

Colombia

The peace accord in 2016 between the Revolutionary Armed Forces of Colombia (FARC) and the government ended a five-decades-long armed conflict and brought an initial decline in violence. But conflict-related violence has since taken new forms, and abuses by armed groups, including killings, massacres, and massive forced displacement increased in many remote areas of Colombia in 2021.

Civilians in various parts of the country suffered serious abuses at the hands of National Liberation Army (ELN) guerrillas, FARC dissidents, and paramilitary successor groups. Human rights defenders, journalists, Indigenous and Afro-Colombian leaders, and other community activists face pervasive death threats and violence. The government has taken insufficient and inadequate steps to protect them.

Between late April and mid-June, tens of thousands of people took to the streets across Colombia to protest a range of issues, including a proposed tax reform, economic inequality, police violence, and little protection for vulnerable communities in remote areas. Police officers repeatedly and arbitrarily dispersed peaceful demonstrations and used excessive, often brutal, force, including live ammunition and gender-based violence.

The Covid-19 pandemic and measures in place to control it had a devastating impact on poverty and inequality in Colombia. Almost half-a-million people fell into poverty in 2020, according to the government's multi-dimensional poverty index, and the number of households with children who did not attend school increased by almost 14 percent.

Impunity for past abuses, barriers to land restitution for displaced people, limits on reproductive rights, and the extreme poverty and isolation of Indigenous and Afro-Colombian communities remain important human rights concerns.

Guerrillas and FARC Dissidents

A minority of FARC guerrilla fighters, known as FARC dissidents, rejected the terms of the peace agreement, refused to disarm, and continue to commit abuses.

Other FARC dissidents disarmed initially but joined or created new groups, partly in response to attacks by armed groups and others against former fighters. As of late September 2021, more than 290 former FARC fighters had been killed in these attacks.

FARC dissidents and other armed groups, including the ELN and paramilitary successors, have committed multiple “massacres,” defined in Colombia as the killing of three civilians or more in the same incident. OHCHR documented 76 massacres in 2020—the highest figure since 2014—and received reports of 82 more between January and September 2021.

The ELN continued in 2021 to commit war crimes and other serious abuses against civilians, including killings, forced displacement, and child recruitment.

In the southern municipality of Argelia, Cauca state, the ELN and FARC dissident groups committed multiple abuses including killings, massacres, and kidnappings, forcing thousands to flee. Similarly, on the Pacific coast of the southern state of Nariño, fighting among various FARC dissident groups displaced over 23,000 people between January and mid-August.

In Chocó state, on the western coast, fighting continued between the ELN and the Gaitanist Self-Defense Forces of Colombia (AGC), a group that emerged from right-wing paramilitaries. Fears of antipersonnel landmines, threats by armed groups, and the hazards of crossfire prevented more than 33,000 people in Chocó from leaving their communities between January and September, a situation known as “confinement.”

Paramilitaries and Successors

Between 2003 and 2006, right-wing paramilitary organizations with close ties to security forces and politicians underwent a deeply flawed government demobilization process during which many members remained active and reorganized into new groups. These successor groups, most notably the AGC, continue to

commit violations of the laws of war and serious human rights abuses including killings, disappearances, and rape.

In late July 2021, fighting between the AGC and a FARC dissident group, as well as threats by armed groups, forced over 4,000 people to flee the municipality of Ituango, in the north of Antioquia state.

Implementation of the Justice and Peace Law of 2005, which offers reduced sentences to demobilized paramilitary members who confess to their crimes, has been slow. Of the more than 30,000 paramilitary troops that officially demobilized, 4,000 have sought to exchange a confession for a reduced sentence. As of October 2020, roughly 650 had been sentenced.

Violations by Public Security Forces

Police officers committed serious human rights violations in response to largely peaceful protests across Colombia between late April and mid-June 2021. Human Rights Watch identified evidence linking the police to 25 killings of protesters and bystanders, in most cases with live ammunition.

Hundreds of protesters were injured, some suffering likely permanent loss of vision in one eye, apparently from teargas cartridges, stun grenades, or kinetic impact projectiles fired from riot guns.

In June, the Ombudsperson's Office reported receiving complaints of 5 cases of rape and over 100 cases of gender-based violence by police officers, including slapping and verbal abuse. Victims included lesbian, gay, bisexual, and transgender (LGBT) people.

Police officers arbitrarily detained hundreds of people, in some cases misusing a provision under Colombian law that allows them to "transfer" a person to an "assistance or protection center" to "protect" them or others.

While most demonstrations were peaceful, some individuals engaged in serious acts of violence, including attacking police officers and stations. On April 29, several people beat up and sexually abused a woman officer when they attacked a police station in Cali. Some protesters blocked roads for prolonged periods, at times limiting or impeding distribution of food or circulation of ambulances.

As of December, only two officers had been indicted and five others had been charged in connection with homicides committed the protests.

On March 21, 2020, 24 prisoners were killed and 76 injured as police guards repressed a riot in La Modelo jail in Bogotá. In October 2021, the Attorney General's Office charged three prison officers for allegedly torturing and abusing prisoners during and after the riot.

Violence Against Community Activists

More than 500 human rights defenders have been killed in Colombia since 2016, making it one of the countries with the highest numbers of human rights defenders killed worldwide. As of September, the Office of the UN High Commissioner for Human Rights (OHCHR) had documented killings of 58 human rights defenders in 2021 and was verifying another 34 cases.

On April 20, armed men killed Sandra Liliana Peña, an authority of the Indigenous Nasa community in the Laguna Siberia reserve in Cauca. Peña had received several threats by armed groups before her killing.

Most such killings have occurred in areas where illegal economic activities, such as drug production and trafficking, are common. These include Putumayo, Cauca, Valle del Cauca, and Nariño states in the south; the Catatumbo region, on the border with Venezuela; and the Bajo Cauca region.

Colombian law includes a broad range of policies, mechanisms, and laws designed to prevent abuses against human rights defenders and other people at risk. But implementation, especially of measures established under the 2016 peace accord, has often been poor. Collective protection programs created under the peace accord for at-risk communities and rights groups had not been implemented at time of writing.

The National Protection Unit has granted individual protection measures to hundreds of human rights defenders who have reported threats, providing cell-phones, bulletproof vests, and bodyguards. But many murdered defenders had not reported threats or requested protection.

The government has failed periodically to convene the National Commission of Security Guarantees, which is charged with designing policies to dismantle

armed groups responsible for killings of rights defenders. The commission has yielded limited results.

Threats to Judicial Independence

In August 2020, the Supreme Court ordered the pretrial arrest of then-Senator and former President Alvaro Uribe, as part of an investigation into whether he bribed former paramilitary fighters to change their testimonies about his alleged role in the creation of paramilitary groups.

In reaction, President Iván Duque, a protégé of Uribe, and other leaders from their Democratic Center party made statements apparently intended to smear or intimidate the court and undermine the legitimacy of the decision. Some of them proposed overhauling the entire court system.

Uribe resigned from the Senate, and the Supreme Court, which handles probes involving lawmakers, relinquished its jurisdiction over the case, sending the case to the Attorney General's Office. In August 2021, prosecutor Gabriel Jaimes requested that the case against Uribe be closed. A judicial decision remained pending at time of writing.

Peace Negotiations and Accountability

The peace agreement between the Colombian government and the FARC provided for the creation of an agency charged with seeking the bodies of people who disappeared during the armed conflict; a Special Jurisdiction for Peace (JEP), charged with trying abuses committed during the armed conflict; and a truth commission.

In 2021, the JEP made landmark strides in investigating and prosecuting war crimes and crimes against humanity, as well as in ordering the government to implement plans established in the peace accord to protect people at risk.

In February, the JEP ordered the government to take measures to protect at-risk former FARC fighters, including by strengthening its response to the Ombudsman's Office's early alerts.

Also in February, it charged members of the former FARC Secretariat—the top commanders—for their role in hostage-taking and related crimes, concluding

that the crimes were part of a FARC policy and amounted to crimes against humanity. In April, the FARC commanders acknowledged their responsibility for these crimes. Under the peace accord, defendants who fully cooperate with the JEP and confess to their crimes are subject to up to eight years of “restrictions on liberty,” but no prison time.

In April, the JEP recognized five LGBT persons as victims of abuses by FARC guerrillas and army soldiers, finding for the first time that gender-based persecution covers persecution based on sexual orientation and gender identity.

In July, the JEP charged several army officers for their role in extrajudicial executions, known as “false positive” killings, in the states of North Santander, Cesar, and La Guajira. Under pressure from superiors to show “positive” results and boost body counts, soldiers and officers abducted victims or lured them to remote locations under false pretenses—such as promises of work—shot them dead, placed weapons on their bodies, and reported them as enemy combatants killed in action. The JEP estimates that over 6,000 people were killed in “false positives” between 2002 and 2008.

At least 19 active and retired army soldiers who have testified before the JEP have faced threats and harassment.

In July, the Attorney General’s Office announced it was seeking homicide charges against General Mario Montoya Uribe, who headed the army when “false positives” reached their peak, between 2006 and 2008. But a judge in Bogotá ruled in August that only the JEP could charge Montoya for conflict-related crimes.

Former President Uribe said in August that Colombia needed a “general amnesty” and a “clean slate.” Later, he proposed cutting prison sentences for soldiers and allowing people convicted of a range of crimes to run for and hold public office—which could benefit many politicians who have been convicted of conspiring with paramilitary groups and other offenses. At time of writing, the proposed legislation had not been introduced in Congress.

The Truth Commission was required by law to present its findings in November 2021. But in July, Dejusticia, a rights group, asked the Constitutional Court to extend the deadline, saying the commission’s work had been hampered by the

Covid-19 pandemic. In October, the Constitutional Court gave the Truth Commission nine more months to release its findings.

Internal Displacement and Land Restitution

Of a population of 49 million Colombians, conflict-related violence has displaced more than 8 million since 1985, government figures show.

The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reported more than 60,000 people displaced between January and September 2021 in “mass displacements” of 50 or more people or 10 or more families—the highest figure recorded since 2012.

Municipalities and state governments often lack funding to assist displaced people, and the response from the national government has often been slow and insufficient.

Implementation of land restitution under the 2011 Victims’ Law continues to move slowly. The law was enacted to restore millions of hectares left behind by or stolen from internally displaced Colombians during the conflict. As of September 2021, the courts had issued rulings on only 12,300 of almost 133,000 claims filed.

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 crisis in Venezuela. As of August 2021, more than 1.8 million Venezuelans lived in Colombia.

In a landmark decision, in February, President Duque announced temporary protection to Venezuelans living in Colombia, granting them 10 years of legal status. The program remains open to Venezuelans who enter Colombia legally before June 2023.

Between March and April, more than 5,800 people, including Venezuelans and Colombians who had been living in Venezuela’s Apure state, fled to Colombia’s Arauca state, escaping fighting between armed groups and Venezuelan security forces, as well as abuses by security forces including arbitrary detention, torture, and extrajudicial executions.

As in previous years, thousands of mostly Haitian, Cuban, and African migrants crossed Colombia's Darien gap into Panamá on a journey that appeared to be bound for the United States. Many have reported abuses by armed groups while crossing the gap, including rape.

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.

Abortion in Colombia is legal when the life or health of the pregnant person is at risk, the pregnancy results from rape, or the fetus has conditions incompatible with life outside the womb. But women and girls seeking legal abortions face many barriers.

In September 2020, Causa Justa, a coalition of Colombian rights groups and activists, filed a lawsuit before the Constitutional Court, asking it to fully decriminalize abortion. The case remained pending at time of writing.

Despite Colombia's strong legal protections against discrimination on the basis of sexual orientation and gender identity, the human rights ombudsperson and civil society groups have raised concerns about the high levels of violence against LGBT people.

Indigenous Rights

Indigenous people in Colombia endure disproportionate levels of poverty that prevent them from exercising their social and economic rights. In 2021, at least 32 children under age five—the majority belonging to Wayuu Indigenous communities—died in La Guajira state of causes associated with malnutrition and limited access to safe drinking water. Inadequate government efforts to ensure adequate health care, water, and food and the Covid-19 lockdown have exacerbated the Wayuu malnutrition crisis.

Disability Rights

In 2019, Colombia adopted Law 1996, which recognizes full legal capacity for people with disabilities. Legal capacity is considered a threshold right because it is instrumental to enjoying other rights, including the right to marry, have a family, enter into financial transactions, and exercise political rights. In 2019, a law clinic and a private citizen challenged the constitutionality of Law 1996. The Constitutional Court rejected the lawsuits in March and August 2021.

Climate Policy and Impacts

Colombia's national plan to reduce greenhouse gas emissions is "highly insufficient" to meeting 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. Government figures registered more than 170,000 hectares deforested in 2020, though preliminary data indicates a decrease during the first trimester of 2021 in relation to the previous year.

Two-thirds of forest destruction occurs in the Amazon region, driven in large part by cattle ranchers and FARC dissident groups that pressure local residents to log trees, extort farmers, promote planting of coca crops to produce cocaine, and threaten people who support conservation efforts.

Two years after the government launched Operation Artemisa to combat deforestation, it has achieved limited results. In July 2021, Congress passed a government-sponsored bill expanding criminal penalties for illegal deforestation and other environmental crimes.

In November, at the global climate summit in Glasgow, COP26, the Colombian government [committed](#) to have 30 percent of the country's territory declared a protected area in 2022. The figure currently stands at 15 percent.

Climate change is causing increased temperatures and droughts—and could lead to extreme rainfall and flooding—requiring the government to take steps to protect at-risk populations from their foreseeable harm. The authorities' inadequate response to prolonged drought in the northeastern state of La Guajira has

undermined Indigenous Wayuu people's access to food and water, leading to high rates of childhood malnutrition deaths.

Key International Actors

The United States, the most influential foreign actor in Colombia, approved US\$461 million in aid to Colombia for fiscal year 2021. A portion of US military aid is subject to human rights conditions. But the US Department of State has not rigorously enforced this requirement. In July 2021, the State Department said Colombia had complied with human rights conditions by employing “effective methods” to prevent attacks against human rights defenders, which Human Rights Watch has found not to be true.

In January, the Inter-American Commission on Human Rights urged Colombia to protect investigative journalist Ricardo Calderón. The commission noted Calderón had been threatened, surveilled, and targeted for assassination, but that authorities had failed to hold those responsible to account.

In August, the Inter-American Court on Human Rights ruled Colombia was responsible for the 2000 kidnapping and rape of journalist Jineth Bedoya, while she was investigating rights violations committed in La Modelo prison in Bogotá. In a hearing in March, Colombia's representative requested recusal of most of the judges and left the hearing complaining of no “guarantees” of a fair trial. But the court rejected the recusal request, noting it seemed designed to undermine the work of the court.

In June, the Inter-American Commission visited Colombia to document abuses in the context of the 2021 demonstrations, concluding, in July, that police had committed “serious human rights violations,” and announcing a special mechanism to monitor the situation in Colombia.

In August, Colombia offered to host up to 4,000 at-risk Afghans temporarily to enable the US to process them for admission.

In October, the Office of the Prosecutor of the International Criminal Court closed its preliminary examination on Colombia after reaching a “cooperation agreement” with the government. Under the agreement, the government is required to

safeguard the JEP, ensure that it has an appropriate budget, and prevent any interference with its functions.

At the request of the government of then-President Juan Manuel Santos, the United Nations Security Council established a political mission in 2016 to monitor and verify implementation of the FARC peace accord. In May 2021, the Security Council expanded the mission's mandate to include the verification of compliance with the rulings issued by the JEP. In October 2021, the council extended the mission's mandate until October 2022.