

The State of the World's Human Rights; Colombia 2024

Despite peace talks and ceasefires, civilians continued to be affected by human rights violations and breaches of international humanitarian law caused by armed conflict, with Indigenous Peoples and Afro-descendant and peasant communities disproportionately affected. Enforced disappearances continued and searches remained challenging. Violence against human rights defenders was pervasive, despite measures by the government to improve protection. Comprehensive police reform remained pending. Violence against journalists, women and girls and LGBTI people was ongoing. There was controversy over the alleged use of spyware by security forces. Some progress was made in reparations and justice for violence at the hands of the armed forces, but impunity continued. There were concerns about the rights of Venezuelan refugees, despite some progress. The Escazú Agreement was deemed constitutional. The pension reform bill was enacted.

Background

According to the ICRC, eight non-international armed conflicts persisted in Colombia. Several armed groups expanded their presence in different regions of the country and armed confrontations escalated. The government's "Total Peace" policy remained in effect, facilitating ongoing negotiations between the government and various armed groups.

Negotiations between the government and the National Liberation Army (ELN) stalled in September, after the expiration of a ceasefire in August and an attack on a military base in Arauca department. Both parties met in November to discuss the resumption of negotiations. In September a formal agreement was announced for negotiations between the government and an armed group separate from the ELN, Southern Commoners. Meanwhile, in March, a ceasefire between the government and the Central General Staff (EMC) was suspended in Cauca, Valle del Cauca and Nariño departments, and negotiations fractured. Some factions of the EMC, under the name of General Staff of the Blocks and Fronts (EMBF), continued talks with the government and agreed a ceasefire in October. The Second Marquetalia also split up, with a faction now called the Bolivarian Army National Coordinator publicly expressing in November its willingness to continue negotiations with the government.

During the year, the government announced the start of negotiations with armed groups such as the Gaitanist Self-Defence Army (EGC) and the Sierra Nevada Conqueror Self-Defence Forces. Talks with other urban armed groups continued in the cities of Medellín, Quibdó and Buenaventura.

In March the UN International Expert on human rights called for the implementation of the 2016 Peace Agreement and for all negotiations and dialogues with armed groups to focus on human rights.

Violations of international humanitarian law

Violations of international humanitarian law were documented throughout the year, particularly impacting regions and departments such as Arauca, Caquetá, Cauca, Chocó, Magdalena Medio, Nariño, Putumayo and Valle del Cauca.

The Human Rights and Displacement Consulting Group (CODHES) documented 121 large-scale group forced displacements up to December, affecting at least 49,002 people. OCHA reported that at least 176,500 individuals had been forcibly displaced up to November.

CODHES also reported 90 instances of forced confinement up to December, affecting at least 195,447 people. OCHA claimed that forced confinement tactics were used by armed groups as social and territorial control mechanisms that negatively impacted affected communities' access to rights and services.

The Ombudsperson's Office reported 282 cases of child recruitment by armed groups up to early November. Meanwhile, Mine Action Area of Responsibility estimated that approximately 607,910 individuals could be at risk due to the presence of landmines or unexploded devices, or subject to confinement as a result.

Between January and 22 December, the Institute for Development and Peace Studies reported the killing of 31 former combatants who had signed the 2016 Peace Agreement.

Enforced disappearances

Between December 2016 and July 2024, the ICRC documented 1,730 new enforced disappearances and warned that, even though Colombia had strong institutions to deal with this issue, searches were still challenging.

Since its creation in 2017, the Search Unit for Missing Persons had found alive and identified 23 people up to June and, jointly with other institutions, had recovered 1,626 bodies, of which 375 were between January and June 2024.

A National Search System was launched in May, with the aim of coordinating the different institutions in charge of the search for missing people, including enforced disappearances.

In June, Congress passed a bill recognizing the work of women searching for forcibly disappeared people and establishing a set of measures to guarantee these women's rights, including to safety, a life free of violence, education, health, housing, justice, and others. At the end of the year, these women were still claiming their rights and demanding for the law to be fully implemented.¹

Human rights defenders

In June the Ministry of Interior issued a call for applications to the restructured Comprehensive Programme on Security and Protection for Communities and Organizations in the Territories. This collective protection initiative was aimed at enhancing the capacity of communities and organizations, with a specific focus on safeguarding human rights defenders.

In July the government and human rights organizations reactivated the Guarantees' National Roundtable, designed to facilitate dialogue between state institutions and civil society regarding the protection and promotion of the defence of human rights. In November, human rights organizations announced that the Roundtable had not met again because of postponements by some high-ranking officers who should have participated in the meetings.

Nevertheless, violence against human rights defenders remained widespread. The situation in departments and regions such as Antioquia, Arauca, Cauca, Magdalena Medio, Norte de Santander and Valle del Cauca was particularly concerning.²

The We Are Defenders Programme recorded 355 attacks against 318 human rights defenders between January and June, including killings, threats, arbitrary detention, torture, enforced disappearance, abduction and forced displacement – a 24% decrease in aggressions compared with the same period in 2023. Between July and September the programme recorded 205 attacks against 190 human rights defenders, a 23% increase compared with the same period in 2023. Between January and November the OHCHR reported 186 allegations of killings of human rights defenders

in Colombia, of which 80 cases had been verified, 11 were still under verification and 95 were inconclusive.

In March the Inter-American Court of Human Rights found Colombia responsible for a campaign of persecution against the Lawyers Collective “José Alvear Restrepo”. The court determined that from 1990 to at least 2005 various Colombian institutions conducted arbitrary intelligence activities targeting the collective and its members, violating their right to defend human rights, among others.

Discrimination

According to OCHA, as of March, 23% of the 8.3 million people with humanitarian needs resulting from the combined negative effects of the actions of armed actors, the loss of ancestral territories and climate change were Indigenous and Afro-descendant.

Indigenous Peoples and Afro-descendant communities continued to disproportionately suffer human rights violations and breaches of international humanitarian law. As of December, CODHES reported that at least 2,446 victims of large-scale group forced displacements were Afro-descendants living in collective territories under the authority of community councils. At least 8,336 Indigenous People who lived in reservations were also victims. As of 5 November, the Ombudsperson’s Office reported that 50% of the children recruited by armed groups were from Indigenous communities.

Violence against human rights defenders was predominantly concentrated in rural communities and disproportionately affected peasant, Indigenous and Afro-descendant defenders. The We Are Defenders Programme reported that of the 355 aggressions against human rights defenders recorded up to June, 111 had targeted Indigenous leaders, four had targeted Afro-descendant leaders, and 39 had targeted peasant leaders.

Civil society organization ILEX Legal Action and the UN Working Group of Experts on People of African Descent insisted that the methods of data collection on Afro-descendant people continued to marginalize those communities and hindered the development of more targeted policies to address inequalities, discrimination and racism.

Freedom of peaceful assembly

The NGO Temblores registered 78 cases of police violence in Colombia between January and June. Of those cases 19 involved action by the police during protests, the context in which police violence was most documented.

In August the Coalition for Police Reform called for the government to move forward with the comprehensive police reform promised since 2022. The coalition recognized that the government had opened dialogues several times and that steps had been taken to modify the regulations on the use of force, but it called for deeper reform within the police. The coalition presented a report on these issues to the Ministry of Defence and the police in November.

In September, several UN human rights experts expressed concern about the lack of truth, justice and accountability over the killings and other human rights violations committed during the 2021 National Strike.

Also in September, the Attorney General issued a directive with guidance on the prosecution of possible crimes committed during protests, outlining the applicable human rights standards. Meanwhile, police and military judges continued requesting cases of human rights violations against protesters to be handed over to the military justice system. In September, the Constitutional Court ruled that the case regarding the attack on Leidy Cadena had to remain within the ordinary criminal justice system.

Freedom of expression

In September, in compliance with an order issued by the Inter-American Court of Human Rights in the *Bedoya Lima v. Colombia* case, the government established the “It’s Not a Time to be Silent” Fund, intended to support prevention, protection and assistance programmes for women journalists who were victims of gender-based violence.

In the same month, President Gustavo Petro signed an executive order on the duties of authorities regarding freedom of expression including that of the press, aimed at enabling public debate and plurality of information. Despite this, throughout the year the Foundation for Freedom of the Press (FLIP) urged the president to de-escalate tensions with the media. In July, following confrontations between the president and a journalist, the Inter-American Commission on Human Rights called on the authorities to take appropriate measures to prevent violent discourse against the press and to ensure the protection of journalists from threats. In September, FLIP, along with the NGO El Veinte and a group of women journalists, filed for legal protection against stigmatizing statements by the president.

In February the Ombudsperson’s Office released the results of a survey of journalists indicating that 37% of respondents reported having been subjected to actions that posed a serious threat to their safety while performing their journalistic duties. FLIP recorded 524 attacks against journalists, including two killings, 213 threats and 72 cases of stigmatization.

Women’s rights

The Ombudsperson’s Office recorded 1,310 cases of violence against women in January and February. The Colombian Observatory on Femicides reported 815 cases from the beginning of the year up to November.

In September, the Peace and Reconciliation Foundation reported threats and increased violence by the armed group EGC against women in Chocó department, especially in the department’s capital Quibdó.

LGBTI people’s rights

LGBTI activists and human rights defenders continued to face threats and attacks because of their work. Violence against LGBTI people in general also continued. In December, the NGO Affirmative Caribbean reported that throughout the year a provisional figure of 44 LGBTI people had been killed, including 21 transgender women killed up to October.

Sexual and reproductive rights

In August, the health authorities published regulations granting access to abortion services until 24 weeks of pregnancy, as mandated by a 2022 Constitutional Court ruling. Nevertheless, in September organizations including Profamilia and Ríos Rivers reported the persistence of obstacles preventing access to abortion services, especially in rural municipalities and where people had fewer financial resources.

Unlawful targeted surveillance

A report by Israeli newspaper Haaretz initiated controversy around the alleged purchase in 2021 of Pegasus, highly invasive spyware that enables full and unrestricted access to a device, and its use in Colombia. In September the president reported having proof of the purchase. In November the

Colombian ambassador in the USA reported that the US government had confirmed having purchased Pegasus for use in anti-drugs operations in Colombia and that its use had been suspended in 2022. Authorities including the Ministry of Defence stated that they had not had access to the software. On several occasions members of the 2021 government denied the purchase.

Right to truth, justice and reparation

Throughout the year, various stakeholders called upon the Special Jurisdiction for Peace (JEP) to deliver its first rulings. They put particular emphasis on the rulings concerning the former Revolutionary Armed Forces of Colombia and its abduction policy, as well as the extrajudicial executions carried out by military personnel to falsely claim fulfilment of combat objectives. The president of the JEP and some victims' organizations called for the independence of the jurisdiction to be respected.

The JEP started implementing restorative, justice-based, early "proper sanctions", including those applicable to members of the military involved in extrajudicial executions. The State Crimes Victims' Movement and several human rights organizations called for greater, binding and more meaningful participation in their design and implementation.

In January, the government revoked the decorations of a former major general who was convicted for his involvement in the enforced disappearance of five individuals during the 1985 retaking of the Palace of Justice, an operation under his command.

In May, Congress passed a bill reforming the Victims' Reparation Law proposed by the Ombudsperson's Office.

In September the Kroc Institute for International Peace Studies reported that Colombia was probably not going to fulfil the commitments of the ethnic chapter or those relating to the ethnic approach in the 2016 Peace Agreement, given the rate of progress so far. The report also noted that less progress had been made on the ethnic-related commitments than the general ones.

In September, the president of the JEP reiterated concerns regarding the insufficient financial resources available for the implementation of "proper sanctions" against perpetrators who accepted early responsibility for crimes committed during the armed conflict.

Also in September, the first adversarial proceedings in the JEP started. The case involved a former colonel allegedly responsible for more than 70 extrajudicial executions carried out between 2002 and 2004 during his command of a battalion in Valledupar city, Cesar department.

Refugees' and migrants' rights

As of November, Migration Colombia reported the presence of 2.8 million Venezuelan nationals in the country. Among these, 2,086,436 individuals held regularized migratory status, 336,786 were awaiting the completion of the regularization process, and 384,943 had irregular migratory status.

In April the Constitutional Court reiterated that requiring Venezuelan nationals seeking recognition of refugee status to relinquish temporary regularization measures was unconstitutional.

In July, NGO Diverse Colombia insisted on the need to gather statistical information about LGBTI migrants in the country. The NGO reported that transgender Venezuelan people in Colombia faced significant obstacles to access regularization programmes using their chosen identity names and gender.

In September, many Venezuelan human rights defenders reported that they had received threats from armed groups while in Colombia.

Following a visit to the country in April, the Inter-American Commission on Human Rights, in its preliminary findings, acknowledged that Colombia had progressed in implementing certain integration and temporary protection policies for Venezuelans. However, the commission emphasized the urgent need to strengthen these measures.

The Inter-American Commission on Human Rights also expressed concerns regarding the absence of migratory and health authorities in municipalities near the Darién Gap, the border region between Panama and Colombia, which serves as a migratory route for individuals travelling northward through the Americas.

Right to a healthy environment

In April the Constitutional Court reviewed an application for legal protection filed by a peasant couple seeking recognition as victims of forced displacement due to a river flood. The court issued an order directing Congress to enact a legislative framework addressing displacement caused by environmental events, including those linked to climate change.

In August, the Constitutional Court ruled that the Escazú Agreement was in line with the Colombian constitution, paving the way for its ratification.

Economic and social rights

Congress rejected the health and education reform bills presented by the government in the first half of the year, while the pensions reform was enacted into law in July. Discussions on labour reform persisted throughout the year, with new bills on health and education announced during the second half of the year.

1. *Transforming Pain Into Rights: Risks, Threats and Attacks on Women Searchers in Colombia*, 3 December ↩
2. “Colombia: Investigate threats and attacks against defenders”, 23 February ↩