

# 2024 Country Reports on Human Rights Practices: Colombia

## EXECUTIVE SUMMARY

There were no significant changes in the human rights situation in Colombia during the year.

Significant human rights issues included credible reports of: arbitrary or unlawful killings; torture or cruel, inhuman, or degrading treatment or punishment; arbitrary arrest or detention; serious abuses in a conflict; serious restrictions on freedom of expression and media freedom, including violence or threats of violence against journalists; significant or systematic restrictions on workers' freedom of association; and violence or threats of violence against labor activists.

The government took credible steps to identify and punish officials who committed human rights abuses.

Nonstate armed groups, including U.S.-designated terrorist organizations such as the Revolutionary Armed Forces of Colombia-People's Army, the National Liberation Army, drug-trafficking organizations, and small criminal gangs were significant perpetrators of human rights abuses and violent crimes, including unlawful killings, kidnapping, human trafficking, bombings, restrictions on freedom of movement, sexual violence, unlawful recruitment and use of child soldiers, and killings of and threats of violence against journalists, women, human rights defenders, and religious leaders. The government generally investigated such actions when reported, but civil society organizations noted minimal prosecutions.

Section 1.

## Life

### a. Extrajudicial Killings

There were several reports the government or its agents committed arbitrary or unlawful killings during the year.

As of July 26, the Inspector General's Office reported 147 disciplinary investigations involving 234 members of the armed forces and police for human rights violations. Of these, 134 investigations were active and 13 were inactive.

From January 1 to July 26, the Attorney General's Office recorded three victims, in three separate cases of aggravated murder, murder of protected persons, or murder of civilians committed by state agents. During the same period, the Attorney General's Office charged one member of the security forces and arrested another one for aggravated murder, murder of protected persons, or murder of civilians.

CINEP reported that between January and June, criminal groups such as Clan del Golfo were responsible for 38 cases of unlawful killings, comprising a total of 59 victims. The National Liberation Army (ELN) was responsible for two killings in two separate cases. The Revolutionary Armed Forces of Colombia-People's Army (FARC-EP) was responsible for 16 cases of killings of civilians, which included 22 total victims.

Human rights organizations, victims, and government investigators accused some members of government security forces of collaborating with or not taking steps to intervene in violence perpetrated by illegal armed groups or criminal gangs, which included some former paramilitary group members.

The UN Office of the High Commissioner for Human Rights (OHCHR) reported that between January 1 and August 31, it received 138 allegations of killings of human rights defenders. Of those allegations, the OHCHR confirmed 41 deaths were related to the individual's actions defending human rights, 42 were undergoing verification, and 55 cases were found to be inconclusive. The United Nations reported the departments of Arauca and Cauca had the most homicides of human rights defenders.

The Office of the Ombudsperson reported 130 killings of social leaders occurred between January 1 and September 30. Nongovernmental organizations (NGOs) considered the country highly dangerous for environmental activists and human rights defenders.

On February 23, Ludivia Gelindez Jiménez, a recognized human rights defender, was killed in her home in Florencia, Caquetá.

## **b. Coercion in Population Control**

There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Section 2.

# **Liberty**

## **a. Freedom of the Press**

The law provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. Violence and harassment, as well as the criminalization of libel, inhibited freedom of the press.

### **Physical Attacks, Imprisonment, and Pressure**

In August, the Ombudsperson's Office published its first annual report on challenges to press freedoms in the country. Of journalists surveyed, 44 percent reported suffering some type of abuse, with 36 percent of incidents including violence or threats.

The Inter-American Commission on Human Rights (IACHR) noted in a report following its April visit that journalists experienced "persistent violence." Press freedom organizations noted this had a negative effect on journalists' ability to report.

According to the journalists' NGO Fundación para la Libertad de Prensa (FLIP), violence, harassment, and threats against journalists occurred regularly. From January 1 to October 20, FLIP reported two killings, two kidnappings, 12 forced displacements, and three exiles. There were 166 reported threats made against journalists, a 26 percent increase compared with the same period during 2023. Between January 1 and July 31, there were 323 incidents of violence and harassment against journalists, including physical aggression and intimidation committed by governmental and nongovernmental actors.

President Gustavo Petro referred to the work of reporters critical of his administration as “Mossad journalism” and called women journalists with whom he disagreed “puppets of the mafia.”

From January 1 through July 26, the Attorney General’s Office investigated 17 killings of journalists, 645 threats, and 169 cases of violence and harassment of journalists. According to FLIP, between January 1 and July 31, authorities prosecuted two individuals for the killing of two journalists.

The Ministry of Interior’s National Protection Unit (UNP) provided protection to threatened journalists. The UNP provided protection to 155 journalists from January 1 to March 31. In September, the government launched a protection fund for women journalists.

### **Censorship by Governments, Military, Intelligence, or Police Forces, Criminal Groups, or Armed Extremist or Rebel Groups**

In August, the ombudsperson’s report identified censorship and self-censorship as impacts of abuses of journalists. The report stated the majority of affected individuals did not make formal complaints due to a lack of protection. The IACHR report stated impunity in cases of violence against members of the press created a climate of fear among journalists. FLIP alleged some journalists practiced self-censorship due to fear of being sued under libel laws or of being physically attacked, mostly by nongovernment actors. FLIP asserted the high degree of impunity for those who committed aggressions against journalists was a factor in self-censorship.

On October 10, following threats to journalist Nicolás Sánchez, the media outlet *Voragine* announced it would stop publishing content on paramilitarism and drug trafficking. President Petro reacted to the outlet’s announcement by ordering the UNP to provide security measures for Sánchez and six other journalists FLIP identified as at-risk.

Members of armed groups inhibited freedom of expression by intimidating, threatening, kidnapping, and killing journalists. National and international NGOs reported media regularly practiced self-censorship because of threats of violence from armed groups.

## **b. Worker Rights**

### **Freedom of Association and Collective Bargaining**

The law provided for the right of certain workers to form and join unions, bargain collectively, and conduct legal strikes. The law prohibited antiunion discrimination. Members of associated workers’ cooperatives, however, were not allowed to form unions, since the law recognized members of a cooperative as owners. The law also prohibited members of the armed forces and police from forming or joining unions.

The law provided for automatic recognition of unions that obtained 25 signatures from potential members and complied with a registration process.

The law provided for associated workers’ cooperatives, collective pacts, and union contracts. Under collective pacts, employers could negotiate accords on pay and labor conditions with workers in workplaces where no union was present or where a union represented less than one-third of employees. Law and regulations prohibited the use of workers’ cooperatives and collective pacts to undermine the right to organize and bargain collectively, including by extending better conditions to nonunion workers through such pacts.

A company could contract a union, at times formed explicitly for this purpose, for a specific job or work; the union then in essence served as an employer for its members. Workers who belonged to a

union that had a union contract with a company did not have a direct employment relationship with either the company or the union.

Labor disputes for workers under a union contract could be decided through an arbitration panel, as opposed to deciding in labor courts, if both parties agreed. Prohibited practices included an employer impeding workers' rights to strike, meet, or otherwise associate, and extending better conditions to members of collective pacts than to union members.

The government had the authority to fine violators of labor rights. The law stipulated that offenders repeatedly misusing workers' cooperatives or other labor-contracting mechanisms should receive the maximum penalty and could be subject to losing their legal status to operate. Employers convicted of engaging in antiunion practices could also be imprisoned for up to five years, although government officials acknowledged a fine was more likely than imprisonment. Penalties were commensurate with penalties prescribed for analogous violations such as civil rights violations. Government enforcement of applicable laws was inconsistent.

The Ministry of Labor's Special Investigations Unit, part of the labor inspectorate, had the authority to investigate and impose sanctions; it was reportedly overburdened with cases, resulting in delays responding to union requests for review. Between January 1 and June 30, the government imposed 13 fines and collected seven fines for freedom-of-association violations, but the government did not specify the sectors for these fines. The government engaged in regular meetings with unions, civil society groups, and the business sector on these and related matters.

Despite steps by the Ministry of Labor to strengthen its labor law inspection system, the government did not have a consistent, robust national strategy to protect freedom of association and collective bargaining. Structural problems adversely affected prosecutions, resulting in a high degree of impunity for violators of these rights, including in cases of threats and violence against union leaders and members.

The government continued to reach labor formalization agreements with firms engaged in abusive subcontracting or that had labor conflict during the year. Most of the agreements resulted in direct employment contracts, and a few were indefinite-term contracts. Labor rights groups expressed concern these agreements were not sufficiently monitored by the Ministry of Labor to provide for agreements to be followed.

Field-based inspections by the Ministry of Labor for abusive subcontracting were infrequent. Employees at the Ministry of Labor were on strike for 60 days due to a conflict regarding bonuses and other benefits owed under a collective bargaining agreement signed in 2023.

The ministry employed a telephone- and internet-based complaint mechanism to report alleged labor violations and provided a mechanism for submitters to track the status of their cases. Union members complained the systems did not allow citizens to register anonymous complaints and that registered complaints did not result in any government action.

Unions cited multiple instances in which companies fired employees who formed or sought to form unions.

Some employers used temporary contracts, temporary service agencies, and other forms of subcontracting, including cooperatives, to limit worker rights and protections. Labor confederations and NGOs reported fixed-term contracts were extended beyond the legal limit, not all legally required benefits were paid to workers, and labor intermediation was sometimes carried out by companies not registered as temporary service providers. They also reported enforcement actions did not eliminate abusive subcontracting and illegal labor intermediation.

Violence, threats, harassment, and other practices against trade unionists affected the exercise of the right to freedom of association and collective bargaining. Judicial police and prosecutors investigating criminal cases of threats and killings were required to determine during the initial

phase of an investigation whether a victim was an active or retired union member or engaged in union formation and organization, but it was unclear whether investigators did so.

The Human Rights Directorate reported it had not received any cases related to union members between January 1 and July 31.

The government included in its protection program labor activists engaged in efforts to form a union, as well as former unionists under threat because of their past activities. As of August 13, the UNP was providing protection to 235 trade union leaders or members, a decrease from the prior year. Between January 1 and August 13, the UNP processed 197 risk assessments of union leaders or members, an increase from the previous year.

Seven killings of unionists occurred between January 1 and July 31.

The Attorney General's Office reported receiving 19 cases of threats against unionists involving 41 victims as of July 15.

### **Forced or Compulsory Labor**

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Acceptable Work Conditions**

#### **Wage and Hour Laws**

The law provided for a minimum wage for all sectors, and the minimum wage was above the poverty line.

The law provided for a regular workweek of 46 hours and a minimum rest period of eight hours within the week. Exceptions to this could be granted by the Ministry of Labor and were frequently granted in the mining sector. The law stipulated workers receive premium compensation for nighttime work (work performed from 9 p.m. to 6 a.m.), hours worked in excess of 46 hours per week, and work performed on Sundays. The law permitted compulsory overtime only in exceptional cases where the work was considered essential for the company's functioning.

Unions in the maritime port sector reported workers were often required to work shifts longer than 12 hours without breaks; they were required to be available for long periods of time without receiving compensation for this time.

#### **Occupational Safety and Health**

The law provided for workers' occupational safety and health (OSH) in the formal sector. The legal standards were appropriate for the main formal industries. The law did not cover informal-sector workers, including many mining and agricultural workers. In general, the law protected workers' rights to remove themselves from situations that endangered health or safety without jeopardy to their employment. Ministry of Labor officials identified unsafe conditions and responded to workers' OSH complaints.

Nonunion workers, particularly those in the agricultural and port sectors, reportedly worked under hazardous conditions because they feared losing their jobs if they reported abuses. Port-sector workers also reported they had to perform high-risk activities even though they often lacked the necessary training and certification.

Some unionized workers who alleged they suffered on-the-job injuries complained companies illegally terminated their employment in retaliation for filing workers compensation claims. Only the courts could order reinstatement. The Ministry of Labor could penalize a company found to have broken the law in this way.

Security forces reported armed actors, including the FARC-EP, the ELN, and criminal groups, engaged in illegal mining of gold, coal, coltan, nickel, copper, and other minerals. Illegal mines, which lacked safety precautions, were particularly common in the departments of Antioquia, Boyacá, Chocó, Cundinamarca, and Valle del Cauca. The government reported that between January 1 and June 30, security agencies and other authorities closed more than 2,900 illegal mines as part of the interagency initiative to combat illegal mines. Most of these mines were in Antioquia, Boyacá, Cundinamarca, Santander, and Valle del Cauca. Between January 1 and July 28, the Attorney General's Office reported the prosecution of 110 individuals involved in illegal mining activities.

### **Wage, Hour, and OSH Enforcement**

The Ministry of Labor was required to enforce labor laws in the formal sector, including wage, hour, and OSH regulations, through periodic inspections by labor inspectors. The government did not effectively enforce the laws in all cases. Inspectors had the authority to perform unannounced inspections and could also initiate sanction procedures, including after opening investigations. The number of inspectors was insufficient to enforce the law effectively. Penalties were commensurate with those for similar crimes such as negligence and fraud but were rarely applied against violators. Unionists stated more fines needed to be collected to motivate companies to reduce wage and hour violations and OSH problems.

The National Statistical Service reported that from January through March, 55.6 percent of all laborers worked in the informal sector. The government did not enforce labor laws in this sector.

## **c. Disappearance and Abduction**

### **Disappearance**

There were no reports of enforced disappearances by or on behalf of government authorities. The Ombudsperson's Office reported receiving notifications of 121 cases of enforced disappearance committed by armed groups and criminal gangs from January 1 through August 31. According to the National Registry of Missing Persons of the National Institute of Forensic and Legal Medicine, from January 1 to June 30, 2,736 persons were reported missing. This included 68 cases classified as alleged enforced disappearances.

### **Prolonged Detention without Charges**

The law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court.

The law prohibited arbitrary arrest and detention. According to the NGO Temblores, police misused a temporary protection mechanism to arbitrarily detain protesters, and from January 1 to June 30, 15 persons were arbitrarily detained using this legal mechanism.

Between January 1 and August 16, the NGO Center for Research and Popular Education (CINEP) reported three cases of arbitrary detention by police, with a total of six victims. According to the Attorney General's Office, between January 1 and July 28, 46 cases were opened related to arbitrary detention, illegal deprivation of liberty, illegal extension of liberty deprivation, and disregard for habeas corpus, all committed by government officials. One official was charged.

Between January 1 and July 26, the Inspector General's Office reported 11 new disciplinary investigations for cases related to these crimes, with no sanctions imposed. The Superior Judiciary Council reported no convictions for these crimes during this period.

The civilian judicial system suffered from a significant backlog of cases, which led to large numbers of pretrial detainees. According to the National Penitentiary and Prison Institute, 21.4 percent of prison detainees (approximately 22,000 persons) were in pretrial detention. In some cases, detainees were released without a trial because they had already served more than one-third of the maximum sentence for the charges against them.

#### **d. Violations in Religious Freedom**

See the Department of State's annual *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

#### **e. Trafficking in Persons**

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Section 3.

## **Security of the Person**

### **a. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment**

The law prohibited such practices, but there were credible reports government officials employed them.

CINEP reported that between January 1 and August 14, security forces were allegedly involved in two cases of abuse and inhuman treatment involving two victims. Temblores reported two cases of sexual violence committed by police against women demonstrators. Temblores reported 24 cases of police violence against peaceful demonstrators between January 1 and June 30 as part of actions by the police Unit for Dialogue and Order Maintenance (UNDMO). The Attorney General's Office and the Inspector General's Office stated it launched internal investigations of all allegations of excessive use of force.

The Attorney General's Office reported that from January 1 through July 26 it charged eight police officers with the crime of torture. The Attorney General's Office reported adding 24 disciplinary investigations during the year against members of the military and police forces for sexual offenses, including rape, abuse, and harassment during the year for a total of 27 open investigations for these crimes.

The government made improvements in investigating and prosecuting abuse cases, but claims of impunity for security force members, particularly UNDMO, continued. NGOs reported this was due in some cases to obstruction of justice and opacity in the process by which the military justice system investigated and prosecuted cases. Some NGOs commented military investigators, not members of the Attorney General's Office, were sometimes the first responders in cases of deaths resulting from actions of security forces. NGOs stated this arrangement could lead to biased investigations.

Significant obstacles remained for reducing impunity. NGOs also stated inadequate coordination among government entities sometimes allowed statutes of limitations to expire, resulting in a defendant's release from jail before trial.

The law prohibited female genital mutilation/cutting (FGM/C), but incidents were reported in several Indigenous communities. Two-thirds of women from the Emberá community underwent FGM/C, according to the UN Population Fund. Local officials confirmed a high level of underreporting on a regional and national scale. The Ministry of Health reported 54 cases of FGM, primarily in the department of Risaralda. According to the Ministry of Health, underreporting and the lack of precise data on affected individuals and locations was exacerbated by the fact that cases were typically recorded only when medical complications required urgent care. Victims of FGM were primarily newborns and girls younger than five.

## **b. Protection of Children**

### **Child Labor**

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

### **Child Soldiers**

Illegal armed groups such as the ELN, FARC-EP, and others, recruited children as soldiers. Drug trafficking and criminal organizations, including Clan del Golfo, recruited and forced children into criminality, and often colluded with illegal armed groups. According to the OHCHR, the departments with the greatest number of cases of child recruitment included Amazonas, Antioquia, Arauca, and Cauca. The Ombudsperson's Office reported that of the 159 cases of forced recruitment of children recorded in the first half of the year.

### **Child Marriage**

Marriage was legal at age 18. Persons older than 14 could marry with the consent of their parents. The government effectively enforced the law.

## **c. Protection to Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

### **Provision of First Asylum**

The law provided for the granting of asylum or refugee status, and the government had a system for providing protection to refugees.

## **d. Acts of Antisemitism and Antisemitic Incitement**

The Jewish community, which numbered approximately 5,500 persons, reported instances of antisemitic comments on social media.

For further information on incidents of antisemitism in the country, whether or not those incidents were motivated by religion, and for reporting on the ability of Jews to exercise freedom of religion or belief, see the Department of State's annual *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.