rights Approach	23
LGBTIQ+	23
Women's Rights	24
Sexual and gender-based violence	24
Implementation of the Gender Chapter of the Final Peace Agreement	25
Women, peace and security (Resolution 1325)	25
Impunity	26
Impunity of gender based violence	26
Impunity in transitional justice	26
Notes	27

## INTRODUCTION

This shadow report has been prepared by an ad hoc coalition of 67 international organizations for the Universal Periodic Review (UPR) of Colombia taking place in 2023. On 1 March 2023, the report was handed over to the Office of the High Commissioner for Human Rights, as part of this process.

The report contains an update on the human rights situation in Colombia between 2018 and 2023, five years of significant political change. During this period there have been three different governments: the last months of the Santos Government (2010-2018), the Duque Government (2018-2022) and the first months of the Petro Government (2022-2026). These years were also marked by the Covid-19 global pandemic, which affected all aspects of life and society in Colombia, and in particular, the human rights situation.

The global panorama of human rights in Colombia, including the situation of internal armed conflict and different peace processes, has not been encouraging in the last five years. After a reduction in rates of violence in the years 2012-2016, figures for the human rights situation and conflict-related violence worsened once again.

In 2018, Colombia received numerous recommendations to urgently implement the Final Peace Agreement signed with the FARC-EP in 2016, to avoid repetition of the conflict and human rights violations. The process under the Santos government had been slow, but in the period of the Duque Government it completely stalled. The areas left by the FARC-EP were occupied by other armed groups and the conflict entered a new phase, once again leaving hundreds of thousands of victims of forced displacement, confinement, anti-personnel mines, selective killings, forced recruitment, forced disappearance, kidnapping and sexual violence in the context of the conflict.

It was within this context, that the Covid-19 pandemic arrived in rural, small-scale farming, Afro and indigenous populations. The lack of State response to the needs caused by the pandemic dramatically worsened the situation of poverty and access to health, education, decent employment and food. Added to this situation were serious human rights violations related to social protest and police abuse.

In the midst of such a precarious situation, Colombian people have reported, investigated and sought justice and the satisfaction of their rights. Human rights defenders have been threatened, killed and attacked, year upon year during this period. Tragic records for the numbers of attacks and killings of human rights defenders have been broken. Most of these crimes remain unpunished.

Despite governmental obstacles to the implementation of the Final Peace Agreement, some progress has been made, offering glimpses of light in the darkness: the Truth Clarification Commission produced and published its final report, the Special Peace Jurisdiction was able to issue its first resolution and some of the perpetrators acknowledged their crimes and apologized to the victims of the conflict.

The Petro Government has announced and shown its political will and commitment to the full implementation of the Final Peace Agreement with the FARC-EP, has initiated new processes of dialogue with armed groups to work on the end of the conflict, has initiated social reforms and has made environmental protection and social justice a priority.

The UPR is an opportunity to accompany and encourage these efforts and to highlight any gaps. The international community must use this historic window of opportunity for peace and human rights in the country. These efforts should be supported, through active participation in the UPR, cooperation with Colombia, bilateral relations and multilateral fora.



Bogota DC, July 2019. Myrto Hatzigeorgopoulos (@MyrtoHV)

## PEACE AND ARMED CONFLICT



*Sumapaz Paramo, 2020. Myrto Hatzigeorgopoulos (@MyrtoHV)*

### *Implementation of the 2016 Final Peace Agreement*

1. At the end of term of the Government of Iván Duque (2018-2022) only 30% of the provisions of the 2016 Final Peace Agreement (FPA) had been implemented. Another 19% of the provisions were at an intermediate implementation stage and 37% had only been minimally implemented. Implementation of 15% of the provisions had not begun<sup>1</sup>. The current Government of Gustavo Petro announced in August 2022 its unrestricted commitment to the comprehensive implementation of the FPA and, to making progress in the short and medium term with the implementation of the lagging provisions.
2. Point 1 of the FPA, Comprehensive Rural Reform, has been the least implemented, although inequality in land tenure and uncertainty over land ownership has been one of the structural causes of armed conflict

in Colombia. Land access and use have been affected by the low allocation of hectares from the Land Fund.

3. The Development Programmes with a Territorial Focus (PDETs in Spanish) (1.1 in the FPA) have not been linked to the National Plans for Rural Reform established under point 1 of the FPA. The Territorial Action Plans have seen partial progress and there are imbalances, in terms of participation in these initiatives and coordination with other public policy instruments<sup>2</sup>. Problems with the PDETs include the lack of knowledge and understanding of the implementation Road Maps and the overly technical language for communities and local authorities, placing the viability and sustainability of the programmes at risk. Various local stakeholders have described feeling excluded from the process and have called for greater inclusion in the implementation of the PDETs<sup>3</sup>.
4. In the period 2018-22, in relation to Point 1 of the Final Peace Agreement, the National Formalization Plan was non-existent and there was a clear decline in Peasant Reserve Zones, as well as in land formalization instruments such as the Social Plans for Rural Property, the Registry of Persons for Land Reclamation and the updating of the Cadastre.
5. In relation to the provisions established in Point 2 of the FPA, Political Participation, in the 2018-22 period, progress has been achieved regarding the Statute of the Opposition, the election of representatives to the Special Transitional Peace Constituencies (2.3 of the FPA) and the implementation of the Territorial Peace Councils. However, there have been significant delays in implementing security guarantees, including the ineffectiveness of the Comprehensive System of Security Guarantees for the Exercise of the Policy (2.1 of the FPA). This is one of factors influencing the high numbers of attacks on people who represent critical voices and opposition to the status quo.
6. In relation to the provisions of Point 3 of the FPA, End of the Conflict, the reincorporation of FARC-EP members has seen significant progress. Although the National Reincorporation Council (CNR in Spanish) and the Territorial Reincorporation Councils (CTR in Spanish), established by the FPA, were created during the period evaluated, these bodies have faced several obstacles to reincorporation<sup>4</sup> Decree 1523 of 2017 defined the functions of the CNR<sup>5</sup>, prioritizes coordination with the Common Solidarity Economies (ECOMUN) and therefore causes tension, as some sectors of former combatants believe the reincorporation should not be linked to the COMUNES Party.

7. The National Reincorporation System (SNR in Spanish) has yet to be implemented as an institution promoting the access, suitability and sustainability of the plans and programs defined for the implementation of the reincorporation process. To date, there are 181 cooperatives throughout the country, where 1,800 women are members. Around 100 women play a leadership role in 35 cooperatives<sup>6</sup>.
8. The insecurity of former combatants is worrying, with evident deterioration between 2018 and 2022 that may jeopardize the sustainability of the peace process. As of January 2023, 355 former FARC-EP combatants had been killed<sup>7</sup>. This lack of security continues to affect at least 15 reincorporation zones.

### *Transitional Justice*

9. In relation to the provisions of Point 5 of the FPA, Victims of the Conflict, the bodies in the Integral System of Truth, Justice, Reparation and Non-Repitition (SIVJNR in Spanish), composed of judicial and extra-judicial bodies, were launched in the 2018-22 period<sup>8</sup>. However, the level of implementation of their mandates was varied.
10. While the entities of the Comprehensive System of Truth, Justice, Reparation and Non-Repitition (SIVJRNR) such as the Commission for the Clarification of the Truth (CEV), the Special Jurisdiction for Peace (JEP) and the Search Unit for Missing Persons (UBPD) effectively began their mandates after the signing of the agreement, other restorative elements covered by the Final Peace Agreement, for example guarantees of non-repetition, comprehensive reparation and the implementation of the National Human Rights Action Plan (5.2 of the FPA) and its ethnic chapter have not made significant progress.
11. The Duque administration caused delays in its implementation and effectuated budget cuts that affected the operation of the entities of the SIVJRNR like the CEV, and delays generated by objections to the law approved by the Colombian Congress on the operation of the JEP<sup>9</sup>.
12. The SIVJNR must be implemented in its entirety and needs the support and recognition of the international community.
13. The Commission for the Clarification of Truth, Coexistence and Non-Repitition (CEV in Spanish) ended its mandate in June 2022 with the presentation of its final report. Among its findings, the report concluded<sup>10</sup> that between 1985 and 2018, 450,664 people were victims of homicide, 121,768 people were forcibly disappeared, 50,770 were

victims of kidnapping (1990 -2018), and 16,238 children and adolescents were victims of forced recruitment (1990-2017). A Monitoring Committee has been established to monitor the implementation of all the recommendations in the report.

14. The Special Jurisdiction for Peace (JEP in Spanish) has opened, to date, 10 macro cases to date. In the macro case number 8 of crimes committed by the security forces, other State agents, paramilitaries and third parties, the JEP accredited a figure of 72,492 victims; of these, it attributes to the state security forces force 8,345 homicides, 1,249 cases of torture and 2,904 cases of forced disappearance<sup>11</sup>. It is urgent to move forward with the opening of the macro-case on sexual violence in the JEP.
15. In November 2022 the JEP recognition chamber presented the first conclusions in case 01 (hostage taking committed by the FARC). Seven former guerrilla leaders admitted to the court that they committed 21,396 kidnappings<sup>12</sup>.

### *Situation of the armed conflict – violations of IHL*

16. There was evidence of an upsurge in violence related to the armed conflict between 2018 and 2022<sup>13</sup>. According to the ICRC, 6 armed conflicts persist in the country affecting the civilian population: figures on forced displacement, victims of anti-personnel mines, confinement, recruitment of minors and sexual violence have increased in the last year. According to Indepaz, 94 massacres occurred in 2022<sup>14</sup>.
17. In the period examined, the departments most affected by violations of IHL were Cauca, Valle del Cauca, Norte de Santander, and Naríño. However, in some of the semesters during the reporting period, figures from the departments of Meta, Guaviare, Antioquia and Arauca were also high.
18. According to CINEP/PPP data, 4 torture cases were registered in the first half of 2018, 3 in the second half of 2018, 20 in the first half of 2019, 3 in the second half of 2019, 1 in the first half of 2020, 1 in the second half of 2020, 5 in the first half of 2021, 2 in the second half of 2021 and 2 in the first half of 2022.
19. Of particular concern are indiscriminate bombings that killed at least 29 children and adolescents between 2019 and 2021 alone<sup>15</sup>.

*Enforced disappearance**PBI Colombia*

20. In its final report, the CEV estimates that at least 121,768 people were victims of this heinous crime in Colombia<sup>16</sup>.
21. The creation of the Search Unit for Missing Persons (UBPD in Spanish) one of the entities in the SIVJNR, represented a considerable step forward in the investigation and location of victims. However, the UBPD's progress was slow in the period under review<sup>17</sup>.
22. Despite progress in the investigation of cases and the identification of remains and of victims of enforced disappearance, in the period under review and up to the present there have been multiple reports of disappeared persons and there are still inconsistencies in the legal framework and institutional responsibilities<sup>18</sup>.

*Extrajudicial killings*

23. During the period under review, numerous cases continued to be reported of killings by law enforcement officers, that in several cases could amount to extrajudicial killings<sup>19</sup>. The United Nations documented at least 198 arbitrary deprivations of life by the police and military forces between 2018 and 2022<sup>20</sup>. In March 2022, eleven people were executed in a military operation in Putumayo<sup>21</sup>.
24. There are concerns about high levels of impunity in cases of extrajudicial killing, including "false positives". According to the Public Prosecutor's Office, 1,749 people have been sentenced in relation to cases of extrajudicial killings perpetrated between 2002 and 2009<sup>22</sup>. The JEP verified 6,402 "false positives" between 2002 and 2008 alone<sup>23</sup>. The CEV estimates that there were 8,208 extrajudicial killings between 1978 and 2016<sup>24</sup>.
25. Between 2018 and 2019, the Army Command issued several guidelines to increase the number of combat casualties, reproducing previous patterns that had encouraged extrajudicial killings in the form of "false positives". One of the orders was entitled "Setting objectives". It required military units to define concrete targets for the number of combat casualties, captures, surrenders and attacks. They were also ordered to report the results achieved for these categories. Another guideline known as "Fifty Command Orders" of 19 February 2019 ordered military operations to be launched "with 60% – 70% credibility and accuracy" on the target under attack<sup>25</sup>.
26. To some extent, the guidelines replicated patterns in past policies that led to so-called "false positives" – the systematic execution of thousands of civilians by members of the military forces who were subsequently presented as "Enemies killed in combat". These policies also included the order to evaluate the performance of military units based on the number of alleged combat casualties. At the same time, each supposed combat casualty was rewarded with monetary rewards, extra days off or prizes.
27. After strong criticism some of the guidelines were changed<sup>26</sup>.

### *Peace talks*

28. During the Duque administration, peace talks were not resumed between the government and the National Liberation Army (Ejército de Liberación Nacional – ELN) after the government broke off negotiations with the guerrilla group in 2019 following a car bomb attack<sup>27</sup>.
29. During the period under review, the lack of a dialogue process with the ELN guerrilla meant that progress could not be made on the recommendation to reach a humanitarian agreement to protect the civilian population in conflict zones or to ensure a satisfactory political solution to the conflict, paying special attention to the situation of children and adolescents<sup>28</sup>.
30. The current Government has shown willingness to move forward with the implementation of the Peace Agreement and initiate processes of dialogue and negotiation with different armed groups<sup>29</sup>.
31. Negotiations with the ELN resumed in November 2022<sup>30</sup>. It is considered that the implementation of the FPA, the resumption of negotiation processes with armed groups, in particular the ELN, and the implementation of the Total Peace policy, can build the foundations for a reduction in human rights violations and violations of IHL in Colombia<sup>31</sup>.

## ECONOMIC, SOCIAL AND CULTURAL RIGHTS

### *Business and human rights*

32. Colombia remains a high-risk country for human rights defenders working in business contexts. According to the Business and Human Rights Resource Centre, between 2020-21 alone, there were 58 attacks against human rights defenders who raised concerns about business operations, particularly in the oil, gas and coal sectors<sup>32</sup>.
33. Although Colombia is part of the OECD, there are no legal mechanisms in the country that force companies to be held accountable before the courts for violating human and environmental rights in the course of

their activities, products or services and there are no instruments for effective reparation to individuals, communities or territories<sup>33</sup>.

34. On the contrary, by taking advantage of instruments that protect foreign investment, multinationals can circumvent rules or undermine judicial independence, even to influence labour rulings or rulings to protect the environment and the rights of peasant and ethnic communities. Between 2018 and 2021, mining companies and oil companies have brought seven (7) arbitration processes against Colombia, in response to actions in favour of the environment (banning operations in Protected areas) or the rights of ethnic communities. The Cerrejón coal mine (part of Glencore) is a case in point. See the case of Arroyo Bruno in the Amicus Curiae in the process of complying with orders issued in judgment SU-698 of 2017<sup>34</sup>.
35. In its final report, the CEV recognizes the need to regulate companies' operations by adopting a legal framework and policies that impose a due diligence obligation on companies to prevent, mitigate and remedy human, environmental and territorial rights violations related to business and business activities<sup>35</sup>.

### *Free, prior and informed consultation*

36. During the period examined, several extractive megaprojects were reportedly implemented without having effectively complied with the obligations resulting from the fundamental right to prior consultation in the Colombian Constitution<sup>36</sup>.



*Upper Negro river basin, Amazon, Jupda, 2013. Juan Pablo Gutierrez*



PBI Colombia

### Right to water

37. In December 2022, the Colombian Minister of Housing stated that more than three million people did not have access to drinking water and that the water situation was critical throughout the country<sup>37</sup>. This declaration confirms data from civil society over many years reporting that the economic development model puts access to water at risk due to the privatization of water and sewerage sources and services, and extractive and agribusiness projects<sup>38</sup>.

### Right to food

38. Colombia suffers from serious violations of the right to adequate food and nutrition<sup>39</sup>. National data indicates that: 54.2% of households experience food insecurity<sup>40</sup>; 10.8 per cent of children under five have stunted growth<sup>41</sup>; and 24.4% of schoolchildren and 56.6% of adults are overweight<sup>42</sup>. In addition, breastfeeding figures are far from levels established in international recommendations<sup>43</sup>.

39. Hunger was a trigger for the social protest of 2021. However, the Colombian State did not implement adequate measures and instead strengthened its alliances with the food industry (responsible for much of the malnutrition in the country); opposed measures by social organizations in favour of public health and food; and even went so far as to demand that international agencies be complicit in its denial of the existence of hunger<sup>44</sup>. Particularly the warning labeling on ultra-processed edible and drinkable products, the tax on sweetened beverages and the

control of advertising of ultra-processed edible and beverage products targeted at children. Only the first two managed to become laws despite the fierce opposition of the previous government and industries.

40. The current Petro government seeks to implement an urgent plan to fight hunger. The guiding document for this has not yet been made public.

### Right to land and territory

41. Colombia continues to be the country with the highest inequality in land tenure in the region with a Gini Index of 0.869. 52.7% of land tenure is informal and only 36.3% of single-owner properties are owned by women. In Colombia, the dispute over land and the lack of it for peasant farmers has been one of the main causes of the armed conflict, becoming a challenge for peacebuilding. Colombia needs to advance on issues of restitution, formalization and access for those who do not have land or have insufficient land, which implies advancing on equality and on agrarian reform. The concentration of land in Colombia is the most unequal in Latin America given that 1% of the population in Colombia owns 81% of the land.<sup>45</sup>

42. During the period under review, Colombia abstained from voting in favour of United Nations Declaration on the Rights Of Peasants and other People Working In Rural Areas, despite requests from peasant organizations<sup>46</sup>. Nor did it make progress in adopting national legislation on public policy for peasant farmers<sup>47</sup>. Nor did it make progress to advance the Agrarian Jurisdiction, a provision of the FPA that seeks to resolve conflicts over land.

### Land restitution

43. In terms of land restitution, of the almost 7 million hectares dispossessed from peasant families and ethnic territories according to the Land Restitution Unit, between 2011 and 2021<sup>48</sup>, 138,958 restitution applications were submitted. However, only 34,833 were approved by the Restitution Unit, that is, only 35%. In the period examined, the State failed to comply with its policy of restitution of collective territories, violating the rights of ethnic peoples to reparation.

44. As of August 2022, the Land Restitution Unit reported that 125,047 indigenous families and 98,855 black families claiming land are part of 678 ethnic restitution cases. Of these cases, 42% are in the Pacific, the majority in the department Chocó (132) and where 20% of the national ethnic restitution is located. Of the 5,296,446.60 hectares that



Farmer, Mario Alvear, Fundación Chasquis para Comundo.

are included in the Registry of Forcibly Dispossessed and Abandoned Lands, only 6.9% (365,101.90 hectares) have been returned in more than ten (10) years of the validity of Decrees 4633 and 4635 of 2011. The slowness with which the processes are progressing includes 422 cases that are stalled at the administrative stage and only 28 cases that have reached post-judgment, showing a systematic non-compliance with court orders.

45. According to the Land Unit, as of February 2022, 10,130 individual properties and 22 ethnic territories (538,212 hectares) were returned after sentencing, benefiting 78,300 people, however, only 40% of these properties have been effectively returned. Under these rulings, 72 companies, including multinationals, palm growers, banana growers, cattle ranchers, mining companies and banks, have been ordered to return dispossessed land. However, the land remains fundamentally in the hands of these companies and certain individuals.
46. Families whose land has been returned face difficulties, due to a lack of guarantees to remain on their lands. Armed groups that exercise control of their territories, organizations and lives, mean that it is difficult to remain in their lands. On other occasions they are forced to sell the land after recovering it, a situation that has led to new modalities of dispossession and displacement<sup>49</sup>.
47. The challenge for the current government is to advance in the effective restitution of land, and to guarantee that people whose land is returned have conditions and full guarantees for the return to their territories.

It is urgent to advance in the restitution of collective territories, in particular, and in general, in the fulfilment of reparation measures for ethnic peoples stipulated by Colombian law.

## HUMAN RIGHTS SITUATION

### *Human Rights Defenders*

48. In the period under review, the security situation for human rights defenders has deteriorated. High rates of murders and aggressions<sup>50</sup> continued to be perpetrated against this group, seriously affecting civic space, but also collective rights (freedom of association, expression, assembly and demonstration).
49. Human Rights organizations ask for progress on the application of collective protection measures. There are recent regulations that specifically address this issue (i.e., Decree 2078/2017 and 660/2018) but their proper implementation is notoriously precarious. Ministry of the Interior Decree 660 of 2018, which is a result of the FPA and regulates collective protection, was not implemented or insufficiently implemented in the period examined. This has been a missed opportunity to improve collective protection.
50. The implementation of reactive and material protection measures persists, which do not enable the strengthening of territorial community protection practices<sup>51</sup>, nor measures to prevent, protect and guarantee the exercise of the right to defend human rights<sup>52</sup>. An example of this was the disproportionate and violent response to social protest in 2019 and 2021.<sup>53</sup>
51. The protection measures provided by the State through the National Protection Unit (UNP in Spanish) are insufficient. There were reports that UNP personnel responsible for the protection of human rights defenders were involved in attacks (surveillance and monitoring) against protected persons<sup>54</sup>.
52. Attacks on human rights defenders persist due to structural impunity. Case results presented by the Public Prosecutor's Office only offer a limited view of this situation, as they do not show convictions but only cases where there is some investigative progress. In almost all cases, if there is a conviction, it is of a material author. Around 90% of killings of

defenders are committed using hired assassins, so it is important to advance in investigations into the intellectual authors of these crimes. The Public Prosecutor's Special Investigation Unit, created under the FPA, has made partial progress in cases of assassinations of social leaders and former FARC-EP combatants, but has not fully fulfilled its mandate<sup>55</sup>.

53. The current Government's statements and actions on defenders are positively valued. It is important to highlight the multiple messages rejecting attacks against defenders as well as public policy actions on this issue<sup>56</sup>.
54. Justice operators, including judges and lawyers, have historically been victimized, stigmatized, and pressured by state and non-state actors<sup>57</sup>. Justice operators were also killed during the reporting period<sup>58</sup>.
55. The state protection system is often inadequate in providing effective protection to defenders at risk. In particular, it stands out that measures for people from indigenous or Afro-Colombian communities do not usually integrate ethnic perspectives. In addition, there is insufficient coordination between state protection and ethnic self-protection mechanisms, such as indigenous guards and they lack recognition.
56. During its visit to Colombia, the VII International Caravan of Jurists (VII Caravan) also received reports about protection agents involved in threats, surveillance and sexist actions against protected persons<sup>59</sup>.

#### Access to justice

57. The CEV final report recognizes the problems of access to justice for citizens living in rural areas<sup>60</sup>.
58. In its last visit to Colombia, the VII Caravan of Jurists identified gender as another factor negatively affecting access to justice. It therefore recommends strengthening mechanisms for access to justice for women and children, particularly in cases of sexual and land-related violence<sup>61</sup>. The intention to open of Macro Case 11 by the JEP is welcomed, as it opens up the possibility for the victims of these crimes to access justice.
59. It is important to highlight that the criminalization of lawyers represents another barrier for their clients to access to justice. The VII Caravan identified multiple cases of stigmatization, surveillance and abusive detention of legal teams accompanying demonstrators during social protests in 2021<sup>62</sup>.

#### Independence of the judiciary

60. The justice sector in Colombia, particularly criminal justice, has been characterized by structural weaknesses, including vulnerability to State interference, high levels of corruption by justice operators, and lack of impartiality of judges. During the period under review, these structural problems worsened<sup>63</sup>.
61. In its final report, the CEV partially addresses the problem of the independence of the justice system, recommending in particular the modification of the mechanisms for electing the Public Prosecutor<sup>64</sup>. The CEV does not address the problem of the impartiality of judges and prosecutors in a structural way<sup>65</sup>.
62. During its last visit to Colombia, the VII Caravan heard cases of transfers of prosecutors when their rulings affected influential economic actors<sup>66</sup>.

#### Trade unionists



Bogota DC, July 2019. Myrto Hatzigeorgopoulos (@MyrtoHV)

63. Trade unionists have continued to be the targets of threats and murder in the period under review. Their security situation remains precarious, despite the emergency plan announced by the new government, to protect the lives of social leaders, reflecting the complexity of achieving long-lasting change in the country.
64. According to the International Trade Unions Confederation (ITUC) index, published in the first half of 2022, Colombia remains the most dangerous country in the world to be a trade unionist, recording the lowest score of “no guarantee of rights”. 13 murders, 6 murder attempts 99 death threats were recorded in 2021<sup>67</sup>.
65. Colombia continues to have critically low rates of worker organization compared to rates in other countries in the region: in Colombia there is 4% union membership with 6,000 registered organizations of which less than 60% are active, and with 80% having less than 100 workers<sup>68</sup>.
66. The Government currently is preparing labour reforms that could lead to improvements in labour rights. The proposal covers night-time pay, wage equality between men and women, elimination of precarious contracts and improved job stability.
67. It should be noted, however, that Colombia is a country with deep social inequality that continues to rise, an unemployment rate of more than 13 percent, and a formal employment rate of only just over 50 percent. There remains a huge challenge to pursue full employment with respect for the conventions of the International Labour Organization and its concept of ‘decent work’.

### *Journalists and freedom of the press*

68. Between January and October 2022, FLIP documented 582 attacks on journalists, communicators and media outlets in Colombia. Most correspond to threats, harassment and physical aggression, obstructions to journalistic work and access to information, stigmatization, and judicial harassment. These attacks were mainly committed by public officials, unknown actors, security forces and members of armed groups such as guerrillas, dissidents and paramilitaries<sup>69</sup>.
69. Civil society reports that the Colombian State continues to fail in its mission to investigate those who attack the press, which is an indispensable step to prevent other aggressions, such as homicides.
70. The 2022 elections and the subsequent change of government in Au-

gust 2022 caused new tensions and polarizations between the Government, the press and the public, which have been demonstrated by stigmatization of the press by public officials, an increase in citizens’ distrust in the media, and the proliferation of false or unreliable information through informal channels such as social networks and WhatsApp, among other factors.

### *Social protest*



*Day 30 National Strike 2021. Popayán, Cauca. Javier Sulé*

71. Between 2019 and 2021, Colombia experienced the largest citizen mobilizations in four decades<sup>70</sup>. Repressive and militarized responses and serious violations of freedom of assembly and expression by state agents were reported<sup>71</sup>. According to the United Nations<sup>72</sup> and the Inter-American Commission on Human Rights (IACHR)<sup>73</sup>, the security forces resorted in a generalized, arbitrary, indiscriminate and disproportionate manner in their use of force against demonstrators, including the premeditated use of firearms<sup>74</sup>.

72. Excessive violence against demonstrators during protests between 2019 and 2021 resulted in 133 killings<sup>75</sup>, 5,379 arbitrary arrests<sup>76</sup> and 2,607 injuries<sup>77</sup>, as well as hundreds of cases of torture, enforced disappearance, gender-based violence and attacks against journalists and human rights defenders<sup>78</sup>. The high rate of injuries caused by the systematic use of “potentially lethal” weapons fired at point-blank range is of concern<sup>79</sup>.
73. It is worrying that legal provisions restricting freedom of assembly remain in place. The concept of “transfer for protection” enshrined in the Citizen Security Law has been used as a pretext for arbitrary arrests<sup>80</sup>. The “military assistance” established in the Police Code extends the powers of the Military Forces to social protests that constitutionally fall within the competence of the police<sup>81</sup>.
74. More than 90 percent of law enforcement abuses remain unpunished<sup>82</sup>. Likewise, neither the 2020 Supreme Court ruling that ordered substantial reforms of the guidelines for the use of force during social protests<sup>83</sup>, nor the recommendations of the United Nations<sup>84</sup> and the IACHR<sup>85</sup> to counter police violence have been implemented.

#### *Illegal military intelligence*

75. Between 2018 and 2022, reports of illegal intelligence operations persisted: According to the 2020 Archivos Secretos report<sup>86</sup>, 130 people were victims of profiling and monitoring by the National Army, in order to prepare reports on their professional and private lives: this list included international and national journalists, human rights defenders, trade unionists, judges, and opposition parliamentarians.
76. People documenting the alleged responsibility of the Military Forces in illegal activities, such as extrajudicial killings brought before the JEP, were among those who were profiled and harassed.
77. Espionage activities, with the use of US funds, had already been reported in 2019<sup>87</sup>: one military officer involved stated that he had been ordered to deliver information to a recognized politician from the Centro Democrático Party<sup>88</sup>. Additionally, the “Hombre Invisible” software used for the interceptions was from a Spanish cyber-intelligence company<sup>89</sup>.
78. The purging of intelligence files has long been requested by human rights organizations<sup>90</sup>, as well as structural reform of the Military

Forces<sup>91</sup>. The majority of cases of illegal monitoring remain unpunished and those most responsible have not been identified<sup>92</sup>.

#### *Environment and Human Rights Approach*

79. From 2018 to 2022, military operations were carried out in the Colombian Amazon and Orinoquía leading to the arrest and prosecution of peasants and indigenous people for the alleged commission of environmental crimes, while the structural causes of deforestation have not been attacked. This is a policy of criminalization and displacement against peasants and ethnic groups under the pretence of fighting against deforestation and climate change.

#### *LGBTIQ+*

80. Between 2018 and 2021<sup>93</sup>, Colombia Diversa has registered at least 1,788 acts of violence against the LGBTIQ+ population. An analysis of the last four years’ annual figures shows an exponential increase in this violence<sup>94</sup>, with 2020 the year in which the most violence against the LGBTIQ+ population was registered<sup>95</sup>.
81. The main reported victims are gay men and trans women<sup>96</sup>, and the departments where the most violence has been registered are Antioquia, Valle del Cauca and Bogotá<sup>97</sup>. Another pattern is a gradual reduction and lack of quality information from State institutions, which has prevented analysis of the patterns of violence against the LGBTIQ+ population<sup>98</sup>.
82. Finally, 90% of cases of homicides, threats and other cases of police violence against LGBTIQ+ persons are under investigation. 47% are inactive<sup>99</sup>. Despite the increase in violence, there are no state security policies that incorporate violence against the LGBTIQ+ population into their analyses<sup>100</sup>.

## WOMEN'S RIGHTS



*Mrs Ana Ligia. Mortiz Tenthoff.*

### *Sexual and gender-based violence*

83. There were 445 cases of femicide in Colombia from January to September 2022, added to 622 in 2021, 630 in 2020 and 571 in 2019.<sup>101</sup>
84. Gender-based violence (GBV) includes femicides, threats, sexual violence, attacks, and stigmatization. GBV is aggravated in rural areas due to the presence and control of armed actors, and some women are more vulnerable due to their ethnicity, age, socioeconomic conditions and leadership roles in the defence of rights.
85. Additionally, in areas where there are phenomena of land dispossession, advancing extractive activities and drug trafficking, women are in a situation of greater vulnerability – especially black and indigenous women, and in particular girls and adolescents<sup>102</sup>.

### *Implementation of the Gender Chapter of the Final Peace Agreement*

86. The 122 measures related to gender in the FPA<sup>103</sup> were subsumed into 51 gender indicators for which no targets were set<sup>104</sup>. According to the latest Gpaz report<sup>105</sup>, as of December 2020, 26% of the measures did not show progress or progress was minimal. The greatest delay in implementation is observed in points 1 and 2 of the FPA: Comprehensive Rural Reform and Political Participation. 40% of the measures are delayed in point 1 and 38% in point 2.
87. In relation to Point 1 of the FPA, Comprehensive Rural Reform, it is worrying that no progress has been made on comprehensive subsidies or in the purchase of land for women, as well as in the recognition of women's land rights.
88. In relation to Point 2 of the FPA, Political Participation, there has been no progress in the protection program for human rights leaders, which has meant that killings have continued. Between 2019 and 2022, 922 human rights leaders were victims of murder, and 13% were women<sup>106</sup>.

### *Women, peace and security (Resolution 1325)*

89. At the end of President Duque's government, Conpes 4040 was approved<sup>107</sup>, which contains actions aimed at "Strengthening the role of women in the construction of peace and the security agenda in line with Resolution 1325" (our translation). It is noteworthy that the government did not consult with women, ignoring the spirit of participation that forms the fundamental basis of Resolution 1325. Since October 2022, the current government, via the Ministry of Foreign Affairs' Vice-Ministry for Multilateral Affairs and the Presidential Office for Women's Equality, has begun a participatory process for the drafting of the 1325 National Action Plan.
90. On the other hand, a report by Corporación Humanas, which follows up on the implementation of Resolution 1325 during the Duque Government<sup>108</sup>, indicates that: 1) sexual violence continued to be a widespread practice used by all armed actors; 2) the parity achieved in the first ministerial cabinet was lost in 2020; 3) there was an increase of 112% in domestic violence between November 2019 and November 2020 due to the measures taken by the Government during the COVID-19 health emergency and 4) These measures also affected the inclusion of women (more than men) in the labour market, with a decrease in their employment rate<sup>109</sup>.

## IMPUNITY

### *Impunity of gender based violence*

91. In Colombia, there are high levels of impunity in the prosecution of crimes of violence against women, which leave women in a situation of lack of protection, discrimination and inequality in the country. In 2021, according to data from the Public Prosecutor's Office<sup>110</sup>, of the 82,623 cases of domestic violence reported with women as victims, 16.09% reached the procedural stage of trial, and only 0.8% of cases reached the sentencing stage.
92. In the case of femicides, there are also high levels of impunity, albeit to a lesser extent. In 2021, the Public Prosecutor reported 488 cases of femicide – the Observatorio Femicidios Colombia reported 622 cases<sup>111</sup>. Only 13% of cases resulted in convictions, some 75% of cases remain unpunished.
93. Impunity means a lack of protection for women in situations of violence and shows the inability of the judicial system to respond to women who try to access the system. Impunity, however, cannot be measured merely as the absence of punishment, elements such as obstacles to reporting and access to justice that many women face, as well as the guarantee of measures to prevent and eradicate violence against women must also be taken into account<sup>112</sup>.

### *Impunity in transitional justice*

94. Under the law applied to the JEP, the definition of command responsibility does not meet requirements established at the international level. In particular, the applicable definition does not include civilian commanders, has a more stringent definition than that adopted by the Rome Statute of the ICC, and applies only if the commander has “current or updatable knowledge” (our translation) of the commission of a crime<sup>113</sup>.
95. Finally, the CEV has identified the lack of criminalization under domestic law of war crimes and crimes against humanity, as one of the normative problems that prevent the effective prosecution of serious violations of human rights and international humanitarian law, and therefore recommends that the Congress of the Republic act to ensure that domestic law conforms to the standards of international law<sup>114</sup>.

## NOTES

1 El Espectador: El 37% del Acuerdo de Paz tiene avances mínimos, dice informe del Instituto Kroc, 8 June 2022. <https://www.elespectador.com/colombia-20/paz-y-memoria/informe-instituto-kroc-2022-sobre-implementacion-del-acuerdo-de-paz-en-los-primeros-cinco-anos/>

2 The PDETs must be coordinated with other instruments from the FPA and other national plans, further complicating the interconnection needed, which means that it is important to seek coordination and not only delegate responsibilities. The institutions need to gain the communities' trust, and seek citizen support.

3 According to the Fundación Ideas para la Paz (FIP), a technically focused approach was taken, which helped to create these initiatives through public investment projects that generate goods and services, however, a number of local stakeholders felt excluded from the participation process. *El dilema de los PDET, ¿cómo construir sobre lo construido sin repetir lo mismo?* Notas Estratégicas No. 24 / Febrero 2022. Fundación Ideas para la Paz. FIP.

4 The Comunes political party was originally founded under the name Fuerza Alternativa Revolucionaria del Común (FARC) in August 2017 by former combatants of the Revolutionary Armed Forces of Colombia – Peoples' Army (FARC-EP).

5 Article 2 of Decree 2027 of 2016 which created the National Reincorporation Office. <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=78416>

6 To date, 121 collective projects have been approved, covering almost 4000 people, that is to say 29% of the reincorporating population and 5227 individual projects have been agreed, benefitting around 5800 people.

7 DW: ONU: 355 exguerrilleros FARC asesinados tras firma de paz en Colombia | Las noticias y análisis más importantes en América Latina, 8 January 2023. <https://www.dw.com/es/ONU-355-exguerrilleros-farc-asesinados-tras-firma-de-paz-en-colombia/a-64316052>

8 This is in line with several of the Conclusions and/or recommendations in the Report of the Working Group on the Universal Periodic Review of Colombia during the 39th Session of the United Nations Human Rights Council.

9 BBC Mundo, Objeciones a la JEP en Colombia: la Corte Constitucional rechaza los reparos del presidente Duque a la Jurisdicción Especial para la Paz, 30 May 2019 in: <https://www.bbc.com/mundo/noticias-america-latina-48453600> and Tercera Información, Colombia: Duque recortó 30% de presupuesto al Sistema Integral de Verdad Justicia Reparación y No Repetición, 10 July 2019. <https://www.tercerainformacion.es/articulo/internacional/10/07/2019/colombia-duque-recorto-30-de-presupuesto-al-sistema-integral-de-verdad-justicia-reparacion-y-no-repeticion/>

10 Comisión de la Verdad. “Cifras de la Comisión de la Verdad presentadas junto con el informe final”, 11 July 2022. <https://web.comisiondelaverdad.co/actualidad/noticias/principales-cifras-comision-de-la-verdad-informe-final>.

11 <https://www.jep.gov.co/macrocasos/caso08.html>

12 El Espectador. “Caso secuestro: ex-jefes de Farc serán sancionados por JEP; esto propone resolución” 25 November 2022.

13 All armed actors in Colombia, including members of the security forces, Like this how groups such as the ELN or the EPL, FARC dissidents, and groups heirs to the Paramilitarism commit violations of IHL. These violations include, among many others, the installation and use of anti-personnel mines, the recruitment and forced use of children, obstructing and attacking the Medical Mission. According to the Human Rights and Political Violence Data Bank of the Cinep/PPP, Illegal armed groups are the most responsible for breaches of International Humanitarian Law between the first half of 2018 to the second half of 2022: 76 infringements first half of 2018, 57 infringements second half of 2018, 18 infringements first half of 2019, 136 infringements second half of 2019, 100 infringements first half of 2020, 130 infringements second half of 2020, 72 infringements first half of 2021, 80 infringements in the second half of 2021 and 78 infringements in the first half of 2022. For more information on violations of IHL in Colombia and the deterioration of the armed conflict between 2018 and 2022, see the OHCHR document, „Territorial Violence in Colombia: Recommendations for the New Government“ July 2022. <https://www.ohchr.org/sites/default/files/2022-07/reporta-Informe-Violencia-Territorial-en-Colombia-Recomendaciones-para-el-Nuevo-Gobierno-Oficina-ONU-Derechos-Humanos.pdf>

14 Indepaz. *Massacres 2020-2021-2022-2023*. Accessed 1/20/2023. Indepaz also reports 91 massacres in 2020, 96 massacres in 2021

15 El País, 2022: Menores muertos en bombardeos: un trágico balance del Gobierno de Duque. 31 July 2022. <https://elpais.com/america-colombia/2022-07-31/menores-muertos-en-bombardeos-un-tragico-balan->

[ce-del-gobierno-duque.html](#) ; Cuestión Pública, 2022: Gobierno sabía que había niños en Operación Atai y aun así los bombardeó. 18 August 2020.

<https://cuestionpublica.com/exclusivocuestionpublicaydejusticia-liberacion-informes-de-inteligencia-operacion-atai/>

16 Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición (2022): Hay Futuro si hay Verdad. Hallazgos y recomendaciones, Bogotá. P. 137 Enforced Disappearance is a crime against humanity that affects whole families. This crime leaves families without any information about their loved one and is based on the concealment of the whereabouts of the person generating a state of anxiety and permanent fear.

17 As of January 2023, five years into the UBPD mandate, the outgoing director Luz Marina Monzon commented that to date only 667 bodies have been recovered in different parts of the country, but however, the identification has been much slower and so far there is only comprehensive information about 10 bodies. <https://www.infobae.com/america/colombia/2023/01/15/la-unidad-de-personas-dadas-por-desaparecidas-ha-encontrado-667-cuerpos-e-identificado-solo-10-de-ellos/>

18 According to data from the Colombian organization CINEP/PPP, with regard to enforced disappearances under IHL, 9 were registered in the first half of 2018, 4 in the second half of 2018, 4 in the second half of 2019, 12 in the second half of 2020, and 5 in the first half of 2022. In addition, in 2021, the ICRC documented “every two days, on average, one new case of disappearance related to armed conflict and violence”. <https://www.icrc.org/en/document/colombia-humanitarian-challenges-2022-ihl>

19 Extrajudicial killings have been defined as “the arbitrary deprivation of life by agents of the State, with their complicity, tolerance or acquiescence, without a judicial or legal process to do so” – our translation (Humberto Henderson, 2006: La ejecución extrajudicial o el homicidio en las legislaciones de América Latina. Revista IIDH, Vol. 43, pp. 284– 285. <https://www.iidh.ed.cr/IIDH/media/1625/revista-iidh43.pdf>.

20 Cases of arbitrary deprivation of life documented by the United Nations by year:

2022: 45 cases

2021: 54 cases verified, from 100 alleged cases

2020: 73 cases

2019: 15 cases

2018: 11 cases

United Nations High Commissioner for Human Rights (UNHCHR), 2022: Violencia Territorial en Colombia: Recomendaciones para el Nuevo Gobierno. July 2022. Article 103. <https://www.ohchr.org/es/documents/country-reports/violencia-territorial-en-colombia>; United Nations High Commissioner for Human Rights (UNHCHR), 2022: Situation of human rights in Colombia. Report of the United Nations High Commissioner for Human Rights \*, \*\*. Unofficial English version of report. A/HRC/49/19. A/HRC/49/19. 25 February 2022. Art. 34. [https://www.ohchr.org/sites/default/files/2022-03/A\\_HRC\\_49\\_19\\_UnofficialEnglishVersion.pdf](https://www.ohchr.org/sites/default/files/2022-03/A_HRC_49_19_UnofficialEnglishVersion.pdf); United Nations High Commissioner for Human Rights (UNHCHR), 2021a: Situation of human rights in Colombia. Report of the United Nations High Commissioner for Human Rights\*\*, A/HRC/46/76. 17 March 2021. Art. 15. <https://www.ohchr.org/en/documents/country-reports/ahrc4676-situation-human-rights-colombia-report-united-nations-high>; United Nations High Commissioner for Human Rights (UNHCHR), 2020: Situation of human rights in Colombia. Report of the United Nations High Commissioner for Human Rights\*\*, A/HRC/43/3/Add.3. 8 May 2020. Art. 49. <https://www.ohchr.org/en/documents/country-reports/ahrc433add3-situation-human-rights-colombia-report-united-nations-high>; United Nations High Commissioner for Human Rights (UNHCHR), 2019: Situation of human rights in Colombia. Report of the United Nations High Commissioner for Human Rights\*\*, A/HRC/40/3/Add.3. 4 February 2019. Art. 93. <https://www.ohchr.org/en/documents/country-reports/ahrc403add3-situation-human-rights-colombia-report-united-nations-high>

21 Statement by the Verification Mission on the military operation carried out by the national army in the village of El Remanso in the municipality of Puerto Leguizamo, Putumayo. April 3, 2022. <https://coeuropa.org.co/pronunciamento-de-la-mision-de-verificacion-putumayo/>; Verdad Abierta, 2022: El desamparo ronda a las familias del Alto Remanso, 8 May 2022. <https://verdadabierta.com/el-desamparo-ronda-a-las-familias-del-alto-remanso/>; La Silla Vacía, 2022: Los ingredientes del desastre militar que terminó en una masacre en Putumayo. 5 April 2022. <https://www.lasillavacia.com/historias/silla-nacional/los-ingredientes-del-desastre-militar-que-termino-en-una-masacre-en-putumayo/>

22 Inter-American Commission on Human Rights (IACHR), 2022: Annual Report 2021. Chapter V. Colombia. June 2, 2022. Article 50.: <https://www.oas.org/en/IACHR/reports/IA.asp?Year=2021>.

23 Jurisdicción Especial para la Paz (JEP), Sala de Reconocimiento de Verdad, de Responsabilidad y de Determinación de los Hechos y Conductas, 2022: Auto no. 033 de 2021. 12 February 2021. <https://relatoria.jep.gov.co/do->

[cumentos/providencias/1/1/Auto\\_SRVR-033\\_12-febrero-2021.docx](https://relatoria.jep.gov.co/documentos/providencias/1/1/Auto_SRVR-033_12-febrero-2021.docx)

24 Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición (CEV), 2022: Hay futuro si hay verdad. Informe final. Hallazgos y recomendaciones de la Comisión de la Verdad de Colombia. 28 June 2022. Page 131–132. <https://www.comisiondelaverdad.co/hallazgos-y-recomendaciones>

25 New York Times, 2019: Colombia army's new kill orders send chills down ranks. 18 May 2019. <https://www.nytimes.com/2019/05/18/world/americas/colombian-army-killings.html>; Human Rights Watch (HRW), 2019: New documents raise fears of a return to “False Positive” killings. 8 July 2019. <https://www.hrw.org/news/2019/07/08/new-documents-raise-fears-return-false-positive-killings>

26 El Tiempo, 2019: Ejército cambiará directriz cuestionada por el New York Times. May 21, 2019. <https://www.eltiempo.com/justicia/investigacion/ejercito-cambiara-directriz-cuestionada-por-the-new-york-times-364416>

27 The peace process in Colombia - regjeringen.no [https://www.regjeringen.no/en/topics/foreign-affairs/peace-and-reconciliation-efforts/norways\\_engagement/peace\\_colombia/id2522231/](https://www.regjeringen.no/en/topics/foreign-affairs/peace-and-reconciliation-efforts/norways_engagement/peace_colombia/id2522231/)

28 Recommendations 120.12 and 120.15 of the Report of the Working Group on the Universal Periodic Review Colombia during the 39th Session of the United Nations Human Rights Council.

29 Between August and September 2022 alone, 22 armed groups have indicated they are joining the “Total Peace” policy. (INDEPAZ, 2022)

30 El gobierno de Petro y el ELN anuncian la reanudación de las negociaciones de paz desde Venezuela - BBC News Mundo. <https://www.bbc.com/mundo/noticias-america-latina-63138827>

31 Goebertus, J.; Pappier, J. (2022): Carta al Presidente Gustavo Petro sobre la “paz total”. Human Rights Watch. Washington, D.C. United States of America. [https://www.hrw.org/es/news/2022/08/19/carta-al-presidente-gustavo-petro-sobre-la-paz-total#\\_ftn2](https://www.hrw.org/es/news/2022/08/19/carta-al-presidente-gustavo-petro-sobre-la-paz-total#_ftn2) [Accessed 26 November 2022].

32 Centro de Información sobre Empresas y Derechos Humanos. 9 June 2022. Empresas y personas defensoras de derechos humanos en Colombia: Se necesita protección urgente para las personas que defienden la tierra, el territorio y el ambiente <https://www.business-humanrights.org/es/de-nosotros/informes/empresas-y-personas-defensoras-de-derechos-humanos-en->

[colombia-se-necesita-protecci%C3%B3n-urgente-para-las-personas-que-de-fienden-la-tierra-el-territorio-y-el-ambiente/](#)

33 Empresas y derechos humanos en el plan nacional de desarrollo. Plataforma Colombiana de Derechos Humanos, Democracia y Desarrollo; Mesa de la Sociedad Civil sobre Empresas y Derechos Humanos. November 2022. [https://www.ciedhcolombia.org/files/ugd/739426\\_4f996f-1426674b82836eaceaddfca721b.pdf](https://www.ciedhcolombia.org/files/ugd/739426_4f996f-1426674b82836eaceaddfca721b.pdf)

34 Terrajusta, Institute for Policy Studies - global economy program, War on Want, Global Justice Now, & London Mining Network. 2022. See in: <https://terra-justa.org/article/summary-of-amicus-curiae-to-the-constitutional-court-of-colombia-urging-implementation-of-decision-in-favour-of-the-wayuu-indigenous-people-and-protection-of-the-bruno-river-affected-by-the-cerrejon-o/>

35 Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición, Informe final: Hallazgos y recomendaciones (2022), Recommendation 56, p. 714-715.

36 The cases in the Preliminary Regional Reports on Cartagena, Cúcuta, Bucaramanga of the VII International Caravan of Jurists; On the lack of effective implementation of the right to prior consultation see also Ivan Vargas-Chaves, Walter Valencia-Jimenez and Alexandra Cumbe-Figueroa, 'Hacia una consulta previa campesina: elementos para el debate desde el régimen de certificación de semillas en Colombia' (2022) 22(1) Agora U.S.B.

37 Ministerio de vivienda, ciudad y territorio 05.12.2022: La política de vivienda y agua en Colombia debe dirigirse al medio país históricamente desatendido: Minvivienda, <https://minvivienda.gov.co/sala-de-prensa/la-politica-de-vivienda-y-agua-en-colombia-debe-dirigirse-al-medio-pais-historicamente-desatendido-minvivienda>

38 Plataforma Derechos Humanos, Democracia y Desarrollo (2020): Derecho al Agua en Colombia, Informe Nacional, Bogotá.

39 FIAN Colombia. Un país que se hunde en el hambre. Cuarto informe sobre la situación del derecho humano a la alimentación y nutrición adecuadas en Colombia/2021. Bogotá. Ediciones Orlando Vaca Melo. October 2021. <https://fiancolombia.org/wp-content/uploads/Cuarto-Informe-Alimentacio%CC%81n-2021.-Un-pai%CC%81s-que-se-hunde-en-el-hambre..pdf>

40 This and the other data comes from the last national survey conducted by the Colombian state in 2015, which is the most recent official survey. Ministerio de Salud y Protección Social et al. Encuesta Nacional de la Situación Nutricional. ENSIN 2015. Bogotá. 2019. Version 2. p: 136.

41 Ibid. pp: 369-370.

42 Ibid. p: 452.

43 This situation worsened in the pandemic, when 1.6 million families restricted their diet to just two meals a day. DANE. Encuesta Pulso Social. Resultados Séptima Ronda. February 2021. <https://bit.ly/3z5j7OQ>

44 FIAN Colombia. Negacionismo e irresponsabilidad. Bogotá. 2022. <https://fiancolombia.org/2022/02/03/negacionismo-e-irresponsabilidad/>

45 Oxfam, A snapshot of inequality: What the latest agricultural census tells us about land distribution in Colombia, 4 July 2017. <https://www.oxfam.org/en/research/snapshot-inequality>.

46 United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, adopted by the Human Rights Council on 28 September 2018. <https://digitallibrary.un.org/record/1650694>

47 Article 253 of Law 1955 of 2019 "National Development Plan 2018-2022 A Pact for Colombia, A Pact for Equality".

48 Of land restitution applications between 2011 and 2021, 778 correspond to Ethnic territories (74% indigenous communities and 26 black, afro, raizal and palenquera communities). Also, according to official information, the Land Fund created in the Agreement Final de Paz, has 2,133,200 hectares. Of these, 727,478 have been granted, an advance of 24% compared to the goal of three million hectares over the first 12 years. In terms of access and formalization, Afro-descendant communities have seen the least benefits with less than 1% of the total hectares. Official data as of September 2022 from the National Land Agency.

<https://www.datos.gov.co/browse?q=Restituci%C3%B3n+de+tierras>

49 Many families who are waiting for their land to be returned continue to receive threats to abandon restitution processes or are forced to live with their dispossessors on the farms. For example:

<https://rutasdelconflicto.com/notas/los-obstaculos-la-restitucion>.

50 The figures on attacks against defenders in the country continue to be alarming, with an increase of more than 70% during the government of President Iván Duque, compared to the previous government; and a 191% increase in attacks on women defenders, comparing cases documented in 2017 and 2021: Consolidated information from the Annual Reports of the Somos Defensores Program:

2018, <https://somosdefensores.org/informe-anual-2018-sistema-de-informacion-sobre-agresiones-contra-personas-defensoras-de-dd-hh-en-colombia-siaddhh/>;

2019, <https://drive.google.com/file/d/1jYXd8GjrDjOERyTOJG5g->

DA4A55UEqYVN/view;  
2020, <https://drive.google.com/file/d/1Ze-GofhR6k0c23oUCVN-ZlWrEMPH03lV/view>; and 2021, <https://drive.google.com/file/d/1-cyEW-pykRlGU57cO-kNZFHmcTvlOJfLy/view>

51 Ibid

52 Lack of political will; the absence of adequate spaces for the participation of civil society and defenders; obstacles to the activation and functioning of territorial operational bodies; budgetary constraints; as well as the limiting individual approach to risk, mean that collective protection routes lack a comprehensive and situated context analysis that recognizes real needs.

53 Cuatro cambios claves para proteger a personas defensoras de derechos humanos (2022). Verdad Abierta. <https://verdadabierta.com/cuatro-cambios-claves-para-proteger-a-personas-defensoras-de-derechos-humanos/>

54 The case of Alberto Yepes. <https://coeuropa.org.co/la-cceeu-pide-garantias-al-estado-para-el-ejercicio-de-la-defensa-de-ddhh-de-alberto-yepes-palacio/>

55 The Public Prosecutor's Special Investigation Unit must fulfill its mandate to investigate and dismantle criminal structures, successors to paramilitarism, responsible for these attacks on social organizations and former FARC-EP combatants in the process of reintegration.

56 In August 2022, the Government welcomed the Emergency Plan for the protection of social leaders, defenders and signatories of the Peace Agreement Presented by human rights and peace coordination groups as an immediate response to violence against human rights defenders and social leaders. Part of the measures were implemented, such as Unified Command Posts. In the first months of the Petro administration, new impetus has been given to the Security Assurance Commission, within the framework of the FPA, for the effective dismantling of paramilitary successor groups, which had seen no progress since its creation in 2016.

57 More detail on violence against justice operators from a historical perspective can be found at Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición, Informe final: Hallazgos y recomendaciones (2022), pp. 455-460.

58 On 9 June 2021, the public prosecutor from Tibú (Norte de Santander), Esperanza Navas, was killed by two hitmen. 'Fiscal Esperanza Navas fue asesinada en Tibú, Norte de Santander' and criminal lawyer Beiman Elías Mendoza González was murdered on 24 June 2022 by two hitmen in Sincelejo (Sucre). June 9, 2021. El Espectador <https://www.elespectador.com/colombia/mas-regiones/fiscal-esperanza-navas-fue-asesinada-en-tibu-norte-de-santander/> & 'Abogado fue asesinado en presencia de su hija en pleno

centro de Sincelejo' (25 June 2022) Semana. <https://www.semana.com/nacion/articulo/abogado-fue-asesinado-en-presencia-de-su-hija-en-pleno-centro-de-sincelejo/202213/>.

59 Preliminary regional report of Bucaramanga and Cúcuta of the VII International Caravan of Jurists.

60 Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición, Informe final: Hallazgos y recomendaciones (2022), recomendación 38, p. 684-685.

61 VII International Caravan of Jurists

62 The case of Johan Sebastián Moreno in Bucaramanga, of the Equipo Jurídico Pueblos and in particular of the lawyer Leonardo Jaime, etc. [Regional Preliminary Reports of Bucaramanga, and Cali, VII International Caravan of Jurists].

63 World Justice Project Rule of Law Index 2022, Colombia. <https://worldjusticeproject.org/rule-of-law-index/country/2022/Colombia>; also Camilo Eduardo Umaña Hernández, La independencia judicial en Colombia, en riesgo por un régimen autoritario (June 2021; Ediciones Ántropos).

64 Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición, Informe final: Hallazgos y recomendaciones (2022), Recomendación 30, p. 680.

65 For example, according to statistics collected by a coalition of civil society organizations, only 24 per cent of justice sector personnel are selected according to the merit criteria set out in Article 125 of the Constitution.

66 Bogota Prosecutor Angelica Maria Monsalve filed a request for a hearing on 23 February 2022 which, according to her account, made some powerful people uncomfortable. Now, the Prosecutor's Office has transferred her to Putumayo...In the hearing, which has not yet been held, the official hoped to formally link two businessmen and a former councilor from the capital to a criminal process, for alleged irregularities in a million-dollar contract in the city's public system.

<https://www.elespectador.com/judicial/experimentada-fiscal-fue-trasladada-tras-investigar-posible-corrupcion-en-bogota/#>

67 Murders of trade unionists in 2022 have included Felipe Andrés Pérez Pérez, of SINALTRAINAL Seccional Envigado, Julio Cesar Okedo Jara of Single Union of Educator Workers of the Valley (Sutev), Ferney Morales and Rigo Alape of Fensuagro, Jose Quitumbo Cayapú of Viva Memoria, Nicodemus Luna Mosquera of the National Association of Retired Oil Workers

(ANDOPE), Leonardo Mora Calderón, vice-president of the Arauca Welders' Association, Rengifo Salazar of the Sindicato de Maestros de Nariño (SIMANA), Sibares Lamprea Vargas of the Unión Sindical Obrera de la Industria del Petróleo (USO) and Ricardo Osorio of Sintrapintuco.

68 These figures are reinforced by the so-called “trade union parallelism”, a phenomenon which has created trade union organizations more akin to the interests of employers. See: Tercer boletín 2022 de prensa de la Asociación de Trabajo Interdisciplinario (ATI).

69 These aggressions also include the murder of journalists, such as Vóces de Córdoba journalist Rafael Emiro Moreno in the municipality of Montelíbano. According to the Fundación para la Libertad de Prensa (FLIP), only 18% cases of murder of journalists have seen some kind of conviction, while the rest are in complete impunity. See: FLIP, La impunidad de crímenes contra periodistas se fortalece de la falta de investigación y diligencia del Estado, 2 November 2022. <https://www.flip.org.co/index.php/en/informacion/pronunciamientos/item/2970-la-impunidad-de-crimenes-contra-periodistas-se-fortalece-de-la-falta-de-investigacion-y-diligencia-del-estado>

70 Fundación Comité de Solidaridad con los Presos Políticos (CSPP) y Campaña Defender la Libertad (DL), 2021: Torturar y castigar a quien protesta. December 2021.: <https://www.comitedesolidaridad.com/es/content/torturar-y-castigar-quien-protesta-el-informe-que-revela-las-din%C3%A1micas-de-tortura-infligidas>

71 During the national strike of 2021 there were 14,175 activities in 860 municipalities and 32 departments and the city of Bogotá according to (Ministerio de Defensa Nacional, 2021: Balance general – paro nacional 2021. 28 April to 27 June 2021. [https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/estudios\\_sectoriales/info\\_estadistica/InformeCorrido\\_Balance\\_Paro\\_2021.pdf](https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/estudios_sectoriales/info_estadistica/InformeCorrido_Balance_Paro_2021.pdf)).

It is important to note that 88.5 per cent of activities in the protests throughout the country were peaceful, as recognized by the government itself at the time (Ministerio de Relaciones Exteriores, 2021: Declaración de la Vicepresidente y Canciller, Marta Lucía Ramírez, al término de reunión con la Representante de la Alta Comisionada de las Naciones Unidas para los Derechos Humanos en Colombia, Juliette de Rivero. 25 June 2021. <https://www.cancilleria.gov.co/newsroom/video/declaracion-vicepresidente-canciller-marta-lucia-ramirez-termino-reunion>).

72 United Nations High Commissioner for Human Rights (UNHCHR), 2021: El Paro Nacional 2021. Lecciones aprendidas para el ejercicio del derecho de reunión pacífica en Colombia. 15 December 2021. <https://www.hchr.org.co/index.php/informes-y-documentos/documentos/10246-documentos-lecciones-aprendidas-paro-nacional-colombia-2021-juliette-de-rivero-representante-de-la-alta-comisionada>

<https://www.hchr.org.co/comunicados/pronunciamiento-sobre-el-paro-nacional-del-21-de-noviembre/>

73 Inter-American Commission on Human Rights (IACHR), 2021: Observations and recommendations of the working visit of the IACHR to Colombia on June 8-10, 2021. Art. 25. [https://www.oas.org/en/iachr/reports/pdfs/ObservacionesVisita\\_CIDH\\_Colombia\\_ENG.pdf](https://www.oas.org/en/iachr/reports/pdfs/ObservacionesVisita_CIDH_Colombia_ENG.pdf); Inter-American Commission on Human Rights (IACHR), 2020: IACHR Condemns Excessive Use of Police Force, Expresses Concern about Violence During Public Demonstrations in Colombia. Press release. 16 September 2020. [https://www.oas.org/en/iachr/media\\_center/PReleases/2020/219.asp](https://www.oas.org/en/iachr/media_center/PReleases/2020/219.asp); Inter-American Commission on Human Rights (IACHR), 2019: IACHR Concerned about Repression by Government Agents in Colombia, Rejects All Forms of Violence in the Context of Protests. Press release. 2 December 2019. [https://www.oas.org/en/iachr/media\\_center/PReleases/2019/313.asp](https://www.oas.org/en/iachr/media_center/PReleases/2019/313.asp)

74 Amnesty International (AI), 2021: Cali: In the epicenter of repression: Human rights violations during the 2021 national strike in Cali, Colombia. AMR 23/4405/2021. 30 July 2021. <https://www.amnesty.org/en/documents/amr23/4405/2021/en/>; Amnesty International (AI), 2021: Shoots on sight: eye trauma in the context of the National Strike. AMR 23/5005/2021. 26 November 2021. <https://www.amnesty.org/en/documents/amr23/5005/2021/en/>; Human Rights Watch (HRW), 2021: Colombia: Egregious police abuses against protesters. Police reform urgently needed to prevent future violations. 9 June 2021. <https://www.hrw.org/news/2021/06/09/colombia-egregious-police-abuses-against-protesters>

75 Fundación Comité de Solidaridad con los Presos Políticos (CSPP) y Campaña Defender la Libertad (DL), 2021: Torturar y castigar a quien protesta. December 2021. Page 46. Available at: <https://www.comitedesolidaridad.com/es/content/torturar-y-castigar-quien-protesta-el-informe-que-revela-las-din%C3%A1micas-de-tortura-infligidas>

76 Ibid. p. 49.

77 Ibid. p. 51.

78 During the massive mobilizations of 2021 113 cases of gender-based violence against women and LGBTQIA\* people were registered, 408 assaults against journalists and 343 attacks against human rights defenders.

United Nations High Commissioner for Human Rights (UNHCHR), 2021: El Paro Nacional 2021. Lecciones aprendidas para el ejercicio del derecho de reunión pacífica en Colombia. 15 December 2021. Article 131. <https://www.hchr.org.co/index.php/informes-y-documentos/documentos/10246-documentos-lecciones-aprendidas-paro-nacional-colombia-2021-juliette-de-rivero-representante-de-la-alta-comisionada>

[hchr.org.co/documentos/el-paro-nacional-2021-lecciones-aprendidas-para-el-ejercicio-del-derecho-de-reunion-pacifica-en-colombia/](https://www.hchr.org.co/documentos/el-paro-nacional-2021-lecciones-aprendidas-para-el-ejercicio-del-derecho-de-reunion-pacifica-en-colombia/); Fundación para la Libertad de Prensa (FLIP), 2022: ¡Salvemos el periodismo! Revista Páginas para la Libertad de Expresión, no. 3. Febrero 2022. 08 February 2022, p7. <https://flip.org.co/index.php/es/publicaciones/informes-anuales/item/2846-salvemos-al-periodismo> ; Defender la Libertad, 2021: El sometimiento de la democracia. Un balance del derecho a la protesta social en Colombia en el año 2021. 16 December 2021. P. 6. <https://defenderlalibertad.com/el-sometimiento-de-la-democracia-un-balance-del-derecho-a-la-protesta-social-en-colombia-en-el-ano-2021/>

79 The use of “potentially lethal” weapons by the police is regulated by resolution 02903 of 23 June 2017 of the Ministry of the Interior.

During the mass demonstrations between 2019 and 2021 at least 107 people suffered eye injuries as a result of the unlawful use of “potentially lethal” weapons ((Fundación Comité de Solidaridad con los Presos Políticos (CSPP) y Campaña Defender la Libertad (DL), 2021: Torturar y castigar a quien protesta. December 2021. Page 55. <https://www.comitedesolidaridad.com/es/content/torturar-y-castigar-quien-protesta-el-informe-que-revela-las-din%C3%A1micas-de-tortura-infligidas>).

80 The concept of “transfer for protection” is defined in the Police Code (Law 1801 of July 29, 1801). 2016, Articles 155 and 157) and was amended by the Law on Public Safety (Law 2197 of January 25 Nov 2022, art. 40). See: Campaña Defender la Libertad (DL), 2022: Demanda de Ley de Seguridad Ciudadana. Comunicado de Prensa. 15 February 2022. <https://defenderlalibertad.com/demanda-de-ley-de-seguridad-ciudadana/> ; United Nations High Commissioner for Human Rights (UNHCHR), 2021: El Paro Nacional 2021. Lecciones aprendidas para el ejercicio del derecho de reunión pacífica en Colombia. 15 December 2021. Chapter. V, Apart. F.

<https://www.hchr.org.co/documentos/el-paro-nacional-2021-lecciones-aprendidas-para-el-ejercicio-del-derecho-de-reunion-pacifica-en-colombia/>; Fundación Comité de Solidaridad con los Presos Políticos (CSPP) y Campaña Defender la Libertad (DL), 2021: Torturar y castigar a quien protesta. Diciembre 2021. Chapter. 3.1.2.:

<https://www.comitedesolidaridad.com/es/content/torturar-y-castigar-quien-protesta-el-informe-que-revela-las-din%C3%A1micas-de-tortura-infligidas> ; Comisión Colombiana de Juristas (CCJ) et al., 2022: Acción Pública de Inconstitucionalidad contra la Ley 2197 de 2022. 2 August 2022.

[https://www.coljuristas.org/nuestro\\_quehacer/item.php?id=704](https://www.coljuristas.org/nuestro_quehacer/item.php?id=704)

81 The concept of “military assistance” is provided for in the Police Code

(Law 1801 of 29 July 1801). 2016, art. 170).

82 The Public Prosecutor’s Office is investigating 29 homicides committed during the 2019 national strike, but this has not led to any convictions. Similarly, it opened investigations into 278 cases of abuse of authority and personal injury but there is no published progress in these investigations. Regarding the demonstrations during 2019 and 2020, the Prosecutor opened investigations into police violence in 206 cases, none of which led to a conviction. The General Inspectorate of the National Police, for its part, opened a total of 231 disciplinary investigations into police violence during the 2021 protests, 193 of these cases are now closed; and only six cases led to sanctions. Similarly, the Attorney General’s Office opened 324 disciplinary processes, only 17 of which are being investigated, and there has been no sanction in any of these cases (See: United Nations High Commissioner for Human Rights (UNHCHR), 2021: El Paro Nacional 2021. Lecciones aprendidas para el ejercicio del derecho de reunión pacífica en Colombia. 15 December 2021. Chapter VIII. <https://www.hchr.org.co/documentos/el-paro-nacional-2021-lecciones-aprendidas-para-el-ejercicio-del-derecho-de-reunion-pacifica-en-colombia/>; Fundación Comité de Solidaridad con los Presos Políticos (CSPP) y Campaña Defender la Libertad (DL), 2021: Torturar y castigar a quien protesta. December 2021. Chapter. 5. <https://www.comitedesolidaridad.com/es/content/torturar-y-castigar-quien-protesta-el-informe-que-revela-las-din%C3%A1micas-de-tortura-infligidas> ; Human Rights Watch (HRW), 2021: Letter to Secretary Blinken on human rights in Colombia. 18 October 2021, <https://www.hrw.org/news/2021/10/19/letter-secretary-blinken-human-rights-colombia>).

The Military and Police Criminal Justice System has been a guarantor persistent impunity in cases of violence despite the fact that international human rights standards require that any human rights violations allegedly perpetrated by state agents must be investigated by the civil justice system. For the period from 2019 to 2021, 395 cases of violence were investigated by the Military jurisdiction committed by law enforcement officers, and in no case was a conviction obtained. (Fundación Comité de Solidaridad con los Presos Políticos (CSPP) y Campaña Defender la Libertad (DL), 2021: Torturar y castigar a quien protesta. December 2021. Ch. 5. <https://www.comitedesolidaridad.com/es/content/torturar-y-castigar-quien-protesta-el-informe-que-revela-las-din%C3%A1micas-de-tortura-infligidas>).

This picture of impunity for police violence is not much different from previous periods: Out of a total of 289 killings of civilians perpetrated by police officers between 2017 and 2019, judicial authorities obtained convictions in only two cases. In the same three years, 39,613 cases of physical violence were alleged to have been committed by members of the police, the Prosecutor opened investigations into 886 cases and obtained convictions in eight cases. In

addition, 102 cases of sexual violence were allegedly committed by the police but no conviction was obtained in any case. Temblores, 2019: Bolillo, Dios y Patria. Chap. 8. <https://www.temblores.org/bolillo-dios-y-patria>.

83 Corte Suprema de Justicia (CSJ), Sala de Casación Penal, 2020: Sentencia STC7641-2020 del 22 de septiembre de 2020. Núm. de radicación: 11001-22-03-000-2019-02527-02. 22 September 2020. <https://cortesuprema.gov.co/corte/index.php/2020/09/22/corte-suprema-ordena-medidas-para-garantizar-derecho-a-protesta-pacifica/>

84 United Nations High Commissioner for Human Rights (UNHCHR), 2021: El Paro Nacional 2021. Lecciones aprendidas para el ejercicio del derecho de reunión pacífica en Colombia. 15 December 2021. <https://www.hchr.org.co/documentos/el-paro-nacional-2021-lecciones-aprendidas-para-el-ejercicio-del-derecho-de-reunion-pacifica-en-colombia/>

85 Inter-American Commission on Human Rights (IACHR), 2021: Observations and recommendations of the working visit of the IACHR to Colombia on June 8-10, 2021. [https://www.oas.org/en/iachr/reports/pdfs/ObservacionesVisita\\_CIDH\\_Colombia\\_ENG.pdf](https://www.oas.org/en/iachr/reports/pdfs/ObservacionesVisita_CIDH_Colombia_ENG.pdf)

86 Published by the magazine Semana on 1 May 2020. <https://www.semana.com/nacion/articulo/espionaje-del-ejercito-nacional-las-carpetas-secretas-investigacion-semana/667616/>

87 On January 13, 2020, Semana magazine reported on military intelligence monitoring and interceptions of people linked to the negotiation of peace agreements in Colombia, including journalists and magistrates from the Supreme Court of Justice, and also human rights organizations, including lawyers' collectives. The report detailed the existence of hard drives, USB sticks, excerpts of conversations and audios, reports, videos and photographs of surveillance carried out against the people profiled. A few days before the publication of the report, the President of the Supreme Court of Justice had warned that she suspected the illegal interception of her communications. Creo que estamos chuzados: Presidenta de la Corte Constitucional: Chuzadas sin cuartel

88 Semana: Chuzadas sin cuartel, 13 January 2020.

89 Ibid.

90 As well as a Government Advisory Commission, chaired by the Attorney General in 2016: MOVICE: Piden a la JEP abrir un caso sobre inteligencia ilegal en el marco del conflicto, 7 February 2020.

91 El Espectador: “Los seguimientos ilegales afectan la consolidación de la paz”: Francisco de Roux, 5 May 2020.

92 Colombia has a long history of illegal intelligence actions against

defenders of human and political rights originating from the Colombian State, as reference bodies such as the United Nations and the Inter-American Human Rights System have reported. This has led to serious crimes such as attacks and murders, as evidenced in the trials against Jorge Noguera Cotes, former Director of the DAS, convicted of crimes of aggravated homicide and aggravated criminal conspiracy after having provided intelligence information to paramilitary groups. United Nations Special Rapporteur on the situation of human rights defenders: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to Development, A/HRC/13/22/Add.3, 4 March 2010; Interamerican Commission on Human Rights: Press Release 09/09 (cidh.org), 26 February 2009; FIDH, The intelligence activities of the State -DAS- serving criminal interests and political persecution (fidh.org), 21 May 2010; RCN Radio: Niegan permiso a Jorge Noguera para salir de la cárcel durante 72 horas, 30 March 2020

93 Colombia Diversa, Human Rights Reports 2017-2021. In 2018, 323 victims were registered: 109 murders, 127 threats and 87 victims of police violence. In 2019, 322 victims were registered: 106 murders, 107 threats and 109 victims of police violence. In 2020, 738 victims were registered: 226 murders, 337 threats and 175 victims of police violence.

Colombia Diversa, Informe sobre Violencia contra Personas LGBT en Colombia 2021: La Violencia no nos impide amar.: <https://colombiadiversa.org/c-diversa/wp-content/uploads/2022/11/Informe-derechos-humanos-Colombia-Diversa.pdf> Published in 2022.

Colombia Diversa, Informe sobre Violencia contra Personas LGBT en Colombia 2020: Nada que celebrar. <https://colombiadiversa.org/c-diversa/wp-content/uploads/2021/06/Nada-que-celebrar-cifras-asesinatos-personas-LGBT-2020.pdf> Published in 2021.

Colombia Diversa, Informe sobre Violencia contra Personas LGBT en Colombia 2019: Más que cifras <https://colombiadiversa.org/c-diversa/wp-content/uploads/2021/03/Mas-Que-Cifras-2019.pdf> Published in: 2020.

Colombia Diversa, Informe sobre Violencia contra Personas LGBT en Colombia 2018: Aunque Intenten Borrarnos. <https://colombiadiversa.org/c-diversa/wp-content/uploads/2020/04/publicaci%C3%B3n-7--Informe-de-violaciones-a-los-derechos-humanos-de-personas-LGBT-en-Colombia-en-2018.pdf> Published in 2019.

94 Ibid. Of this violence, 668 were threats, 646 were murders and 474 were victims of police violence.

95 2022 is not far behind: between January and July there have been 53

acts of violence. This figure comes from information collected by Colombia Diversa. This year's Report will be published by June 2023. From the information recorded, the following data is available: 41 murders, 6 threats and 6 victims of police violence. The main victims are trans women (24), gay men (20), lesbian women (4), one trans man and one bisexual man. In addition, 3 people have been registered whose sexual orientation and gender identity could not be determined.

96 These records are not an accurate reflection of violence against the LGBTIQ+ population since there are multiple barriers of violence, under-reporting or poor registration that prevents knowledge of the violence faced by lesbian and bisexual women, as well as bisexual and trans men. On the other hand, we have found that gay men are often attacked with knives and in their homes, while trans women are often attacked with firearms, in public spaces or in sex work areas. In addition, trans women are the main victims of police violence.

97 The number of violent acts in these departments varies annually, however, these departments continue to be the three places where there is greatest violence against the LGBTIQ + population. This high record does not mean that they are the departments with the most violence, but it is precisely in these departments where there is a greater record. This may occur due to the high number of total inhabitants per department and/or because these three departments may have good practices in documenting and recording violence against the LGBTIQ+ population.

98 Op. Cit. Aunque nos Intenten Borrar and Mas que Cifras. Since 2018, Colombia Diversa has been warning about the lack of quality information from State institutions. This lack of quality information worsened in 2021, since, although the institutions provided some information, they did not have records of the victims, the perpetrators, the facts and the alleged motivations. This prevents analysis of patterns of violence and recommending ways to mitigate this violence through public policies on prevention, protection and access to justice for the LGBTIQ+ population.

99 These figures were obtained based on the latest access to justice report for the LGBT population, which found that 3748 LGBT people were victims of murders, threats and police violence between January 2020 and July 2022. This figure was provided by the Public Prosecutor's Office in response to a request for information.

100 For example, 2020 was the year with the lowest overall murder rate nationwide, yet for the LGBTIQ+ population it was the year with the highest record of violence.

El Espectador, Colombia alcanzó en 2020 la tasa de homicidios más baja en

46 años. 17 December 17, 2020. <https://www.elespectador.com/judicial/colombia-alcanzo-en-2020-la-tasa-de-homicidios-mas-baja-en-46-anos-article/>.

Colombia, National Police. Homicidios 2020.

<https://www.policia.gov.co/contenido/homicidios-2020>

Óp. Cit. Nothing to celebrate.

2021 saw the highest national homicide rate in 7 years, and yet violence against LGBT people remained similar to 2020. This highlights the need for security and coexistence policies to take these figures into account, as well as patterns of violence, so that they are incorporated into government policies.

101 According to data from the Observatorio Femicidios Colombia.

102 Women and girls in conflict-affected territories generally have reduced capacities to adapt and respond to contexts of generalized violence and effects on territories, based on the overloads and disadvantages to which they are exposed according to the roles they are assigned in the home and in their communities. It is likely that GBV is underreported.

103 El Grupo Género en la Paz (Gpaz) identified 122 gender measures in the Peace Agreement.

104 Plan Marco de Implementación del Acuerdo de Paz. <https://portalterritorial.dnp.gov.co/PlanMarcoImplementacion/> Accessed on 24 November 2022.

105 El Grupo Género en la Paz. 2021. La paz avanza con las mujeres. III Informe de observaciones sobre los avances en la implementación del enfoque de género del Acuerdo de Paz. [https://generoy paz.co/informes/gpaz\\_informe\\_2021.pdf](https://generoy paz.co/informes/gpaz_informe_2021.pdf). Accessed on 24 November 2022.

106 Indepaz, November 11, 2022. <http://www.indepaz.org.co/lideres-sociales-y-defensores-de-derechos-humanos-asesinados-en-2021/> and <https://indepaz.org.co/lideres-sociales-defensores-de-dd-hh-y-firmantes-de-acuerdo-asesinados-en-2022/>. Accessed on 24 November 2022.

107 Departamento Nacional de Planeación. Consejo Nacional de Política Económica y Social (Conpes) 4080 (18 April 2022). Política pública de equidad de género para las mujeres: hacia el desarrollo sostenible del país. <https://colaboracion.dnp.gov.co/CDT/Conpes/Econ%C3%B3micos/4080.pdf>. Accessed on 24 November 2022.

108 Caicedo, Luz Piedad (2021). Implementación de la Resolución 1325 en Colombia durante 2020. Corporación Humanas.

109 Between 2019 and 2020 there was a decrease by 12.9 percentage points and an increase in the percentage of women working in the informal sector (of up to 43.8%)

110 Corporación Sisma Mujer, Día Internacional de la Mujer 2022: violencias contra las mujeres y participación en el mercado laboral, Boletín No. 29, 7 March 2022.

111 Of these, 33.81% reached the procedural stage, and 7.17% of cases reached the sentencing stage. It should be noted that Ana Gúezmes, UN Women Representative in Colombia, warned, in December 2018, of impunity in the country. <https://www.eltiempo.com/justicia/investigacion/naciones-unidas-advierte-sobre-impunidad-en-colombia-en-crime-contras-mujeres-300772>

112 Especially within the framework of Law 1257 of 2008 which establishes norms for awareness-raising, prevention and punishment of all forms of violence and discrimination against women.

113 Angie Katherine García Atehortúa, 'Concepto restringido de la responsabilidad de mando en el marco jurídico transicional en Colombia, ¿puerta giratoria hacia la intervención de la Corte Penal Internacional?' (2019) 7 ANIDIP pp. 32-68; Héctor Olasolo & Jannluck Canosa Cantor, 'The Treatment of Superior Responsibility in Colombia: Interpreting the Agreement Between the Colombian Government and the FARC' (2019) 30 Criminal Law Forum pp. 61-107.

114 Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición, Informe final: Hallazgos y recomendaciones (2022), recomendación 33, p. 682.



## INTERNATIONAL COORDINATION GROUPS AND ORGANIZATIONS ADHERING TO THE REPORT

11.11.11.; AB Colombia; ACAT France; ACT Iglesia Sueca; Agir Ensemble pour les Droits Humains; ask! - Arbeitsgruppe Schweiz-Kolumbien; Asociación Pro Derechos Humanos de España (APDHE); Associació Catalana per la Pau; Atelier ONGD; Broederlijk Delen; CAFOD; CCFD - Terre Solidaire; Comisiones Obreras (CCOO); CIDSE; Centro de Información sobre Empresas y Derechos Humanos – Programa Colombia (CIEDH); CNCD-11.11.11; Colectivo Maloka; Colectivo Sur Cacarica; Colombia Acuerdo de Paz ONG; Colombian Caravana; Comité Daniel Gillard; Consejo Noruego Solidaridad con América Latina; Cooperació; Diakonia; DKA Austria; El Movimiento Internacional de la Reconciliación de Austria (Internationaler Versöhnungsbund Österreich); Fastenaktion / Action de Carême / Azione Quaresimale; Federación Luterana Mundial, Programa Colombia y Venezuela; Fédération des Barreaux d'Europe (FBE); Felm (Finish Evangelical Lutheran Mission); FIAN – Colombia; FIAN Deutschland (FIAN Alemania / FIAN Germany); Fokus; Fonden för mänskliga rättigheter/Swedish Foundation for Human Rights/Fundación Sueca para los Derechos Humanos; Fondo Noruego para los Derechos Humanos; ForumCiv; France Amérique Latine; Fundación Mundubat, Fundació Pau i Solidaritat; International Service for Human Rights (ISHR) / Servicio Internacional para los Derechos Humanos (SIDH); Justice for Colombia; kolko – Derechos Humanos por Colombia e. V.; La Internacional de Servicios Públicos ISP en Interamericas; La Intersindical; Latin America Working Group (LAWG); Misereor; Movimiento Por la Paz (MPDL); Observatorio por la Autonomía y los Derechos de los Pueblos Indígenas en Colombia (ADPI); Oficina Internacional Acción Derechos Humanos Colombia (Oidhaco); Organización Mundial Contra la Tortura (OMCT); Pax Christi Internacional; Peace Brigades International (PBI); Protection International; El Instituto sobre Raza, Igualdad y Derechos Humanos (The International Institute on Race, Equality and Human Rights); Red flamenca de solidaridad con la CSJA; Reds - Red de solidaridad para la transformación social - Barcelona – Catalunya; RFCS Réseau France Colombie Solidarités; Secours Catholique Caritas France (SCCF); Skat Foundation; Solidarité Socialiste (SOLSOC); SWISSAID; Taula Catalana per la Pau i els Drets Humans a Colòmbia; Travailler Ensemble Jeunes et Engagé-e-s (TEJE); Universitat Internacional de la Pau (UNIPAU); Vivamos Mejor; WE Effect; Washington Office on Latin America (WOLA)

