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World Report 2023 - 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 in later years, reaching similar levels in 2022 to those that existed immediately before the peace process.

Human rights defenders, journalists, demobilized FARC fighters, Indigenous and Afro-descendant leaders, and other activists face pervasive death threats and violence.

President Gustavo Petro took office in August and Francia Marquez, an environmental leader, became Colombia's first Afro-Colombian vice president. The new government vowed to fight climate change, implement the 2016 peace accord, and prioritize a "total peace" policy that would seek an accord with the National Liberation Army (ELN) guerrillas and the negotiated disarmament of other armed groups, including criminal gangs.

In February, the Constitutional Court decriminalized abortion in all circumstances up to the 24th week of pregnancy.

Abuses by Armed Groups

Numerous armed groups operate in Colombia fueled by illegal economies, including drug trafficking and illegal mining. These include the

ELN guerrillas, which was 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 are also known as "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, including killings, child recruitment, and rape, especially in rural areas of the Pacific region and along the Venezuelan and Ecuadorian borders. Security forces and judicial authorities have failed to effectively protect the population, ensure victims' access to justice, and prosecute and dismantle the groups.

In May, the AGC ordered an "armed strike," imposing movement restrictions on civilians in over 170 municipalities in 11 states. The restrictions suggested an alarming geographical expansion, compared to its 2012 armed strike, affecting 26 municipalities. The strike came in response to the extradition to the United States of its top commander, Darío Antonio Úsuga David, alias "Otoniel." The group also killed 36 police from June through August 2022.

Fears of antipersonnel landmines, threats by armed groups, and the hazards of crossfire prevented 96,000 people from leaving their communities between January and October a situation known as "confinement."

The Office of the High Commissioner for Human Rights (OHCHR) reported 60 "massacres," defined as the intentional killing of three or more civilians in a single incident, in 2022, as of October.

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, the ELN and FARC dissident groups have recruited over 500 mostly Indigenous children since 2021, according to local groups. Nasa Indigenous people who oppose abuses by armed groups have been threatened and killed. Fighting by armed groups, mainly in Argelia municipality, left more than 2,600 people displaced and confined.

In the border areas of Colombia's Arauca and Venezuela's Apure state, fighting between the ELN and a coalition of FARC dissident groups have caused a dramatic increase in violence, including a spike in killings. Over 12,000 people were displaced or confined. In Apure, ELN fighters conducted joint operations with members of the Venezuelan security forces, which were complicit in their abuses.

In Putumayo state, on the Ecuadorian border, Comandos de la Frontera and the Carolina Ramírez Front, two groups that emerged from the FARC, control the population, imposing dress codes and curfews and threatening to kill those who fail to comply.

Violations by Public Security Forces

Security force abuses remain a serious concern.

On March 28, 2022, 11 people died in a controversial army operation in El Remanso, Putumayo state, in southern Colombia. The army claimed it complied with international humanitarian law, saying the operation had targeted Comandos de Frontera. At least four civilians died, including one Indigenous and one community leaders. Criminal investigations into whether the army used excessive force continued as of October.

Police have committed serious human rights violations in response to largely peaceful protests across Colombia since 2019. Efforts to investigate and prosecute them have been limited.

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 October, four officers had been charged and five others indicted in connection with homicides. Nobody had been charged for the injuries or arbitrary arrests.

There have been limited reforms to improve accountability and prevent future violations.

In August, President Petro appointed Iván Velásquez, a widely respected former judge and anti-corruption prosecutor, as the minister of defense. Velásquez said the government would pursue further police reform, including by transferring the police out of the Ministry of Defense, where the line between its functions and the military's have often been blurred.

Violence Against Human Rights Defenders, Other Community Leaders

More than 1.000 human rights defenders and social leaders have been killed in Colombia since 2016, according to the Human Rights Ombudsperson's Office.

Colombian law includes a broad range of policies, mechanisms, and laws to prevent abuses against human rights defenders and protect former FARC fighters. But implementation, especially of measures established under the 2016 peace accord, has often been poor.

The Human Rights Ombudsperson's Office reported 182 killings of human rights defenders between January and October 2022.

In February 2022, in San Martín municipality, Cesar state, armed men killed Teófilo Acuña and Jorge Tafur, prominent peasant leaders who, for decades, led small-farmer and small-scale miner communities. As of October, one person had been charged in connection with their killings.

Peace Negotiations, Negotiated Disarmament, and Accountability

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

The Truth Commission presented its findings in June 2022 and established a committee to monitor, for seven years, implementation of its recommendations to the government, including creating an "anti-violence policy," re-starting peace negotiations with the ELN, and reforming security and drug policies. The report included comprehensive analysis of violence committed against women, LGBT people, children, Afro-descendants and Indigenous people.

The JEP has made significant strides in investigating and prosecuting war crimes and crimes against humanity, charging top former FARC commanders with hostage-taking and several army officers with extrajudicial executions, known as "false positive" killings.

In July, the JEP said it would initiate a nation-wide "macro-case" into sexual violence and other crimes based on prejudice committed by the FARC and security forces, which will encompass crimes motivated by gender, sex, sexual orientation, and gender identity.

In late October, the JEP issued its first indictment, accusing 11 army officers and one civilian of extrajudicial executions committed in North Santander in 2007 and 2008.

In November, the JEP indicted former FARC top commanders for their responsibility in hostage-taking. The commanders had acknowledged their role in these crimes in a June hearing, and the JEP said they should be sentenced to between five and eight years of "special sanctions."

In early December, the JEP indicted 14 other army officers for their role in "false positive" killings committed on the Caribbean Coast between 2002 and 2005. The judges said that 12 of the officers had fully acknowledged

their responsibility and confessed to their crimes, but that two others had not and should stand trial.

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. Because the language in the existing legislation on these sanctions is vague and no punishments have been imposed, it remains unclear how the "special sanctions" will operate in practice.

In early November, Congress passed a Petro administration-sponsored law that allows it to negotiate a peace accord, including new transitional justice mechanisms, with some armed groups, such as the ELN. On November 21, the peace talks with the ELN re-started in Venezuela. Authorities said that they would also introduce a bill to offer reduced sentences for other armed groups. As of November, it remained unclear how authorities would ensure victims' access to justice and to what extent the government would treat gangs and armed groups that are parties to the conflict differently.

Internal Displacement, Reparations, and Land Restitution

Conflict-related violence has displaced almost 8.4 million Colombians since 1985, government figures show.

The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reported 70,000 people displaced between January and October 2022, 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. As of October 2022, courts had issued rulings on only 13,507 of over 142,000 claims filed. Under 14 percent of over 9 million registered victims of the armed conflict had received reparations, as of October.

Refugees, Asylum Seekers, and Migrants

Colombia has received by far the largest number of refugees, asylum seekers, and migrants fleeing the human rights and humanitarian crises in

Venezuela. As of February, more than 2.5 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 October 2022, authorities had granted temporary protection to over 1.4 million Venezuelans, out of more than 2.4 million who had requested it.

More than 3,000 people, including Venezuelans and Colombians who had been living in Venezuela's Apure state, fled to Colombia's Arauca and Vichada states in early 2022, escaping fighting and abuses by armed groups. Aid has been very limited.

Hundreds of thousands of migrants—mostly Venezuelan—crossed Colombia's Darien gap into Panama in 2022, believed to be heading in most cases to the US. The number of people crossing the gap increased significantly, in large part driven by the flow of Venezuelans. During their days-long walk across the gap, migrants of all nationalities are frequently victims of robbery and serious abuses, including rape. They receive little security, aid, or access to justice.

Gender, Sexuality, and 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 violent, gender-based crimes are rarely held accountable.

Despite many legal protections based on sexual orientation and gender identity, lesbian, gay, bisexual, and transgender people in Colombia continue to face high levels of violence and discrimination. In 2021, the organization Colombia Diversa registered attacks against 405 LGBT people in the country, including 103 cases of police violence and 205 homicides attributed to other actors. Between January and late-October 2022, the Attorney General's Office registered homicides against 111 LGBT persons.

In February, 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 February, the court also recognized a non-binary gender marker, the first such ruling issued by a supreme or constitutional court in the region.

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. In 2020, the multidimensional poverty rate (32.9 percent) in these areas was nearly double the national rate (18.1 percent). Efforts to implement the PDET have been limited.

Between January and November 2022, at least 65 children under age five—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 reports that it had recommended unsafe online learning products for children during the Covid-19 pandemic. All eight products surveilled or had the capacity to surveil children online, outside of school hours, and deep into their private lives.

Climate Policy and Impacts

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°C 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 174,000 hectares deforested in 2021, a 1.5 percent increase over 2020, and figures for the first trimester of 2022 show deforestation increased 10 percent compared to the same trimester in 2021. More than 9,000 hectares were razed on land officially held by Indigenous peoples, in some cases leading to their forced displacement. Roughly two-thirds of deforestation occurs in the Amazon region.

Cattle ranchers and FARC dissident groups primarily drive deforestation, pressuring residents to fell trees, extorting farmers, promoting coca crops to produce cocaine, and threatening people who defend conservation.

The former Duque government's flagship initiative to combat deforestation, Operation Artemisa, achieved limited results.

In September, the environment minister announced that, as part of a new forest conservation strategy, the government would work with

communities to prevent logging and seek criminal prosecutions against people and armed groups who promote it.

Key International Actors

The US, the most influential foreign actor in Colombia, approved US\$471 million in assistance for fiscal year 2022. In October, Secretary of State Antony Blinken met President Petro in Bogota and expressed his support for implementing the 2016 peace accord.

In 2016, the UN Security Council established a political mission to monitor and verify implementation of the FARC peace accord, which was succeeded in 2017 by the UN Verification Mission in Colombia. In 2022, the Security Council extended the mission’s mandate until October 2023, including the verification of compliance with JEP sanctions.

President Petro and Venezuelan President Nicolás Maduro re-established diplomatic relations in August and reopened the border on September 26. President Maduro agreed in September to take part in peace negotiations between the National Liberation Army (ELN) and the Colombian government.

In early August, Colombia did not support a resolution in the Organization of Americas States (OAS) to condemn human rights violations in Nicaragua. Foreign Minister Alvaro Leyva later said that the decision was part of an effort to seek the negotiated release of political prisoners, but the Daniel Ortega government in Nicaragua seemingly rejected the request; the detainees remained behind bars, as of writing.

In September, Colombia withdrew from a “core group” of governments from across the political spectrum—Brazil, Canada, Chile, Ecuador, Guatemala, and Paraguay—that led the initiative to extend the mandate of the United Nations Fact Finding Mission on Venezuela.

Also in September, President Petro rightly criticized the “war against drugs,” calling for it to end to during his speech in the United Nations General Assembly.

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