
Advance Unedited Version

Distr.: General
10 February 2021

Original: English

Human Rights Council

Forty-sixth session

22 February–19 March 2021

Agenda item 2

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Situation of human rights in Colombia

Report of the United Nations High Commissioner for Human Rights*

Summary

The present report of the United Nations High Commissioner for Human Rights describes the human rights situation in Colombia in 2020, focusing on security and human rights, civic space, access to justice and the fight against impunity, and inequalities in the enjoyment of economic, social and cultural rights, including in the context of the COVID-19 pandemic. The report also assesses the implementation of the human rights aspects of the peace agreement signed between the Government of Colombia and the Revolutionary Armed Forces of Colombia – People's Army. The report puts forward recommendations to contribute to improving the human rights situation.

* The present report was submitted after the deadline in order to reflect latest developments.

I. Introduction

1. This report assesses the human rights situation in Colombia between 1 January and 31 December 2020. As per the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, signed between the Government of Colombia and the Revolutionary Armed Forces of Colombia-Peoples' Army (FARC-EP)¹, the report also examines the implementation of human rights aspects of the peace agreement related to transitional justice, security guarantees, comprehensive rural reform and victims' rights.

2. In 2020, the activities of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Colombia were affected by the COVID-19 pandemic. OHCHR nevertheless continued to monitor the human rights situation and to provide technical assistance to a wide range of State institutions at the national, departmental and municipal levels. It conducted 183 field missions, and held 798 capacity-building activities for State institutions and civil society. OHCHR also collaborated with the special procedures of the Human Rights Council and the Inter-American human rights system.

II. Context

3. In response to the COVID-19 pandemic, the Government of Colombia issued two decrees, one in March and the other in May, declaring a nationwide economic, social and environmental state of emergency.² The preventive isolation ordered to address the health crisis impacted the rights to work, to an adequate standard of living and to education. The health emergency particularly affected populations already vulnerable, such as women and rural Afro-descendant and indigenous people, thereby deepening social inequalities.

4. OHCHR appreciates the measures taken by the State to incorporate a human rights-based approach in its response to the pandemic, reflected in several reports presented by the Government.³ OHCHR also values the sustained efforts of the Government to address the influx of nearly 1.8 million Venezuelan migrants since 2015.

5. Colombia continued to face endemic violence, despite a reduction of the national homicide rate from 25 to 23.7 per 100,000 persons from 2019 to 2020. In various parts of Colombia, there has been an intensification of violence and increased territorial and social control by non-state armed groups and criminal groups. The National Liberation Army (ELN) responded to the call by the United Nations Secretary-General of 23 March for a global ceasefire, but only for one month. The homicide rates for every 100,000 inhabitants reported by the National Police are particularly alarming in the departments of Cauca (53.71), Chocó (54.31), Putumayo (42.8) and Valle de Cauca (45.17).

6. The lack of a comprehensive State presence in these parts of the country limits the State's capacity to comply with its duty to protect the population, including the right to life, economic, social and cultural rights, access to justice and participation. OHCHR observed that an increased number of massacres and human rights violations against human rights defenders primarily occurred in municipalities with high levels of multidimensional poverty, where illicit economies that fuel endemic violence flourish.

7. By creating five Strategic Zones for Comprehensive Intervention,⁴ the Government has sought to start establishing a comprehensive State presence in these areas. The deployment of civilian institutions and authorities is crucial for the prevention of violence and expansion of human rights guarantees.

8. In 2020, the Integrated System for Truth, Justice, Reparation and Guarantees of Non-recurrence continued to make significant progress. However, OHCHR is concerned about persisting public statements questioning the suitability of the Integrated System institutions

¹ Peace agreement, points 3.4.3; 3.4.7.4.2; 5.1.2; 6.3.4 and 6.4.2.

² Decree 417 of 17 March 2020 and Decree 637 of 6 May 2020.

³ See <http://www.derechoshumanos.gov.co/Paginas/DDHH.aspx>.

⁴ Decree 2278 of 2019.

and their staff, and about the legislative proposals to abolish the Special Jurisdiction for Peace (JEP).

III. Security and human rights

A. Security situation and human rights

9. In 2020, OHCHR documented 76 massacres⁵, involving 292 deaths, including 23 women, six girls, 18 boys, seven indigenous people and 10 Afro-descendants. Five additional cases are still in the process of being documented. In 66 per cent of the cases, the alleged perpetrators were criminal groups. The number of massacres has grown constantly since 2018, with 2020 recording the highest number since 2014. The departments most affected were Antioquia, Cauca, Nariño and Norte de Santander, with 62 per cent of the incidents. The Government informed OHCHR that it had established a special unit to coordinate the State response to these cases.

10. The United Nations Verification Mission in Colombia (UNVMC) also verified the killing of 73 former members of FARC-EP, amounting to a total of 248 of such homicides since the signing of the peace agreement in November 2016.⁶ On 17 August, the United Nations System in Colombia and UNVMC issued a joint statement⁷ expressing concern at the occurrence of massacres and the continuous killings of human rights defenders, social leaders and former FARC-EP fighters.

11. In 2020, according to the Office for the Coordination of Humanitarian Affairs⁸, violence had caused 94 mass displacements, involving 25,366 people, 76 per cent of these occurring in Antioquia, Chocó and Nariño. Moreover, according to the same source at least 74,312 people have been subject to confinement -unrelated to the pandemic- by the restrictions imposed on the movement of populations by non-state armed actors and criminal groups.

12. OHCHR is concerned about the lack of progress in the adoption of a public and criminal policy - as foreseen in the peace agreement - to dismantle criminal organizations, including those referred to as successors of paramilitarism and their support networks⁹. While the National Commission on Security Guarantees (mandated under the peace agreement to develop this policy) convened meetings,¹⁰ to date, the Government and civil society actors represented in that entity did not agree on a policy. The Government suggested that existing public policies are sufficient, while civil society elaborated and proposed a new set of "Public Policy guidelines for the dismantling of criminal groups in accordance with Decree 154 of 2017"¹¹ for consideration by the Commission.

13. The effective implementation of the early warning system of the Office of the Ombudsman would significantly contribute to the prevention of violence. Several massacres and homicides committed in 2020 occurred despite the risks identified by the Ombudsman. OHCHR reiterates the importance of the Inter-institutional Commission established by the Office of the Ombudsman and the Office of the General Procurator (Procuraduría General de

⁵ For more information on what OHCHR defines as a massacre, see E/CN.4/2001/15, para. 88; and E/CN.4/2000/11, para. 27.

⁶ S/2020/943, para. 46.

⁷ See <https://www.hchr.org.co/files/comunicados/2020/Comunicado-conjunto-ONU-Agosto-17-2020.pdf>.

⁸ See https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/in_fografia_situacion_humanitaria_ene-dic_2020_vf.pdf.

⁹ See peace agreement, point 3.4.3.

¹⁰ Created by Decree 154 of 2017, as part of the implementation of point 3.4.3 of the peace agreement.

¹¹ See <http://es.presidencia.gov.co/normativa/normativa/DECRETO%20154%20DEL%2003%20FEBRERO%20DE%202017.pdf>.

la Nación), in 2020, to monitor responses to the early warning recommendations, and of its commitment to continue advising the State on the coordination of a more impactful response.

B. Violations by public security forces and prison authorities

14. OHCHR welcomes the ongoing dialogue with the Ministry of Defence on cases of alleged human rights violations by the military and the police and reiterates its willingness to continue this dialogue and provide technical assistance.

15. OHCHR received allegations about 42 cases¹² of arbitrary deprivation of life involving public security forces and prison authorities, which resulted in the death of 73 people, including two women, seven boys, three indigenous people, five Afro-descendants and two LGBTI persons. The police was allegedly implicated in 30 cases, involving 37 victims; the military, allegedly in 11 cases, with 13 victims; and in one case, prison authorities were allegedly responsible for 23 deaths. Thirty-eight of the 42 cases occurred during military and police operations and four while victims were in State custody. Thirteen of the 42 incidents occurred in the context of protests. The Office of the Attorney General initiated investigations in all cases.

16. Of the 38 cases related to military and police operations, 11 occurred when the military were participating in prevention and law enforcement activities, executing arrest and search warrants, or engaged in the eradication of illicit crops and the fight against criminal groups. OHCHR reiterates that the participation of the military in such operations should be exceptional, justified, temporary, restricted, and subordinated and complementary to the work of civilian authorities.¹³ Moreover, military personnel participating in law enforcement operations should be considered as law enforcement officials subject to international human rights norms and standards on the use of force.¹⁴

17. In the four incidents registered under State custody in prisons or provisional detention centres, 33 persons lost their lives. In one of these cases, on 21 March, 23 prisoners died at the prison La Modelo, Bogotá, due to the alleged disproportionate use of force by prison guards during a riot. The other three cases occurred in Arboletes (Antioquia), Cúcuta (Norte de Santander) and Soacha (Cundinamarca), inside three Immediate Attention Centres of the National Police where, according to the information obtained, 10 people died, including eight who burnt in their cells.

18. OHCHR documented three cases of torture and ill-treatment allegedly perpetrated by members of the police and the military in Antioquia, Cesar and Guaviare. In one case, a young victim was tortured allegedly because he was homosexual.

19. OHCHR welcomes the Ministry of Defence's zero-tolerance policy with regard to sexual violence and highlights the need for its urgent implementation, in light of documented cases involving members of the military and the police in Nariño, Risaralda and Valle del Cauca in 2020. OHCHR notes that, in two of these cases, the victims were three indigenous girls (one in Risaralda and two in Nariño).

20. OHCHR received allegations - publicized in national media - about the irregular use of military intelligence capabilities against 130 people, including surveillance of politicians, judges, journalists and human rights defenders. The State indicated it had taken administrative and disciplinary measures, including changes in the chain of command and

¹² In 13 departments: Antioquia, Atlántico, Arauca, Bolívar, Cauca, Cesar, Cundinamarca, Huila, Magdalena, Nariño, Norte de Santander, Putumayo and Valle del Cauca.

¹³ See Inter-American Court of Human Rights, Case of Alvarado Espinoza et al. v. Mexico. Judgment of November 28, 2018. Executive summary, available at: http://www.corteidh.or.cr/docs/casos/articulos/resumen_370_esp.pdf; A/HRC/31/66; Basic Principles on Use of Force and Firearms by Law Enforcement Officials, arts. 4, 5 and 6; United Nations Code of Conduct for Law Enforcement Officials, articles 1 and 3.

¹⁴ See Comments a) and b) to art. 1 of the United Nations Code of Conduct for Law Enforcement Officials.

the dismissal of 12 officials, and had referred the investigation to the relevant judicial authorities.

IV. Civic space

A. Situation of human rights defenders

21. Defending human rights remains a high-risk activity in Colombia. In 2020, OHCHR registered the killing of 133 human rights defenders. Due to restrictions related to the pandemic, OHCHR was only able to document 53 of these cases¹⁵ and continues to verify 80.¹⁶ Of the documented cases, 9 per cent of the victims were women, 21 per cent were indigenous peoples, and 4 per cent were Afro-descendants.

22. The killings of human rights defenders occurred primarily in areas with insufficient State presence: 72 per cent of cases occurred in Cauca, Chocó, Norte de Santander, Putumayo and Valle del Cauca¹⁷; 77 per cent in rural areas; 91 per cent in municipalities with high levels of multidimensional poverty; 94 per cent in municipalities where the homicide rate indicates the existence of endemic violence; 96 per cent in municipalities where illicit economies flourish; 85 per cent in departments where the United Nations Office on Drugs and Crime identified “enclaves of cocaine production”.

23. Of the verified cases, 25 per cent were reportedly committed by criminal groups, 15 per cent by FARC dissident groups, 13 per cent by ELN, and 4 per cent by the police or military.

24. OHCHR also received information about 795 threats and attacks¹⁸ against human rights defenders; 67 per cent of the victims were men; 26 per cent were women; and 2 per cent were LGBTI persons; 44 per cent of the cases occurred in rural areas; 14 per cent in Bogotá; and 42 per cent in other urban areas. The highest number of cases was reported in Bogotá and Cauca. In 2020, the Foundation for Press Freedom (FLIP) registered 449 violations against journalists, including 152 threats¹⁹, and OHCHR documented the killing of two journalists.

25. OHCHR appreciates the efforts of the Office of the Attorney General to investigate reports of attacks against human rights defenders. It noted progress with the investigation of 47 per cent of the cases that occurred in 2020 and 64 per cent of the cases that occurred between 2016 and 2019²⁰. OHCHR welcomes the 20 convictions achieved in 2020 against those who killed human rights defenders; while another 97 cases awaited adjudication as at December 2020. While welcoming the arrest of the intellectual author in 10 cases of attacks against human rights defenders in 2020, OHCHR is concerned about persistent challenges in the identification and prosecution of intellectual authors and underscores the need to dismantle the criminal structures behind them.

26. The Ministry of the Interior’s National Protection Unit continued to receive numerous requests for protection measures, and OHCHR recognizes its efforts to respond to these demands; in 2020, the National Protection Unit assigned protection measures to 3,749 human rights defenders and social leaders. However, delays in the notification of decisions and

¹⁵ OHCHR focuses its observation on two factors: the victim’s work in the defence of human rights, as per Human Rights Council resolution 53/144, and whether the main hypothesis behind the killing is connected to such activity.

¹⁶ Other figures show a rising trend. According to the Office of the Ombudsman, 139 human rights defenders were killed in 2020 (134 in 2019), while Somos Defensores (a group of non-governmental organizations) recorded 135 victims.

¹⁷ In the past three years, Antioquia and Cauca have reported the highest number of killings of human rights defenders.

¹⁸ Those attacks refer to cases of disappearances, kidnappings, surveillance, stigmatization and attacks against their lives.

¹⁹ See <https://www.flip.org.co/index.php/es/atencion-a-periodistas/mapa-de-agresiones>.

²⁰ See <https://www.fiscalia.gov.co/colombia/informe-sobre-victimizacion-a-personas-defensoras-de-derechos-humanos/>.

implementation of the protection measures, and issues about their suitability, especially in rural areas, increased risks for human rights defenders. In 2020, four human rights defenders were killed in four departments despite protection measures.

27. The Risk Assessment and Recommendation of Measures' Committee (CERREM) for women should be strengthened and the protocol contained in the Comprehensive Programme of Guarantees for Women Leaders and Human Rights Defenders should comprehensively apply to guarantee the incorporation of gender, ethnic, inter-sectoral and territorial dimensions.

28. Moreover, greater coordination between national, departmental and municipal level institutions is critical, in consultation with communities, to implement collective protection measures that address structural risks, and to strengthen and complement the communities' self-protection measures.

29. OHCHR also urges the Office of the Procurator General to rigorously apply its "Guidelines for the effective protection of the rights of human rights defenders, political and social leaders and their organizations", set out in its Directive 002 of 2017.

30. OHCHR recommends the continuity of mechanisms such as the Roundtables for Life, the Leading Life Campaign and the Summit for Social Dialogue, which provided the opportunity for local human rights defenders to engage with authorities on fulfilling the State obligations to ensure their protection.

B. Right of peaceful assembly

31. On 9 September, a man died due to excessive use of force by the police in Bogotá, leading to two days of protests against police violence, some of which spiraled into riots. Several police officers responded with force, using their weapons, including lethal ones²¹. According to the Bogotá District Oversight (Veeduría Distrital), these actions resulted in 11 victims of arbitrary deprivation of life.²² OHCHR also recorded 581 persons injured, including 61 by firearms; 56 per cent of the injured were members of the public, and 44 per cent were police officers.

32. OHCHR received information indicating that, during these incidents, 10 human rights defenders wearing vests clearly identifying them as such, were transferred to temporary detention centres, and two were allegedly physically assaulted. Additionally, OHCHR recorded two incidents of sexual violence allegedly committed by police officers in two Immediate Attention Centres of the National Police during the protests, and six cases of physical attacks by the police against journalists covering the protests.

33. On 22 September, the Civil Chamber of the Supreme Court of Justice issued a judgment instructing measures to guarantee the right of peaceful assembly, and highlighting the "systematic, violent and arbitrary intervention by the public force during protests."²³ It ordered the Ministry of Defence to apologize for the "excessive force used by the Police's Mobile Anti-Riot Squad (ESMAD) during the protests that began on 21 November 2019"; to form a working group to reform the regulations on the use of force; to incorporate mandatory compliance with relevant international and national standards into existing norms; within a period of no more than six months, to publicly explain the incidents during which the use of lethal weapons or other violent actions led to violations of the right to life and integrity; and to suspend the use of 12-gauge rifles.

34. On 24 September 2020, the Administrative Tribunal of Cundinamarca ordered a provisional measure to establish a working group, to produce a report with measures to address the incidents of 9 and 10 September and prevent their re-occurrence. On 5 October,

²¹ See para. 15.

²² See

[https://www.veeduriadistrital.gov.co/sites/default/files/files/Publicaciones%202020/Informe_El%2009%20y%20el%2010%20de%20septiembre%20en%20Bogota%20\(29092020\)%20VF.PDF](https://www.veeduriadistrital.gov.co/sites/default/files/files/Publicaciones%202020/Informe_El%2009%20y%20el%2010%20de%20septiembre%20en%20Bogota%20(29092020)%20VF.PDF).

²³ See <https://cortesuprema.gov.co/corte/index.php/2020/09/22/corte-suprema-ordena-medidas-para-garantizar-derecho-a-protesta-pacifica/>.

the Tribunal ordered the Government to develop a protocol including urgent measures to guarantee the right of peaceful assembly.

35. OHCHR subsequently engaged with the Ministry of Defence, offering technical assistance to prevent cases of disproportionate use of force and guarantee the right of peaceful assembly. On 9 November 2020, during a meeting with the Presidential Adviser on Human Rights, OHCHR offered technical assistance to the working group created in response to the judgment of the Supreme Court to reform the protocols on the use of force in accordance with international standards.

V. Access to justice and fight against impunity

A. The Integrated System for Truth, Justice, Reparation and Non-recurrence

36. On 22 October, the High Commissioner met the heads of the Integrated System for Truth, Justice, Reparation and Non-recurrence, acknowledging “the significant achievements of these institutions, as well as the courage of all those who continue to work for the truth to be known”²⁴.

37. The Integrated System advanced in the implementation of its mandate despite restrictions related to the pandemic. Anticipating an increase in deaths due to COVID-19, the Special Unit for the Search for Persons deemed as Missing in the Context of the Armed Conflict (UBPD) made recommendations to public cemeteries and morgues to prevent unidentified bodies from disappearing or being physically damaged, mixed up or dispersed. Despite the health emergency, victims and those who have submitted themselves to the jurisdiction of JEP continued to participate in the Integrated System. However, the participation of many was limited due to lack of connectivity or distrust of virtual channels.

38. OHCHR welcomes the coordination between the mechanisms of the Integrated System. The precautionary measures ordered by JEP to protect public and clandestine burial sites in Antioquia, Caldas, Cesar, Huila and Sucre required the mechanisms to work together to protect the bodies of possible victims of enforced disappearance and extrajudicial executions and ensure their identification and dignified return to their relatives. The measures also involved local authorities, the Office of the Attorney General and the National Institute for Forensic Medicine, including in identification, delivery of information and accountability. This coordination contributed to alleviate the pain and uncertainty faced by the families of victims.

39. OHCHR recognizes the significant efforts of the Integrated System to promote accountability and fulfill victims’ rights. Thereby, it is dismayed by public statements seeking to discredit the impartiality and independence of these institutions and those who are part of the Integrated System, putting them at risk. Victims who participate in the System and those who submitted to the jurisdiction of JEP are also at risk. OHCHR is also concerned about draft legislation seeking the termination of JEP, introduced to Congress in October 2020²⁵. The proposed abolition of a core institution of the peace agreement seriously endangers victims’ rights to truth, justice and reparation.

40. OHCHR is concerned that the high levels of violence affect participation in the Integrated System by victims, their representatives and those who submitted to the jurisdiction of JEP. Coordination between the Integrated System and the Office of the

²⁴ See <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26411&LangID=E>.

²⁵ See <http://leyes.senado.gov.co/proyectos/index.php/proyectos-de-acto-legislativo/cuatrenio-2018-2022/2020-2021/article/24-por-el-cual-se-deroga-la-jurisdiccion-especial-para-la-paz-y-se-dictan-otras-disposiciones> and <http://leyes.senado.gov.co/proyectos/index.php/proyectos-ley/cuatrenio-2018-2022/2020-2021/article/328-por-el-cual-se-deroga-la-ley-estatutaria-de-la-jurisdiccion-especial-para-la-paz>.

Attorney General, the judiciary, security bodies and other relevant State institutions would enhance the implementation of security measures to guarantee their protection.

1. Special Jurisdiction for Peace

41. More than 300,000 victims have been accredited by JEP, which reflects a high level of interest in participating in its proceedings. The over 300 reports submitted to JEP by victims and State institutions have been a crucial source of information for the implementation of its mandate. OHCHR welcomes the extension of the deadline to enable the presentation of reports to JEP until September 2021²⁶ and urges the prioritization of additional macro-cases, notably those involving sexual violence, enforced disappearances and forced displacement.

42. OHCHR recalls that any benefits granted to those who submit to the jurisdiction of JEP should contribute to the realization of victims' rights, ensuring the centrality of victims as foreseen in the peace agreement.

2. Commission for the Clarification of the Truth, Coexistence and Non-recurrence

43. In 2020, the Commission for the Clarification of the Truth, Coexistence and Non-recurrence (CEV) advanced in fulfilling the rights to truth and non-recurrence.²⁷ This is reflected in the 220 hearings and social dialogue; the acts of dignification and recognition of victims, involving the participation of 4,700 persons (62 per cent of women and 38 per cent of men); and the individual and collective testimonies from 19,809 persons. These spaces have contributed to the acknowledgement of responsibility for human rights violations and breaches of international humanitarian law. FARC-EP recognized its responsibility for kidnappings and child recruitment. The statements by former paramilitary Salvatore Mancuso about his responsibility, and that of the State, in the killing of indigenous leader Kimy Pernía, and by former FARC-EP commanders about their responsibility in the killing of political leader Álvaro Gómez Hurtado and other crimes of national importance sparked contentious public debates.

44. The fight against impunity requires guaranteeing the right to truth.²⁸ All sectors of society, including the business, military and political sectors, should urgently provide any relevant information they have to allow CEV to fulfill its mandate, which will end in November 2021. OHCHR also calls on State institutions to urgently provide the most complete and detailed information to CEV.²⁹

3. Special Unit for the Search for Persons deemed as Missing in the Context of the Armed Conflict

45. The capacity of the State to fulfill its obligation to guarantee victims' rights in the case of missing persons will depend on the effectiveness of the search process, in which UBPD faces historical challenges. After a review of the search methods used by the Office of the Attorney General and the National Institute for Forensic Medicine, UBPD was able to identify the obstacles faced by these institutions in the past in relation to coordination, cooperation and data exchange for the identification of recovered bodies, which enabled it to advance in the search process.

46. UBPD made significant progress in 2020, particularly with the launch of its National Search Plan and the inauguration of its Advisory Board, which includes victims' and forensic organizations. It also began to implement a strategy to determine the total number of disappeared persons by crosschecking the databases of the National Registry of Missing People and the National Centre for Historic Memory. UBPD also implemented 18 regional

²⁶ See <https://www.jep.gov.co/institu/Sala-de-Prensa/Paginas/JEP-ampl%C3%ADa-el-plazo-para-que-las-organizaciones-de-v%C3%ADctimas-entreguen-sus-informes.aspx>.

²⁷ See <https://undocs.org/es/A/HRC/24/42>.

²⁸ See <https://undocs.org/pdf?symbol=es/A/RES/68/165>.

²⁹ See <https://comisiondelaverdad.co/actualidad/noticias/comision-verdad-barreras-para-acceso-informacion-que-enfrenta>.

plans³⁰ to search for 807 missing persons, and identified 63 possible sites. In the context of the Regional Search Plan for the Magdalena (Caldas region), UBPD took 182 biological samples from families of persons deemed missing.

B. Victims and Land Restitution Law

47. OHCHR welcomes the extension for 10 years of the Victims and Land Restitution Law (Law 1448 of 2011), the increase in the budget of the Unit for Victims and the advances in victim care. The extension of the law is an opportunity to advance in the reparation and restitution through efficient coordination with the Integrated System and adequate implementation of the peace agreement, particularly the Development Plans with a Territorial Approach (PDET).

48. Thus far, the land restitution policy has included 6,153 judicial rulings –including 19 for ethnic people - in response to 11,786 administrative requests presented by victims since 2012, benefitting 74,812 persons. Close to 39,939³¹ restitution requests have yet to be decided upon. OHCHR encourages the State to accelerate the effective realization of the right to land restitution, especially the compliance with the judicial rulings.

C. Access to justice

49. The judiciary plays a crucial role in the protection of human rights. The 115 rulings of the Constitutional Court on the constitutionality of the legislative decrees issued by the Government to address the health emergency³² are worth noting. The recent ruling³³ by the Supreme Court of Justice on the right of peaceful assembly illustrates the incorporation of international standards and recommendations on the protection of human rights. The 2020 rulings by the Council of State to protect vulnerable eco-systems, such as the river basins in Tolima or the bay of Cartagena, were also valuable. Moreover, the Constitutional Court has repeatedly called for guaranteeing the rights of the prison population, but challenges persist and were exacerbated by the pandemic, particularly high levels of overcrowding and access to the right to health. The Decree 546 benefitted 989 out of 4,000 potential beneficiaries³⁴.

50. To break the cycles of impunity that foster violence, access to justice must be guaranteed for all, including in rural areas. OHCHR continued to observe the limited presence of the Office of the Attorney General in rural areas of Amazonas, Antioquia, Arauca, Caquetá, Cauca, Chocó, Guaviare, Meta, Nariño and Norte de Santander. The reduced number of judicial police officers, delays in processing evidence and the excessive prosecutorial workloads are affecting access to justice. In 40 per cent of the homicides in Arauca, the removal of the bodies was carried out by funeral homes.³⁵

51. Former paramilitary leaders imprisoned outside Colombia began to return in 2020. The judiciary should continue to investigate and prosecute unsanctioned crimes and the State should continue to take necessary action to prevent released former paramilitaries from evading their responsibilities in Colombia. This will contribute to guaranteeing victims' rights to truth, justice and reparation.

³⁰ The regional plans cover the Pacific coast regions, Arauca, Antioquia, Casanare, Meta, Cundinamarca, Cesar, Huila, Caquetá, Nariño, Sucre and Valle del Cauca.

³¹ Unit for Land Restitution, report delivered to OHCHR on January 8.

³² See para. 4.

³³ See para. 33.

³⁴ See

<https://dapre.presidencia.gov.co/normativa/normativa/DECRETO%20546%20DEL%2014%20DE%20ABRIL%20DE%202020.pdf>.

³⁵ Office of the Attorney General, Seccional Arauca. *Apreciación delictiva semanal*. Week 43: 23 to 29 October. October 2020.

VI. Economic, social, cultural and environmental rights

A. Inequality and corruption

52. The pandemic triggered a decrease of the gross domestic product by 9 per cent in the third quarter of 2020 compared to the same period in 2019.³⁶ The multidimensional poverty index (MPI) in 2019 was already 17.5 per cent, 1.6 per cent lower than 2018;³⁷ while the Gini coefficient went from 0.518 in 2018 to 0.526 in 2019.³⁸ According to the Economic Commission for Latin America (ECLAC), and based on an analysis in 15 countries, Colombia remains one of the two countries with the highest levels of inequality in the region. ECLAC determined that the Gini coefficient could increase to 2.9 per cent due to the crisis generated by the pandemic and notes that women are particularly vulnerable, given their overrepresentation in the informal labour market.³⁹

53. OHCHR acknowledges the measures taken by the Government to address the impact of the pandemic on economic and social rights, such as allocating resources to small businesses for payroll support; expanding programmes to protect formal employment; and initiating the Productive Alliances for Life programme that will prioritize rural women and youth working in the farming sector.

54. OHCHR also welcomes the agreement between the Office of the Attorney General, the Office of the Procurator General and the Office of the Comptroller General to implement the Transparency for the Emergency⁴⁰ programme, a coordinated effort to oversee the public resources used to address the health emergency and ensure their adequate allocation. Under this agreement, the Office of the Attorney General reported that it had indicted 14 mayors and initiated investigations for embezzlement against the governors of Amazonas, Arauca, Bolívar, Casanare, Cesar, Chocó, Guaviare, Magdalena, San Andrés, Sucre, Tolima, Valle del Cauca, Vaupés and Vichada (43.75 per cent of the country's governors).⁴¹ The impact of corruption on economic, social and cultural rights in these departments is particularly serious as the MPI is higher than the national average in 78.57 per cent of them. The Office of the Comptroller General announced that it had evidence of cost overruns in contracts, amounting to USD 150 million.⁴² The Office of the Procurator General also initiated 813 disciplinary proceedings in 27 governors' offices and 396 mayors' offices related to alleged embezzlement of public resources allocated to the health emergency.⁴³

³⁶ Preliminary figures of the National Department of Statistics (DANE) available at <https://www.dane.gov.co/index.php/estadisticas-por-tema/cuentas-nacionales/cuentas-nacionales-trimestrales>.

³⁷ DANE, <https://www.dane.gov.co/index.php/estadisticas-por-tema/pobreza-y-condiciones-de-vida/pobreza-y-desigualdad/pobreza-monetaria-y-multidimensional-en-colombia-2019>.

³⁸ DANE, https://www.dane.gov.co/files/investigaciones/condiciones_vida/pobreza/2019/Boletin-pobreza-monetaria_2019.pdf.

³⁹ ECLAC, https://repositorio.cepal.org/bitstream/handle/11362/45527/5/S2000325_es.pdf.

⁴⁰ See <https://www.procuraduria.gov.co/portal/Procuraduria-adelanta-813--procesos-disciplinarios-en-27-gobernaciones-y-396-alcaldias-por-presuntas-irregularidades--con-los-recursos-para-atender-la-emergencia-sanitaria-por-covid-19---news>.

⁴¹ See <https://www.fiscalia.gov.co/colombia/noticias/fiscalia-general-de-la-nacion-imputara-y-solicitar-medidas-de-aseguramiento-contr-10-alcaldes-citara-a-interrogatorio-en-calidad-de-indiciados-a-3-alcaldes-mas-y-a-3-gobernadores/> and <https://www.fiscalia.gov.co/colombia/fiscal-general-de-la-nacion/fiscalia-general-de-la-nacion-imputara-al-gobernador-suspendido-de-choco-cuatro-alcaldes-dos-oficiales-y-un-suboficial-del-ejercito-nacional-por-presuntas-irregularidades-de-contratacion-durante-la/>.

⁴² See <https://www.contraloria.gov.co/contraloria/sala-de-prensa/boletines-de-prensa/boletines-de-prensa-2020>.

⁴³ See <https://www.procuraduria.gov.co/portal/Procuraduria-adelanta-813--procesos-disciplinarios-en-27-gobernaciones-y-396-alcaldias-por-presuntas-irregularidades--con-los-recursos-para-atender-la-emergencia-sanitaria-por-covid-19---news>.

B. Inequality and discrimination

55. Before the pandemic, the Colombian population was already facing structural barriers hindering the full enjoyment of the rights contained in the International Covenant on Economic, Social and Cultural Rights. The percentage of people living in multidimensional poverty was 2.8 times higher in rural than urban areas in 2019;⁴⁴ the percentage of rural households without access to drinking water was 14.7 times higher than in urban areas. While the national illiteracy rate decreased by 2.1 per cent, in rural areas it was 3.4 times higher than in urban areas.⁴⁵ The multidimensional poverty index was 18.9 per cent for female-headed households, compared to 16.6 per cent for households headed by men.⁴⁶

56. The national unemployment rate between September and November 2020 was 14.6 per cent, a 4.8-point increase compared to the same quarter in 2019.⁴⁷ Gender inequality with respect to the right to work also increased.⁴⁸ The unemployment rate for men for that quarter was 10.9 per cent, while it was 19.6 per cent for women.⁴⁹ In 2019, the difference between the unemployment rates for men and women for the same quarter was of five per cent.⁵⁰ Unemployment and the level of gender inequality in 2020 were the highest in the past 10 years.⁵¹ The Government informed OHCHR that it had taken regulatory measures to address gender inequality in the workplace.⁵²

57. The pandemic has deeply exacerbated the precarious right to health situation. The Government allocated additional resources to the health sector and increased the capacity of hospitals and intensive care units in several departments. However, OHCHR is concerned that disparities related to the availability, accessibility, acceptability and affordability of health services, observed in previous years,⁵³ continued to affect the low-income population and women and people living in rural areas, including indigenous and Afro-descendant peoples. OHCHR appreciates the willingness of the Ministry of Health and Social Protection to have a dialogue to find solutions based on a human rights approach.

58. The Amazonas department, with a 57.7 per cent indigenous population, experienced the highest COVID-19 infection and mortality rates.⁵⁴ The San Rafael hospital of Leticia, the city's only public hospital, received support from the Ministry of Health⁵⁵ after complaints about the precarious situation of the facilities and lack of supplies. The inhabitants of remote indigenous communities have no access to health services. The Hitnü (Arauca) and Barí (Norte de Santander) peoples experience similar obstacles to access the right to health, including lack of access to adequate nutrition. Acute malnutrition among children under the age of five has led to preventable and treatable diseases among children. It is only in

⁴⁴ DANE, https://www.dane.gov.co/files/investigaciones/condiciones_vida/pobreza/2019/Presentacion_rueda_de_prensa_ECV_e_IPM_2019.pdf.

⁴⁵ DANE, https://www.dane.gov.co/files/investigaciones/condiciones_vida/pobreza/2019/Presentacion_rueda_de_prensa_ECV_e_IPM_2019.pdf.

⁴⁶ DANE, <https://www.dane.gov.co/index.php/estadisticas-por-tema/pobreza-y-condiciones-de-vida/pobreza-y-desigualdad/pobreza-monetaria-y-multidimensional-en-colombia-2019#pobreza-multidimensional-nacional-y-departamentos>.

⁴⁷ https://www.dane.gov.co/files/investigaciones/boletines/ech/ech/bol_empleo_nov_20.pdf

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Ministry of Finance and Public Credit, Decree 810 of 4 June 2020.

⁵³ A/HRC/43/3/Add.3, para.63; A/HRC/37/3/Add.3, para.52.

⁵⁴ As of 29 December, Amazonas had the fifth rate of infection (4,100.2 cases per 100,000 inhabitants) and the highest mortality rate (1,581.9 per million inhabitants) in Colombia. See: <https://www.paho.org/es/documentos/reporte-situacion-covid-19-colombia-no-202-29-diciembre-2020>.

⁵⁵ See <http://www.derechoshumanos.gov.co/Paginas/DDHH.aspx>.

September 2020 that COVID-19 prevention programmes with the Hitnū people started to be implemented.

59. In Chocó, a department with a majority ethnic population (70 per cent Afro-descendant and 15 per cent indigenous), only two hospitals⁵⁶ serve 520,296 inhabitants.⁵⁷ Both are located in the capital city of Quibdó, making access almost impossible for the rural population, who must travel for days to arrive in the city. In addition, there is limited access to drinking water in the whole department. In January, five Wounaan indigenous children died of diarrheal disease and acute respiratory infection associated with sanitation and nutrition problems.⁵⁸ The municipalities on the coast of the departments of Cauca, Nariño and Valle del Cauca face similar problems regarding the rights to health and drinking water.

60. OHCHR is concerned about the lack of labour rights guarantees for healthcare professionals, especially women, who comprise three quarters of the personnel.⁵⁹ In 2017, the Committee on Economic, Social and Cultural Rights had already expressed concern about the lack of medical supplies in hospitals, a problem that became more evident during the pandemic.⁶⁰ In June, the Health Superintendent informed that the health personnel in Chocó were owed up to five months of salary.⁶¹ As of December, they were still owed four months of salary.

61. According to the Office of the Procurator General, the debt in salaries and benefits in the Rosario Pumarejo hospital in Valledupar (Cesar) was affecting health care workers' right to a living wage.⁶² OHCHR observed a lack of payment and biosecurity guarantees in the Eduardo Arredondo Daza hospital of Valledupar (Cesar), the San Rafael hospital of Leticia (Amazonas) and the Erasmo Meoz university hospital in Cúcuta (Norte de Santander). Alleged corruption in the Erasmo Meoz hospital, where resources were reportedly used for personal gain, also affected the right to health.

C. Comprehensive Rural Reform

62. OHCHR observed progress in some components of the Comprehensive Rural Reform agenda, including the addition of more than one million hectares in the Land Fund since it began operating.⁶³ However, since 2018, only 63,480 hectares of these lands have been delivered to 4,750 families.⁶⁴

63. OHCHR highlights the importance of the "Population-based Triage" created by the National Statistics Department and other institutions, in coordination with the United Nations. This tool contains demographic and socio-economic indicators on the 16 sub-regions and 170 municipalities that are part of PDET.⁶⁵ The tool will also make it possible to identify the main challenges and to measure progress in the implementation of PDET. The areas for PDET implementation comprise 36 per cent of the national territory and 13.3 per cent of the population, and the MPI of their rural inhabitants is 57 per cent.⁶⁶ The Triage also

⁵⁶ The former is a first level hospital; the latter is secondary level.

⁵⁷ DANE, Population, census and demography 2019.

⁵⁸ See <https://www.minsalud.gov.co/Paginas/en-estos-momentos-no-hay-una-epidemia-activa-en-choco-minsalud.aspx>.

⁵⁹ See <https://www.minsalud.gov.co/sites/rid/Lists/BibliotecaDigital/RIDE/VS/TH/politica-nacional-talento-humano-salud.pdf>.

⁶⁰ E/C.12/COL/CO/6, paras. 61 and 62.

⁶¹ See <https://www.supersalud.gov.co/es-co/Noticias/listanoticias/supersalud-interviene-nuevo-hospital-san-francisco-de-asis-en-choco>.

⁶² See https://www.procuraduria.gov.co/porta/Procuraduria-pide-a-gobernador-_e_-de-Cesar-cancelar-deuda-con-el-Hospital-Rosario-Pumarejo-de-Lopez-por-_26.686-millones.news.

⁶³ See <https://www.agenciadetierras.gov.co/2020/05/07/fondo-de-tierras-para-la-paz-alcanzo-el-1-millon-de-hectareas/>.

⁶⁴ Office of the Presidential Advisor for Stabilization and Consolidation, <http://www.porta/paralapaz.gov.co/publicaciones/1112/informes-de-gestion/>.

⁶⁵ Decree 893 of 2017.

⁶⁶ See <https://www.dane.gov.co/index.php/estadisticas-por-tema/demografia-y-poblacion/triage-poblacional-territorial-de-colombia-2020>.

established that the main demands of young people in the PDET territories are related to education, employment and sexual and reproductive health.⁶⁷

D. Environmental rights

64. OHCHR observed military operations to destroy dredgers used in illegal mining in the Caquetá river (Caquetá) and Puré river (Amazonas). In Amazonas, the Colombian State advanced a comprehensive public health strategy to address mercury exposure, which is still pending approval and must be agreed to by indigenous authorities. OHCHR urges the State to reach an agreement with the indigenous authorities, and to promptly endorse this policy to address the impact of mercury contamination on the Miraña and Bora peoples, raised in previous OHCHR reports.⁶⁸

65. In the case of the deviation of the Bruno stream by the Cerrejón mining company,⁶⁹ the Office of the Comptroller General identified shortcomings in the work of the Ministry of the Environment and Sustainable Development, the Regional Autonomous Corporation of La Guajira and the National Environmental License Authority.⁷⁰

66. The Special Rapporteur on human rights and the environment informed that open pit mining operations by Cerrejón in Tajo Patillo, close to the Wayuu provincial indigenous reservation, were causing health problems among the communities.⁷¹

VII. Gender, ethnic peoples and persons entitled to special protection

A. Sexual and gender-based violence

67. Between 25 March and 31 December, the 155 hotline for women victims of gender-based violence received 21,602 calls about domestic violence- an increase of 103 per cent compared to 2019⁷². According to the Office of the Presidential Adviser for the Equality of Women, this is due to the lockdown (preventive isolation) ordered to address the pandemic.⁷³ The institution also reported a 52 per cent reduction in the medical and legal records of this type of violence and a 71 per cent reduction in complaints made to the Office of the Attorney General, due to obstacles in accessing those services during the pandemic.⁷⁴

68. The Office of the Ombudsman reported that, after monitoring cases in 23 departments, it identified problems in the State response to gender-based violence, such as lack of technological resources in the Commissariats for Family (*Comisariás de Familia*)⁷⁵ to provide virtual assistance to victims, lack of rooms in the shelters to receive victims, a collapse in the telephone support lines, and lack of access to forensic assessments.⁷⁶

⁶⁷ Ibid.

⁶⁸ A/HRC/40/3/Add.3 and A/HRC/43/3Add.3.

⁶⁹ Judgment SU698 of 2017.

⁷⁰ See https://contraloria.gov.co/contraloria/sala-de-prensa/boletines-de-prensa/boletines-de-prensa-2020/-/asset_publisher/9IOzephPkrRW/content/persiste-amenaza-de-vulnerar-derechos-a-la-salud-al-agua-y-la-seguridad-alimentaria-de-comunidades-indigenas-afectadas-por-proyecto-de-desviacion-del-?inheritRedirect=false.

⁷¹ See <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26306&LangID=E>.

⁷² See http://www.observatoriomujeres.gov.co/archivos/publicaciones/Publicacion_92.pdf.

⁷³ Office of the Presidential Adviser for the Equality of Women (2020). “Boletín N°26 sobre la atención de líneas de atención telefónica a mujeres en el contexto de medidas de aislamiento preventivo por CovSar2 en Colombia.”

⁷⁴ Office of the Presidential Adviser for the Equality of Women (2020). “Retos en la línea 155 para responder a la violencia contra las mujeres durante el COVID-19.”

⁷⁵ State institution in charge of preventing and addressing domestic violence.

⁷⁶ Office of the Ombudsman, “Consolidado información matriz de seguimiento a la atención de casos en el marco del aislamiento preventivo por el COVID 19,” delivered to OHCHR in response to a request

69. OHCHR received information regarding three cases of sexual violence in Antioquia, Caquetá and Guainía: one against a girl, allegedly committed by a group of FARC-EP dissidents; one against a transgender woman, allegedly by a criminal group; and a case of sexual exploitation involving 40 victims, including three indigenous women, allegedly implicating members of the judiciary, the police and teachers.

B. Sexual and reproductive rights

70. 18.3 per cent of children born in the third quarter of 2020 were born to mothers under the age of 19, compared to 19.2 per cent in 2019.⁷⁷ OHCHR recommends that the State continue its efforts to prevent teenage pregnancies and guarantee access to sexual and reproductive rights, in line with recommendations of the United Nations Committee on the Elimination of Discrimination against Women.⁷⁸

71. OHCHR expresses concern about legislative bill 008 of 2020,⁷⁹ which could adversely affect sexual and reproductive rights for women. The bill seeks to regulate conscientious objection regarding abortion, allowing health institutions to refuse to provide these services. If adopted, it could create additional obstacles to access voluntary interruption of pregnancy and treatment of complications arising from unsafe abortions.⁸⁰ OHCHR notes that Legislative bill 11 of 2019, which had similar objectives, was not passed by Congress.

C. Rights of indigenous peoples and Afro-descendent communities

72. Violence by non-state armed groups and criminal groups has affected indigenous and Afro-descendent peoples, especially in Cauca, Chocó, Putumayo, Nariño and Valle del Cauca. OHCHR observed with concern the killings of Awá people⁸¹, the killings and forced displacement of Nasa and Afro-descendent peoples in Cauca, and of indigenous peoples in voluntary isolation in the Amazonas and neighbouring departments, who are at high risk due to violence caused by the presence of illegal miners and drug traffickers in their territory, located on the Puré river, at the Brazilian border.

73. Ethnic peoples still resort to legal measures to enforce their rights as recognized in the processes of constitution, reorganization and expansion of indigenous reservations and in collective land titles of Afro-descendant communities. Especially worrying are the situations of the indigenous peoples at risk of physical and cultural extinction in Amazonas, Guainía, Norte de Santander, Putumayo and Vaupés.⁸²

74. The lack of access to ancestral lands by the Arhuaco, Kankuamo, Kogui and Wiwa indigenous peoples is of concern. These peoples are taking legal action against attempts by private citizens to revert the territorial rights recognized as part of the “Black Line”,⁸³ which protects their 348 sacred sites and the water sources on their ancestral lands that provide water to the departments of Cesar, La Guajira and Magdalena.

for information, April 2020.

⁷⁷ See

https://www.dane.gov.co/files/investigaciones/poblacion/bt_estadisticasvtales_IIItrim_2020pr.pdf.

⁷⁸ CEDAW/C/COL/CO/9, para. 34.

⁷⁹ Senado, “Por medio de la cual se desarrolla el Derecho Fundamental a la objeción de conciencia consagrado en el artículo 18 de la Constitución Política.”

⁸⁰ CEDAW/C/COL/CO/9, paras. 37-38.

⁸¹ According to the report by the Thematic Protection Group, in which the field office of OHCHR in Nariño participates, the killing of 17 members of the Awá people were recorded, including three leaders and authorities.

⁸² This is the case of the indigenous authorities of the Mirití- Paraná, Pirá Paraná rivers and Medio Rio Guainía, in the departments of Amazonas, Vaupés and Guainía, who had to resort to a writ for the protection of fundamental rights to be registered as Indigenous Territories, based on Decree 632 of 2018.

⁸³ Recognized under Decree 1500 of 2018 of the Ministry of the Interior.

75. 2020 marked the 27th anniversary of Law 70 of 1993, which recognizes the rights of Afro-descendants in Colombia. However, the sections of the Law on the use of land and environmental protection and planning and promotion of economic and social development have not yet been regulated. This has facilitated the usurpation by third parties of lands requested for collective land titles, and halted progress in economic and social development, especially in the Caribbean and Pacific coasts and the inter-Andean regions of the Cauca river.

76. The Guide on prior consultation issued in Presidential Directive 8 of 9 September 2020⁸⁴ and the Government's draft law partially reflect international standards on the right to prior, free and informed consultation of indigenous peoples and Afro-descendant communities. Greater efforts are necessary to effectively guarantee this right.

D. Rights of people with disabilities

77. OHCHR welcomes the efforts of the Superior Council of the Judiciary and the Ministry of Justice to provide training to the justice sector workforce on Law 1996 of 2019, which recognizes the full legal capacity of persons with disabilities. OHCHR recommends that the State continue its efforts to promote the law and train relevant public officials. It reiterates the need to hasten the formulation of the regulation of this law.

E. Children

78. The pandemic affected the assistance of children to schools and their access to virtual education was obstructed by the lack of internet connection in 71.8 per cent of rural households,⁸⁵ primarily affecting indigenous and Afro-descendant children.⁸⁶ This situation also increased the exposure of children to violence.

79. Children continue to be used by criminal groups and other violent groups in Antioquia, Cauca, Meta and Valle del Cauca. OHCHR observed the forced recruitment of children in Antioquia allegedly by ELN, and in Caquetá allegedly by a FARC-EP dissident group. In addition, OHCHR recorded the killing of a boy in Norte de Santander, allegedly by ELN, and of a girl in Antioquia, attributed to criminal groups. Recruitment or use of children by non-state armed groups and criminal groups also exposes them to risks arising from military actions against these groups, as observed by OHCHR in Antioquia, Chocó and Norte de Santander. Moreover, children were injured and mutilated by the use of anti-personnel mines in Norte de Santander, allegedly set by ELN and EPL; in Antioquia, allegedly by ELN; and in Nariño, by an unidentified group.

F. Rights of LGBTI persons

80. The Office of the Ombudsman reported an increase in violence against LGBTI persons during the pandemic,⁸⁷ including 76 homicides and feminicides between January and December.⁸⁸ Between January and August, the Office of the Ombudsman activated pathways for attention in 388 cases of violence against LGBTI persons, compared to 309 cases in

⁸⁴ See

<https://dapre.presidencia.gov.co/normativa/normativa/DIRECTIVA%20PRESIDENCIAL%20No%2008%20DEL%209%20DE%20SEPTIEMBRE%20DE%202020.pdf>.

⁸⁵ DANE, https://www.dane.gov.co/files/investigaciones/boletines/tic/bol_tic_hogares_2018.pdf.

⁸⁶ DANE, <https://www.dane.gov.co/files/investigaciones/boletines/grupos-etnicos/presentacion-grupos-etnicos-2019.pdf> and <https://www.dane.gov.co/files/investigaciones/boletines/grupos-etnicos/presentacion-grupos-etnicos-poblacion-NARP-2019.pdf>.

⁸⁷ See <https://www.defensoria.gov.co/es/nube/comunicados/9551/En-pandemia-aumentaron-los-homicidios-y-la-violencia-contra-personas-Lgbi-LGBTI-cifras-Defensor%C3%ADa-del-Pueblo.htm>.

⁸⁸ See <https://www.defensoria.gov.co/es/nube/comunicados/9551/En-pandemia-aumentaron-los-homicidios-y-la-violencia-contra-personas-Lgbi-LGBTI-cifras-Defensor%C3%ADa-del-Pueblo.htm>.

2019.⁸⁹ There was also an increase in obstacles to access justice when filing complaints and in institutional barriers.⁹⁰ The Office of the Ombudsman found that the main obstacles were the prejudice-based criteria applied by some public officials and lack of financial resources.⁹¹ In November, the Ministry of the Interior launched the Action Plan of the National LGBTI Policy; OHCHR reiterates the importance of its expedient implementation.

VIII. Recommendations

81. The High Commissioner for Human Rights recalls the recommendations made in previous reports and puts forward the following recommendations:

(a) Calls upon the State to redouble efforts in the implementation of all chapters of the Peace Agreement, to promote structural changes that will contribute to improving the human rights situation.

(b) Urges the State to increase efforts to establish a stronger integrated State presence to quell violence in the most affected territories, prevent an increase in territorial and social control by non-state armed groups and criminal groups, protect the population, and provide essential services.

(c) Reiterates the urgency for the National Commission on Security Guarantees to adopt a public policy to dismantle criminal organizations, including those referred to as successors of paramilitarism and their support networks, responsible for homicides and massacres against human rights defenders and leaders of social or political movements.

(d) Urges non-state armed groups and the State to comply with their obligation to respect international humanitarian law; reiterates the Secretary General's call to all actors of the conflict, and those that generate violence, to cease hostilities; and welcomes any negotiation of humanitarian accords aimed at protecting the civilian population and consolidating peace.

(e) Urges national and local authorities to take swift and effective measures to respond to the Ombudsman's early warnings, and offers its technical assistance to the Ministry of the Interior to improve the effectiveness of the State's response to those early warnings; reiterates the importance of implementing participatory collective protection measures.

(f) Encourages the Office of the Attorney General to continue to strengthen the Special Investigation Unit to identify and sanction direct and intellectual authors of attacks against human rights defenders and those who signed the Peace Agreement, and to dismantle criminal structures.

(g) Calls on State institutions to respond to peaceful protests in accordance with international norms and standards, and offers technical assistance in this area; urges the police to rigorously integrate international norms and standards related to the use of force in its protocols and procedures, in line with the landmark decision of the Supreme Court of 22 September 2020, and to increase transparency and accountability in cases of abuse, including sanctioning of those responsible for the violations that occurred during the Bogota protests on 9 and 10 September.

(h) Reiterates that, in accordance with international norms and standards, the State has a duty to ensure that all investigations of human rights violations allegedly committed by members of the military or the police should be conducted by the ordinary criminal justice system.

⁸⁹ Office of the Ombudsman, letter delivered to OHCHR No. 20200401003604241.

⁹⁰ See <https://www.defensoria.gov.co/es/nube/comunicados/9551/En-pandemia-aumentaron-los-homicidios-y-la-violencia-contra-personas-Lgbti-LGBTI-cifras-Defensor%C3%ADa-del-Pueblo.htm>.

⁹¹ Office of the Ombudsman, letter delivered to OHCHR No. 0200401002838431.

(i) Urges the Offices of the Attorney General and the Procurator General to advance in the criminal and disciplinary investigations of deaths in custody mentioned in this report.

(j) Urges the State to preserve the autonomy and independence of the Integrated System for Truth, Justice, Reparation and Non-recurrence, as an essential contribution towards a sustainable and lasting peace; urges all State institutions to coordinate and cooperate with the System to enable the fulfillment of its mandate, in accordance with the peace agreement; and urges the State to ensure effective protection of those who integrate the System and of victims and witnesses who participate in it.

(k) Urges the State to increase efforts to ensure the availability, accessibility, acceptability and affordability of public health services for all, in line with international human rights standards, including for victims of gender-based violence; and to guarantee labour rights for healthcare workers.

(l) Reiterates the importance of strengthening the National Institute for Forensic Medicine to ensure that victims of sexual violence have access to its services, especially in rural areas; and continue to strengthen the system of shelters for victims.

(m) Urges the Ministry of Defence to further strengthen the zero-tolerance policy with regard to sexual violence, and to prevent, sanction and eradicate sexual and gender-based violence by members of the military and police.

(n) Urges the State to take effective measures to protect children from any form of violence, including forced recruitment and the use of children in the context of the armed conflict.

(o) Reiterates the need to guarantee the right to territory of indigenous and Afro-descendant peoples, and emphasizes the importance of providing targeted attention to the peoples at risk of physical and cultural extinction, notably by implementing the National System of Prevention and Protection for indigenous peoples in voluntary isolation, in accordance with international guidelines.

(p) Urges the State to promote, recognize and continue to support the autonomous and participatory formulation of the protocols on relations between indigenous and Afro-descendant peoples and third parties, and to effectively guarantee the right to prior, free and informed consultation.

(q) Invites the State to ratify and implement the Escazú Agreement.
