



Document #2103183

HRW – Human Rights Watch (Author)

World Report 2024 - Colombia

Abuses by armed groups, limited access to justice, and high levels of poverty, especially among Indigenous and Afro-descendant communities, remain serious human rights concerns in Colombia.

The 2016 peace accord between the Revolutionary Armed Forces of Colombia (FARC) and the government ended a five-decade-long conflict and brought an initial decline in violence. But violence took new forms and abuses by armed groups increased in many remote areas, reaching similar levels to those that existed immediately before the peace process. A year and a half since President Gustavo Petro took office, his “total peace” strategy has achieved limited results in curbing abuses against civilians.

In a welcome move, President Petro shortlisted three women with a strong record of investigating human rights violations to become the new attorney general. The Supreme Court had not appointed a new attorney general at the time of writing.

Abuses by Armed Groups

Numerous armed groups operate in Colombia fueled by illegal economies, including drug trafficking and illegal mining. These include the National Liberation Army (ELN) guerrillas, a group formed in the 1960s; over 30 “dissident” groups that emerged from the 2017 demobilization of the FARC; and the Gaitanist Self-Defense Forces of Colombia (AGC), which emerged from the demobilization of paramilitary groups in the mid-2000s and is also known as the “Gulf Clan.” Many of these groups have fluid and complex links to each other, and some are parties to non-international armed conflicts.

Armed groups continue to commit serious abuses against civilians. Reports of child recruitment and kidnappings increased in 2023. Security forces and judicial authorities have often failed to effectively protect the population, ensure victims' access to justice, and prosecute and dismantle criminal groups.

Fears of antipersonnel landmines, threats by armed groups, and the hazards of crossfire prevented 64,000 mostly Indigenous people from leaving their communities between January and October, a situation known as "confinement."

Between January and end of June, the United Nations Office of the High Commissioner for Human Rights (OHCHR) reported 52 "massacres," defined as the intentional killing of three or more civilians in a single incident.

In the southern state of Nariño, fighting among FARC dissident groups has displaced thousands, mainly Afro-descendants and Awá Indigenous people, who also suffer threats, confinement, kidnappings, and killings.

In neighboring Cauca state, Nasa Indigenous people who oppose abuses by armed groups have been threatened and killed. Fighting by armed groups, mainly in Argelia municipality, has left more than 6,500 people displaced and confined.

Violations by Public Security Forces

Limited progress in investigating violations by security forces remains a serious concern.

On March 28, 2022, 11 people died in an army operation in Alto Remanso, Putumayo state, in southern Colombia. At least four civilians died. The Attorney General's Office announced in May 2023 it would charge 25 soldiers with the killings, but at time of writing, the Constitutional Court was analyzing a request by defense lawyers to transfer the case to the military justice system, which has historically failed to ensure justice.

Police committed serious human rights violations in response to protests across Colombia between 2019 and 2021.

In 2021, Human Rights Watch reviewed evidence linking police to 25 killings of protesters and bystanders, as well as dozens of injuries and arbitrary arrests, in the context of peaceful demonstrations. As of June, the Attorney General's Office had charged eight police officers. Nobody had been sentenced.

The Ministry of Defense ousted 10 police officers credibly linked to human

rights violations during demonstrations.

The Ministry of Defense also initiated a process, with broad participation of civil society groups, to reform police protocols. But the government failed to move forward with other reforms to security forces, such as transferring the police out of the Ministry of Defense.

Violence against Human Rights Defenders and Other People at Risk

More than 1,200 human rights defenders and social leaders have been killed in Colombia since 2016, according to the Human Rights Ombudsperson's Office. Human Rights Watch documented 150 killings of human rights defenders and other social leaders committed between January and the end of November 2023.

Colombia has a broad range of policies, mechanisms, and laws to prevent abuses against human rights defenders and protect former FARC fighters. But implementation has often been poor.

In September, authorities announced a new policy to "dismantle" armed groups that attack human rights defenders, as required under the 2016 peace accord.

In a case brought by Colombian human rights groups, the Constitutional Court ordered in December broad government action to protect human rights defenders and hold those responsible for their killings to account. The court found that government action fell short of addressing these "persistent, grave and widespread" violations and described the situation as an "unconstitutional state of affairs."

Killings and other attacks against local politicians and candidates increased ahead of the October regional elections. Between January and July, 16 candidates, politicians, and other people involved in political campaigns were killed, according to the Ombudsperson's Office.

Peace Negotiations, Negotiated Disarmament, and Accountability

The 2016 peace agreement created a truth commission; the Special Jurisdiction for Peace (JEP), charged with trying violations committed during the conflict; and an agency to seek the bodies of those who disappeared during the conflict.

The JEP has made significant strides in investigating and prosecuting war crimes and crimes against humanity, charging top former FARC commanders and several army officers.

Defendants who fully cooperate with the JEP and confess to their crimes are subject to up to eight years of "special sanctions," including restrictions on liberty but no prison time. It remains unclear how the "special sanctions" will operate in practice.

In September 2023, the JEP initiated a nation-wide "macro-case" investigating gender-based violence, including sexual and reproductive violence and other crimes based on prejudice committed by the FARC and security forces.

In November 2022, the JEP indicted former FARC top commanders for their responsibility in kidnappings. The commanders had acknowledged their role in these crimes in a June hearing.

In August, the JEP indicted General Mario Montoya, who commanded the army between 2006 and 2008, for his role in 130 extrajudicial executions when he led a brigade.

In late 2022, Congress passed a Petro administration-sponsored law that allows the government to negotiate a peace accord, including new transitional justice mechanisms, with parties to the armed conflict such as the ELN, as well as with organized crime groups. In November, the Constitutional Court ruled that negotiations with organized crime groups should ensure access to justice for victims.

Throughout 2023, the government continued to negotiate a peace accord with the ELN guerrillas and a coalition of FARC dissident groups that the government calls Estado Mayor Central (EMC).

On December 31, 2022, President Petro announced a six-month bilateral ceasefire with five armed groups, including the ELN, the Gulf Clan, and the EMC. The ELN did not accept the terms of the ceasefire and the Attorney General's Office questioned the legality of ceasefire with the Gulf Clan. Preparations, including relevant protocols, were insufficient and the ceasefires produced limited results.

In July and September, the government agreed to new ceasefires with the ELN and the EMC, respectively.

A government-supported truce between two gangs in the port city of Buenaventura led to a decrease in killings between September 2022 and March 2023, followed by an increase between April and July.

Internal Displacement, Reparations, and Land Restitution

The UN Office for the Coordination of Humanitarian Affairs (OCHA) reported that over 56,000 people were displaced between January and

October 2023, in “mass displacements” of 50 or more people or 10 or more families.

Municipalities and state governments often lack sufficient funding to assist displaced people, and national government assistance has often been slow and insufficient.

In 2011, Congress passed a Victims’ Law to ensure redress for victims and restore millions of hectares left behind or stolen from Colombians displaced during the conflict. Less than 15 percent of more than 9 million registered victims of the armed conflict had received reparations as of August 2023. In September, the Petro administration sent a bill to Congress to renew and expand the Victims’ Law.

Refugees, Asylum Seekers, and Migrants

As of November 2023, more than 2.8 million Venezuelans lived in Colombia.

In 2021, then-President Iván Duque announced temporary protection for Venezuelans, granting them 10 years of legal status. As of September 2023, authorities had granted temporary protection to over 1.8 million Venezuelans, out of more than 2.4 million who had requested it.

Hundreds of thousands of migrants crossed Colombia’s Darién gap into Panama in 2023, in most cases believed to be headed to the US. The number of people crossing the gap continued to increase, in large part driven by continued migration by Venezuelans. During their days-long walk across the gap, migrants and asylum seekers of all nationalities are frequently victims of robbery and serious abuses, including rape. They receive little security, aid, or access to justice.

Gender-Based Violence

Gender-based violence, including by armed groups, is widespread. Lack of training and poor implementation of treatment protocols impede timely access to medical services and create obstacles for women and girls seeking post-violence care and justice. Perpetrators of gender-based crimes are rarely held accountable.

Sexual Orientation and Gender Identity

In August, the Constitutional Court extended labor protections during pregnancy to trans men and non-binary people who are pregnant. Despite constitutional protections based on sexual orientation and gender identity, lesbian, gay, bisexual, and transgender (LGBT) people in Colombia continue to face high levels of violence and discrimination. In 2022, Colombia Diversa reported 148 killings of LGBT people, including 28

possibly based on prejudice. Colombia Diversa also reported 97 cases of police violence that affected 107 LGBT people in 2022. Between January and November 2023, the Attorney General's Office registered homicides against 134 LGBT persons.

Access to Abortion

In February 2022, the Constitutional Court decriminalized abortion in all circumstances up to the 24th week of pregnancy and maintained access beyond that time in cases of rape, a non-viable pregnancy, or risk to a pregnant person's health or life. In early 2023, a chamber of the Constitutional Court issued two rulings that threatened to undermine access to abortion services. In October, the Constitutional Court annulled the chamber's decisions.

Economic and Social Rights

High levels of poverty, especially among Indigenous and Afro-descendant communities, remain a serious human rights concern.

The 2016 peace accord established “Territorial Development Programs” (PDET) to increase the presence of state institutions in 170 municipalities highly affected by the armed conflict, poverty, and illegal economies, such as drug trafficking. In 2021, the multidimensional national poverty rate (28.7 percent) in these areas was more than double the national rate (12.9 percent). Efforts to implement the PDET have been limited.

Between January and November 2023, at least 54 children under age 5—the majority Indigenous Wayuu—died in La Guajira state of causes associated with malnutrition and limited access to safe drinking water.

Technology and Rights

The Education Ministry failed to act following Human Rights Watch research showing that all eight online learning products recommended by the ministry during the Covid-19 pandemic surveilled or had the capacity to surveil children online outside of school hours and deep into their private lives.

Climate Policy and Impacts

In November 2022, President Petro signed a law to ratify the Escazú Agreement, a regional accord that shores up protection for ecosystems and their defenders. At time of writing, the Constitutional Court was analyzing whether the accord was consistent with Colombia's Constitution.

Colombia's national plan to reduce greenhouse gas emissions is "highly insufficient" to meet the Paris Agreement goal of limiting global warming to 1.5 degrees Celsius above pre-industrial levels, according to the Climate Action Tracker. The plan commits Colombia to reducing deforestation to 50,000 hectares per year by 2030. Colombia subsequently joined the Glasgow Declaration, which commits it to "halt and reverse forest loss and land degradation by 2030."

Government figures registered 123,000 hectares deforested in 2022, a 29 percent decrease compared to 2021, according to the most recent available information. Roughly two-thirds of deforestation occurs in the Amazon region.

Cattle ranchers and FARC dissident groups are major drivers of deforestation, pressuring residents to fell trees, extorting farmers, promoting coca crops to produce cocaine, or threatening people who defend conservation.

Key International Actors

The United States approved approximately US\$487 million in assistance to Colombia in fiscal year 2023. In May, President Petro met with President Joe Biden in the White House to discuss climate change, migration policy, the human rights situation in Venezuela, and peace efforts in Colombia. In May, the US designated as ineligible for entry into the country three former Colombian military officers for gross violations of human rights.

President Petro and Venezuelan President Nicolás Maduro re-established diplomatic relations in August and reopened the border in September 2022. President Maduro agreed in September 2022 to take part in peace negotiations between the ELN and the Colombian government.

In April 2023, the Petro administration carried out a conference with foreign governments in Bogotá to seek progress in political negotiations between the Maduro government and the opposition in Venezuela.

In March, during their human rights dialogue, the EU and Colombia agreed on the "urgent need to reinforce preventive actions" to address the high rate of violence against human rights defenders. EU High Representative for Foreign Affairs Josep Borrell visited Colombia in April and said that the EU would support peace negotiations with the Estado Mayor Central. At the EU-CELAC Summit in July, Borrell issued a statement jointly with the presidents of France, Brazil, Colombia, and Argentina, urging Venezuela to hold "fair, transparent and inclusive elections" in 2024.

In July, the UN Human Rights Council passed a resolution requesting the appointment of an international human rights expert mandated with

identifying and verifying obstacles to implementation of the 2016 Peace Agreement.

The Office of the Prosecutor of the International Criminal Court concluded its preliminary examination in Colombia in October 2021 but has continued to monitor developments in the country. In June, Prosecutor Karim Khan visited Colombia and agreed to provide technical assistance to the JEP.

In 2016, the UN Security Council established a political mission to monitor and verify implementation of the FARC peace accord, a mission succeeded in 2017 by the UN Verification Mission in Colombia. In August, the Council expanded the mission's mandate to include verifying a ceasefire between the government and the ELN. In October, the Council extended the mission's mandate for one year, until October 31, 2024.

In November 2022, Colombia endorsed the Safe Schools Declaration, promising to protect education during armed conflict and to avoid using schools for military purposes.

ecoi.net description:

Annual report on the human rights situation in 2023

Country:
Colombia

Source:
[HRW – Human Rights Watch](#) (Author)

Original link:
<https://www.hrw.org/world-report/2024/country-chapters/colombia>

Document type:
Periodical Report

Language:
English

Published:
11 January 2024

Available on ecoi.net since:
12 January 2024

Document ID:
2103183

Austrian Red Cross Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)	Wiedner Hauptstraße 32, 1041 Wien T +43 1 589 00 583 F +43 1 589 00 589 info@ecoi.net	Contact Imprint & Disclaimer F.A.Q. Data Protection Notice
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ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

