

The State of the World's Human Rights; Colombia 2023

Despite peace talks and ceasefires, civilians continued to be affected by armed conflict and human rights violations, including huge numbers of people being forcibly displaced. The government failed to implement comprehensive police reform but presented regulatory changes on the use of force during protests. Indigenous Peoples, Afro-descendants and peasant communities continued to be disproportionately affected by armed conflict. Femicide remained a huge concern, as did violence against LGBTI people. The Constitutional Court confirmed the decriminalization of abortion up to 24 weeks, but barriers to access remained. Attacks against human rights defenders persisted and the government announced measures to protect them. Progress was made in investigations for war crimes and crimes against humanity. Barriers for Venezuelans trying to access international protection or alternative regularization mechanisms remained.

Background

During 2023, the first year of Gustavo Petro's presidency, armed groups strengthened and conflicts between them increased, while confrontations between the Colombian Armed Forces and armed groups decreased, according to the Ideas for Peace Foundation.

Peace talks between the government and the National Liberation Army advanced and a six-month ceasefire was implemented in August. In May, a ceasefire between the government and the Central General Staff armed group was partially suspended following the latter group's killing of four Indigenous teenagers. In September, negotiations between the government and the Central General Staff resumed and a three-month ceasefire was implemented. The government tried to open negotiations with six other armed groups, among them urban armed groups in Medellín, Quibdó and Buenaventura cities, and the Colombian Gaitanist Self-Defence Forces.

Local elections were held in October, with some reports of violence in various regions of the country.

The Inter-American Court of Human Rights declared that Colombia was responsible for the elimination of the Patriotic Union political party and human rights violations against more than 6,000 members and militants of the party, and their families, over a 20-year period.

The government presented bills proposing social reforms on health, labour, pensions and education, but none had been approved by the end of the year.

According to the World Bank, Colombia had one of the highest occurrences of extreme weather events in South America. Approximately 84% of its population was exposed to multiple climate hazards.

The government started a consultation and implementation process for the gradual energy transition plan. The main objectives of the plan were increasing investments in decarbonization, gradual substitution of fossil fuel usage, and flexibilization of regulations for investments in renewable energies.

Excessive and unnecessary use of force

Temblores NGO and the Institute for Development and Peace Studies reported 191 cases of police violence during the first year of President Petro's government (August 2022 to July 2023), a 59%

decrease compared with the previous year. Forty-three cases occurred in the context of protests. Racial profiling and policing continued to affect racialized groups.

In February, the Coalition for Police Reform, a group of human rights and police violence victims' organizations, presented a set of proposals for police reform with a human rights and intersectional approach. Despite this, the government failed to implement legal reforms for a comprehensive police reform. Various initiatives changing the structure and operation of the police were approved, among them the introduction of a new police manual about the use of force during protests.

Discrimination

The Inter-American Commission on Human Rights expressed concerns about the impact of violence in the Pacific region on Indigenous Peoples, Afro-descendants and peasant communities.

Indigenous Peoples' rights

Indigenous Peoples were affected by violence and armed conflict throughout the country. In September, Indigenous communities in the Nariño province were forcibly displaced during armed violence. Some families reported being forcibly confined.

The Awá people, in the south of the Pacific region, continued to be attacked by armed groups and demanded faster and better institutional response. Since 2009 the Constitutional Court had said that attacks against the Awá people have put them at risk of being exterminated.

The Constitutional Court issued a ruling protecting the right of Indigenous Peoples to prior consultation regarding the administrative configuration of their territories.

Afro-descendants' rights

In July, protests started after two incidents of possible racist police violence against two Afro-descendant young men in Valle del Cauca and Bolívar provinces, resulting in their deaths. Ilex Legal Action, Temblores NGO and the Institute on Race, Equality and Human Rights reported police involvement in systemic racism.

Peasants' rights

The constitution was amended to recognize peasants as a collective rights-holder, confirming and strengthening their protection against discrimination.

Women's rights

In June, a bill was passed extending the reach of the gender-parity rule to more decision-making authorities. The gender-parity rule establishes a mandate guaranteeing a certain quota of women at the highest level of decision-making inside the Colombian institutional hierarchy.

Gender-based violence

In May, a declaration of national emergency on gender-based violence was included in the National Development Plan 2022-2026. The Colombian Observatory on Femicides reported 483 gender-based killings of women and girls in 2023 up to November.

The Regional Information Network on LGBTI Violence reported 21 killings of LGBTI people in Colombia in 2023 under the category of “violence due to prejudice” (violence that seeks to harm a person due to the negative perception of their gender identity or sexual orientation).

Sexual and reproductive rights

In February, Doctors Without Borders reported the persistence of obstacles in accessing sexual and reproductive health services, including abortion, in Colombia. The Just Cause Movement identified at least nine barriers to abortion, among them a lack of awareness of the legal framework by health professionals, unnecessary requirements by health administrators, and undue delays in the provision of services.

In August, the Constitutional Court confirmed the decriminalization of abortion up to 24 weeks of pregnancy. The court reversed decisions that jeopardized the legal effect of a decriminalization decision made in 2022.

LGBTI people’s rights

In April, a person received a university degree matching their non-binary identity for the first time in Colombia.

Human rights defenders

The Ministry of the Interior announced the strengthening of the collective protection programme for human rights defenders from grassroots organizations and communities, who are often defending land and territory, increasing the target for the number of applicants to be covered by collective protection measures by the end of the year. The collective protection programme aims to prevent human rights violations and abuses against grassroots organizations and communities, identifying risk factors and adopting measures to prevent them from materializing or mitigate their effects. The programme coexists with individual protection programmes.

In August, the National Commission on Security Guarantees approved a national policy for dismantling criminal organizations that, among other human rights abuses, have attacked human rights defenders.

In September, the Ombudsperson’s Office issued a national early alert regarding the crisis of violence against human rights defenders.

Despite the government’s measures to mitigate the risks to human rights defenders, violence against them remained at very high levels.¹ According to the We Are Defenders Programme, there were 632 aggressions against human rights defenders up to September, of which 123 resulted in death.

Forced displacement

Forced displacement continued to disproportionately affect Afro-descendants and Indigenous Peoples. UNHCR, the UN refugee agency, reported that up to November, 163,719 people had been forcibly displaced in Colombia during 2023. According to the Inter-American Commission on Human Rights, citing OCHA, 45% of all displacement victims in 2023 were Afro-descendants and 32% were Indigenous Peoples.

In May, 300 families, comprising approximately 1,500 people, most of them Afro-descendants or Indigenous Peoples, were forcibly displaced in the context of confrontations between the National

Liberation Army and the Colombian Gaitanist Self-Defence Forces armed groups in Sipí municipality, Chocó province. In July, authorities in Antioquia province reported that at least 53 families had been forcibly displaced from their homes in the municipalities of Segovia and Remedios because of confrontations between the same armed groups.

Violations of international humanitarian law

The Ideas for Peace Foundation reported a significant increase in forced displacements, forced confinements, massacres and killings of social leaders during the first year of Gustavo Petro's presidency. Although several ceasefires were put in place during the year, their impact on the civilian population was limited.

In October, the UN Secretary General informed the UN Security Council that the ceasefire between the National Liberation Army and the government, in place since August, had de-escalated the confrontation, but had done little to decrease the impact of the armed conflict on the civilian population.

Between July 2022 and June 2023, the UN Mine Action Service registered 119 victims of anti-personnel mines throughout the country, including four children and 33 Indigenous and Afro-descendant people. In June, an anti-personnel mine perimeter set up by the Central General Staff armed group was reported in Nariño province.

In May, the Ombudsperson's Office called on the various armed groups to stop the illegal recruitment of children. The Coalition against the Recruitment of Children in the Colombian Armed Conflict registered 112 cases in the first semester of 2023.

Armed curfews and community confinements continued, mainly because of fighting between armed groups in rural areas. In June, the Ombudsperson's Office warned of an armed curfew enforced by the National Liberation Army in Chocó province, affecting nearly 5,000 people in the Nóvita municipality. UNHCR reported that as of November, 72,389 people had been forcibly confined in Colombia during 2023. In September, citing OCHA, the Inter-American Commission on Human Rights said that Afro-descendant people made up 37% of all confinement victims in 2023 and Indigenous Peoples represented 25%.

Freedom of expression

Several times during the year, the Foundation for Freedom of the Press recommended that President Petro take action to enable the media and promote freedom of the press, instead of creating a hostile environment, following clashes on social media between the president and media representatives and journalists.

The Foundation for Freedom of the Press reported 398 attacks on freedom of the press in Colombia as of October, including 132 cases of threats, 41 cases of harassment, and 51 cases of stigmatization.

Right to truth, justice and reparation

Between April and June, the Kroc Institute for International Peace Studies registered some progress in the implementation of the 2016 Peace Agreement, in light of the approval of a constitutional reform creating the Rural and Agrarian Jurisdiction. One of the main concerns was the implementation of the provisions regarding ethnic and gender perspectives. As of June, fulfilment of 74% of the provisions on the ethnic perspective and 70% on the gender perspective was deemed unfeasible within the agreed term.

The UN Secretary General reported to the UN Security Council that the Unit for the Search of Persons Deemed as Missing had recovered 86 bodies of missing persons between March and June, and had handed over the remains of seven to the relatives between June and September. Since 2018, the unit had recovered 929 bodies and handed over 196. In October, the Kroc Institute for International Peace Studies reported the start of the implementation of 28 regional search plans.

The Institute for Development and Peace Studies documented, as of December, the killings during 2023 of 44 former members of the guerrilla group FARC-EP who had signed the 2016 Peace Agreement. In March, former members of the group raised alarms about the deterioration of their security situation.

In September, the government presented a bill aimed at reforming the Victims and Land Restitution Law. According to the government, the objectives were to secure adequate funding for the implementation of the law and to implement durable solutions and differential approaches.

Impunity

In February, the Special Jurisdiction for Peace (JEP) charged 10 former FARC-EP members with war crimes and crimes against humanity for their involvement in attacks against Indigenous Peoples, Afro-descendants and peasant communities in Cauca and Valle del Cauca provinces.

In May, an adversarial trial was started by the JEP against a former congressman for his alleged participation in a crime against humanity of persecution against a political group in Caquetá province, committed jointly with members of FARC-EP.

In July, the JEP charged 10 former FARC-EP members with war crimes and crimes against humanity regarding 349 kidnappings committed in Tolima, Huila and Quindío provinces. The JEP also charged 15 former FARC-EP members with war crimes and crimes against humanity regarding the implementation of a social and territorial control policy in Nariño province affecting Indigenous Peoples, Afro-descendants, peasant communities, urban and rural populations, women and girls, LGBTI people, nature, and ancestral and collective territories.

In August, the JEP charged nine military men, including one former general, with war crimes and crimes against humanity regarding 130 extrajudicial executions and enforced disappearances committed in Antioquia province. An adversarial trial also started against a former army colonel who did not accept his responsibility for extrajudicial killings and enforced disappearances in the Caribbean region.

Refugees' and migrants' rights

In August, Panamanian authorities claimed that the number of people crossing the Darien Gap had increased substantially and had already exceeded the total number of crossings in 2022. By the end of the year, the number had reached 520,000.

Throughout the year, civil society organizations called for more transparency around the number of Venezuelans living in Colombia. According to R4V platform, Colombia was home to 2.89 million Venezuelans. Nevertheless, Venezuelans faced barriers to access international or other complementary forms of protection that would allow them to regularize their status and access their rights in Colombia.²

1. *Colombia: Hope at Risk. The Lack of a Safe Space to Defend Human Rights in Colombia Continues*, 9 November

2. *Americas: Regularization and Protection: International Obligations for the Protection of Venezuelan Nationals*, 21 September

