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Freedom House

Freedom on the Net 2022 - Colombia

PARTLY FREE

64

/ 100

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LAST YEAR'S SCORE & STATUS

65 / 100 Partly Free

Scores are based on a scale of 0 (least free) to 100 (most free). See the [research methodology](#) and [report acknowledgements](#).

Overview

Internet freedom in Colombia declined for the fifth consecutive year. Journalists faced an escalation in sometimes deadly violence in suspected retaliation for their online reporting; widespread disinformation impacted online debate ahead of the 2022 presidential elections; and the government launched a campaign to monitor social media and shape online narratives around nationwide protests held in 2021. Moreover, during the coverage period, service providers blocked at least one website. Despite these challenges, the judiciary issued multiple rulings in favor of free expression and access to information online, including against the disproportionate removal of content and striking down a reform to the electoral code that threatened citizens' political expression over social media.

Colombia is among the longest-standing democracies in Latin America, but one with a history of widespread violence and serious human rights abuses. Public institutions have demonstrated the capacity to check executive power and enforce the rule of law, and violence declined as the government and the country's main left-wing guerrilla group moved toward a peace accord signed in 2016. Nonetheless, Colombia still faces enormous challenges in consolidating peace and guaranteeing political rights and civil liberties outside of major urban areas.

Key Developments, June 1, 2021 - May 31, 2022

- Internet service providers (ISPs) reported blocking Tumblr by “order of the competent authorities” in December 2021 and January 2022 (see B1). Though the site has since been made accessible, the reason for the block remains unclear, and inquiries made by civil society groups to the government have not been successful in gaining further clarity (see B1).
- The judiciary ruled in favor of free expression and access to information online in multiple instances during the coverage period, including ruling against the disproportionate removal of political content and overturning a reform to the electoral code that threatened citizens' political expression over social media (see B3 and C1).
- Widespread disinformation, disseminated in part through coordinated online ad campaigns, impacted online debate ahead of the 2022 presidential elections. The government also launched the #ColombiaEsMiVerdad (Colombia is my truth) campaign to shape online narratives and monitor social media around nationwide protests held in 2021 (see B5 and C5).
- Violence against journalists in suspected retaliation for their online reporting escalated during the coverage period. In September 2021, a journalist who had reported on crime and corruption on his personal Facebook page was fatally shot (see C8).

A Obstacles to Access

A1 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections? 5 / 6

Internet access continues to increase in Colombia. According to the most recent data from the International Telecommunications Union (ITU), internet penetration stood at 69.79 percent in 2020.¹ Fixed internet connections increased from 15.38 connections for every 100 inhabitants at the end of 2020 to 16.53 connections for every 100 inhabitants at the end of 2021. Mobile internet connectivity also increased from 64.6 connections for every 100 inhabitants in the last trimester of 2020 to 74.4 connections for every 100 inhabitants in the last trimester of 2021.²

Though Colombia ranks relatively low in global surveys of mobile and fixed broadband speeds, fixed broadband speeds have improved in recent years. Speedtest recorded a median fixed download speed of 97.80 megabits per second (Mbps) in March 2022, up from 53.76 Mbps in April 2021, placing Colombia 57th out of 182 countries surveyed. Mobile broadband speeds still lag; with a median download speed of 18.73 Mbps, Colombia ranked 128th among 140 countries surveyed as of April 2021.³

In June 2020, the Ministry of Information and Communication Technologies (MinTIC) announced the “Plan de Transición a Nuevas Tecnologías” (Plan to Transition to New Technologies), which laid out a strategy to modernize second-generation (2G) and third-generation (3G) networks into fourth-generation (4G) networks nationally by 2022.⁴ As of February 2022, the government had also started fifth-generation (5G) network trials in seven cities.⁵

By the end of the third quarter of 2021, the MinTIC stated that Colombia had reached 28.3 million 4G connections, thus surpassing the National Development Plan’s goal of achieving 27 million connections by the end of the current administration.⁶

In July 2021, the government passed an amendment to existing legislation that declared the internet an “essential public service.” It requires providers to guarantee service to their customers and avoid suspending the installation, maintenance, and adaptation of their networks (see A2).⁷

A2 0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the 2 / population for geographical, social, or other reasons? **3**

Geographic and socioeconomic disparities in internet access are significant, but current and former administrations have tried to address them.

According to the Colombian Chamber of Informatics and Telecommunications (CCIT), an information and communications technology (ICT) trade association, 75 percent of higher-income people have internet access, compared to fewer than 50 percent of lower-income people. Fixed internet speeds vary greatly among lower- and higher-income households.⁸ There is also a gap between urban and rural areas; over 80 percent of people are disconnected in some regions.⁹

According to Cable, a UK-based company, the average price for one gigabyte (GB) of mobile data in Colombia is more expensive than in most countries in the region, at 10,000 Colombian pesos (\$2.80) as of 2021. However, Colombia’s average monthly broadband cost of 77,900 pesos (\$20.75) was the lowest in the region as of 2022.¹⁰

In recent years, Colombia has ranked highly in the Affordability Drivers Index (ADI) report, which measures policy and regulatory factors that can enable more affordable broadband. The latest report ranked Colombia in second place out of 72 countries, citing sound regulatory decisions to improve affordability and access in the country.¹¹

Under the July 2021 law establishing the internet as an essential public service, the MinTIC must adopt regulatory measures aimed at providers supplying internet in rural areas (see A1).¹² To expand and strengthen access in rural and underserved areas, the law includes incentives for service providers with fewer than 30,000 users, such as temporary tax exemptions.¹³

The government has recently taken steps to address digital divides. In 2018, the incoming government launched the country’s ICT plan, “El futuro digital es de todos” (The digital future belongs to everyone). The plan aims to provide fixed connectivity to 50 percent of households and internet access, either through a fixed subscription or through at least one mobile subscription per family, to 70 percent of households by 2022.¹⁴ As part of the policy, Congress also approved the ICT Modernization Law in June 2019, which aims to close the digital gap, largely through public and private sector cooperation (see A4 and A5).

The MinTIC also aims to install over 10,000 internet access points, connecting villages and townships in remote and rural areas in all 32 departments with free internet access through 2030. Three percent of the access points, known as Digital Centers, will be set in Indigenous and Afro-Colombian communities. The MinTIC has heralded the project as the “largest rural connectivity project in the history of the country.”¹⁵ According to the ministry, by March 2022, 3,610 Digital Centers had been installed, 1,515 of which were in operation and the rest of which were in service but pending formal approval to begin operating.¹⁶ In May 2022, the ministry awarded a contract guaranteeing the installation of another 6,589 Digital Centers across 567 municipalities.¹⁷

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of 6 / restricting connectivity? **6**

The government does not limit bandwidth or deliberately restrict internet connections, nor does it impose centralized control over infrastructure, except in emergency situations when internet service providers (ISPs) are required to make their infrastructure available for official responses.¹⁸ However, some analysts reported that connectivity disruptions were detected during the previous coverage period.

Netblocks reported that fixed-line and cellular services were disrupted in Cali amid widespread protests in May 2021 (see B8). Movistar, a service provider, reported that vandalism had disrupted service around this time.¹⁹ There was no evidence that the government intentionally restricted connectivity in Cali. In October 2021, two UN Special Rapporteurs sent a letter to the Colombian government requesting further information on the disruptions and the measures in place to investigate them.²⁰ In April 2022, the Constitutional Court selected for review a case filed by a group of free expression and digital rights organizations requesting that the government prepare an independent report clarifying the service disruptions in Cali in 2021 and, furthermore, that it develop a protocol to guarantee connectivity during social demonstrations.²¹

Colombia has only one internet exchange point (IXP), NAP Colombia, through which ISPs exchange traffic to improve efficiency and speed. Located in Bogotá, the IXP is managed by the CCIT.²²

A4 0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers? 4 / 6

There is healthy competition among the country’s 740 ISPs and multiple options for consumers.²³ Market entry is straightforward, and it is possible for anyone to establish an ISP by following the general requirements of the 2009 ICT Law, which establishes free competition and prioritizes efficient use of infrastructure and access to ICTs.²⁴ However, approximately 73 percent of the fixed-line market is led by three providers: Claro, with a 38.5 percent market share, followed by UNE EPM with a 20.7 percent share, and Movistar with a 14.2 percent share.²⁵

Registration requirements are neither excessive nor onerous. Business owners must provide personal and tax identification as well as a description of services, but no fee is required. This information is published in an open registry, and the MinTIC has 10 days to verify the data before the business may begin operating. Registration can be denied when information is incomplete or false, or when an ISP does not have the proper commercial status to offer the necessary services.²⁶ ISPs must also apply for licenses to utilize the radioelectric spectrum, although there have been no complaints of difficulties or bias with this process.

The mobile landscape is more concentrated. Although there are 11 providers, nearly 93 percent of the market is in the hands of three companies: Claro (53 percent), Movistar (22.3 percent), and Tigo (17.3 percent).²⁷ Mobile service providers must contribute 0.01 percent of their annual income to a MinTIC fund, Fondo Único TIC, which is devoted to the development of nationwide ICT projects.

The 2019 ICT modernization law, which aims to increase connectivity, risks maintaining and augmenting market concentration by favoring more established and larger telecommunications providers (see A2 and A5). The spectrum licensing period, for instance, was extended from 10 years to up to 20.²⁸ While this extension provides more stability for private investments, it could limit competition at the infrastructural level.

The modernization law also provides that, while service providers were previously obligated to pay a contribution of 0.01 percent of their annual income to the MinTIC fund, the payment amount will vary depending on ambiguous qualitative variables such as “social benefit.” Moreover, these criteria will be determined at the ICT minister’s discretion. A share of the fund will be used to increase connectivity, and service providers that partner with the government to do so will be allowed to pay up to 60 percent of their contribution in kind, also at the ICT minister’s discretion.²⁹ In December 2020, the MinTIC published a regulation that outlines requirements and procedures for authorizing and quantifying such contributions.³⁰

A5 0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a 2 / free, fair, and independent manner? 4

The regulation of Colombia’s ICT sector changed significantly in 2019, after Congress approved the ICT modernization law (see A2 and A4). It notably eliminated the National Television Authority (ANT) and established a convergent regulator—through a restructured Communication Regulation Commission (CRC)—to regulate the ICT sector, television, and radio. Critics of the law contended that the new regulatory body concentrates too many functions in the government and lacks independence.³¹

In a move criticized by the Organisation for Economic Co-operation and Development (OECD), the law also establishes two decision-making entities within the CRC: the Commission for Audiovisual Content (CCA), covering issues related to pluralism and audiences, and the Communications Commission (CC), dealing with technical and market regulation. The CCA has three members, two chosen through a public contest and one chosen by regional channels. The CC has five: the ICT minister, a commissioner chosen by the president, and three selected by the government through an open application process.³² In May 2020, the Constitutional Court rejected a legal challenge to the law.³³

The president appoints the ICT minister, who oversees the telecommunications sector through the ministry; that minister is also responsible for leading the CRC.³⁴ The minister also designates the head of the National Spectrum Agency (NSA), which manages Colombia’s radioelectric spectrum. Some have suggested that this executive-driven

design prevents objective oversight of the sector and affords the president undue influence over its operations. In September 2021, ICT minister Karen Abudinen Abuchaibe resigned amid a corruption scandal involving the disappearance of millions of dollars intended to provide internet to rural schools.[35](#)

Since 2009, a government-appointed concessionaire has been responsible for administering the .co domain.[36](#) During 2019, the process for awarding a public tender for the administration of the .co domain was mired in public and legal controversy; the selection, managed by the MinTIC was criticized for irregularities in calculating qualified bidders, leading the Office of the Inspector General of Colombia to request a suspension to the tender process. Then ICT minister Sylvia Constrain resigned in May 2020, reportedly due to the flawed process.[37](#)

B Limits on Content

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content, 4 / particularly material that is protected by international human rights standards? 6

Blocking or filtering of political, religious, or social content is not a regular occurrence in Colombia.[38](#) YouTube, Facebook, Twitter, and international blog-hosting services are generally freely available, though Tumblr was reportedly blocked by at least one provider during the coverage period.

In December 2021, Tumblr Support tweeted about Movistar and Claro subscribers having issues accessing the app.[39](#) The following month, service provider Movistar tweeted that it had blocked Tumblr “by order of competent authorities.”[40](#) The Open Observatory of Network Interference (OONI) confirmed that Claro had blocked access to Tumblr.com between December 12, 2021 and January 21, 2022; as part of domain name system (DNS) resolution, the internet protocol (IP) address that was returned was not that of Tumblr, but of one that hosts a government website containing a warning about accessing illegal online sites.[41](#) The OONI also confirmed that Tumblr.com showed signs of blocking on Movistar’s network during this period, on December 16, 2021.[42](#) The OONI reported that the website was accessible on Movistar’s network from January onward, and signs of blocking did not appear on Claro’s network after January 21, 2021.

The reasons behind the block are unclear. Amid reports of the blocking of Tumblr.com, digital rights organization Fundación Karisma filed an information request with the government. The Directorate of Criminal Investigation and Interpol responded that “[www.tumblr.com](#)” was not blocked and forwarded the request to the gambling authority. The ICT Ministry also responded that the website was not blocked at the time of their response. As of the end of the coverage period, Fundación Karisma was filing with the gambling authority to receive a response and with the ICT Ministry to receive further clarification. [43](#)

During the previous coverage period, researchers and civil society organizations found that Archive.org and Ghostbin.co were temporarily blocked by at least one local provider between May 26 and May 31, 2021. Fundación Karisma reported that the Superintendency of Industry and Commerce (SIC) ordered the blocks due to alleged leaks of personal data belonging to security and government personnel by the hacking group Anonymous (see C8). The organization also reported that access was blocked for customers of providers Emcali and Avantel. The OONI confirmed the block on Emcali’s network.[44](#) Restrictions on both websites appeared to have been lifted as of the beginning of the current coverage period.

Since 2018, the gambling regulator has regularly requested the blocking of unauthorized gambling websites.[45](#) In November 2021, the gambling regulator reported having issued 2,908 orders for the blocking of such websites between October 1, 2020 and October 31, 2021.[46](#) The Directorate of Criminal Investigation and Interpol announced in January 2022 that it had ordered the blocking of 104 websites used for the sale of drugs in Colombia.[47](#)

Transportation apps, like Uber, have been the center of much debate. While the companies behind these apps have incurred fines or received orders to suspend operations in recent years, the apps themselves have not been blocked.[48](#)

B2 0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to delete content, particularly material that is protected by international human rights standards? 2 / 4

The Colombian government does not regularly order the removal of content, though a problematic 2019 Supreme Court ruling could facilitate restrictions. Court cases have periodically resulted in judicial orders requiring the removal of specific information deemed to violate fundamental rights (see B3). News outlets have separately reported receiving legal threats intended to force them to remove content based on the “right to be forgotten” and defamation lawsuits. The Foundation for Press Freedom (FLIP) reported two requests to remove or block journalistic online content in 2021 and three between January and August 2022.[49](#)

In December 2019, the Supreme Court ruled that blog and forum operators would be legally responsible for third-party defamatory user comments if they did not adopt mechanisms to control them. The decision was criticized for creating an incentive to excessively restrict comments or eliminate comment sections.[50](#)

Twitter received eight legal requests to remove content between July and December 2021, and complied in one case. A court order for the removal of one account came from a Bogotá municipal court, which claimed that the user, a prominent international journalist who reports on compliance and anticorruption, was involved in crimes against the government because they published content on the government’s mishandling of the COVID-19 pandemic. Twitter did not comply with the request.[51](#)

The government requested that platforms restrict content considered to incite violence in the previous coverage period. In January 2021, the director of the National Police asked Twitter and Facebook to block accounts linked to Revolutionary Armed Forces of Colombia (FARC) dissidents following the publication of a video that showed a former FARC leader criticizing the government alongside armed individuals. Twitter suspended at least three accounts managed by former FARC leaders and dissidents, and Facebook reportedly removed related content.[52](#)

Also during the previous coverage period, FLIP reported that judges had been using judicial channels to unduly restrict content relevant to public interest at unprecedented levels within the few years prior.[53](#) For example, in October 2020, a judge ordered the magazine *Semana* to remove a news program from their website that contained recordings of conversations that involved witnesses in a high-profile witness tampering case. The decision was based on the right to personal and family privacy. Local press freedom organizations condemned the ruling as censorship that ignores protections constitutionally guaranteed to those disseminating information in the public interest.[54](#)

B3 0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, 3 / or an independent appeals process? 4

Colombian authorities and courts place some restrictions on digital content, with some of these decisions taking place in an opaque environment and with sparse or no public explanation; this is especially true in cases of images depicting sexual abuse against children and online gambling. Users have limited avenues to appeal blockings or restrictions.

Police and other institutions may limit content on a range of topics, from sexual abuse to “inappropriate content” or “other issues,” in order to protect minors. Child sexual abuse images, which are illegal under international law, are subject to blocking.[55](#) Decree 1524 (2002) requires ISPs to undertake technical measures to prevent the online availability of child sexual abuse images.[56](#) The possibility for civil or judicial oversight for restriction of such content is limited because information about which websites are blocked is classified.[57](#)

Online gambling legislation also allows for the blocking of websites (see B1), but there is no centralized, public reporting system with explanations for why sites are blocked, and the reasons are not always disclosed. Users are sometimes redirected to pages displaying the reason a website is blocked, but this does not always occur. In some cases, entire websites are blocked for having gambling-related advertisements.[58](#)

A number of ISPs publish data or transparency reports on government requests to restrict content.[59](#) According to Fundación Karisma’s 2021 *¿Dónde están mis datos?* (Where is my data?) report, five companies—Movistar, Tigo, ETB, Avantel, and Claro—give detailed information about URL takedowns.[60](#)

Content takedown cases carried out through judicial channels generally uphold transparency and due process for all parties. While judges sometimes neglect proper consideration of the necessity and proportionality of a case, high courts have upheld these principles in the recent past.[61](#) In November 2021, for instance, the Constitutional Court overturned a civil court ruling that ordered the Movement of Victims of State Crimes (Movie) to remove a picture of a street mural from its social networks and web pages.[62](#) The mural depicts high-ranking officials involved in the “false positives” scandal, referring to the years in which the military extrajudicially killed thousands of innocent civilians and presented the bodies as those of guerrilla fighters.”[63](#) The Court ruled that, as a criticism of the state and matter of public interest and public debate, the message qualifies as protected speech.[64](#)

Often, content takedown requests are brought before judicial authorities through the *acción de tutela*, a legal action aimed at protecting fundamental rights outlined in the constitution, such as privacy and reputation. Some of these cases have been reviewed by the Constitutional Court. For example, in 2015, the Court ruled on a case in which a woman requested Google and a news outlet to delink and delete information that was truthful but not updated. The Court strengthened the precedent that search engines should not be held liable for linking to content,[65](#) but it did order the news outlet to make the disputed information harder to find.[66](#) In September 2019, the Court issued a ruling establishing that intermediaries are not liable for third party content but can be called to enforce judgments for deletion of content online when the publisher cannot or is unwilling to comply.[67](#)

Platforms have restricted political and social content in moments of social unrest. In November 2021, Twitter temporarily suspended the account of Ana Bejarano, a columnist for online portal *Los Danieles*. Bejarano had received a request from Twitter to confirm her phone number to verify her account ownership minutes after she read a column criticizing Defense Minister Diego Molano while livestreaming on another platform and while donning a shirt with the phrase “Take your rosaries out of our ovaries,” a reference to the national debate on abortion. Twitter was unable to specify the reason for the suspension; while journalists and reproductive rights organizations decried it as clear censorship by the platform, the suspension may also have been triggered by a hacking attempt against Bejarano’s account (see C8).[68](#)

Previously, amid protests against police brutality in September 2020, Facebook temporarily restricted access to content with the hashtag #ACAB (All Cops Are Bastards) in Colombia and other countries in the region on claims of maintaining the safety of the online community (see B8).⁶⁹ Instagram users also reported that their posts and stories about the antigovernment protests were taken down by the platform in May 2021. The platform blamed the removals on an error in their automated systems.⁷⁰

B4 0-4 pts

Do online journalists, commentators, and ordinary users practice self-censorship? 3 / 4

Self-censorship is a notable problem for journalists and likely affects online publications.⁷¹ Journalists sometimes practice self-censorship out of fear of violence by armed groups, legal action under libel laws, and the general climate of impunity.⁷² Nongovernmental organizations (NGOs) that focus on local press freedom have also reported a significant increase in online harassment against women journalists by politically driven troll farms, which has led to some self-censorship.⁷³

B5 0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful 2 / actors to advance a particular political interest? 4

Score Change: The score declined from 3 to 2 because widespread disinformation, disseminated in part through coordinated online ad campaigns, impacted online debate ahead of the 2022 presidential elections, and the government launched a campaign to shape online narratives around nationwide protests.

Disinformation and coordinated attempts to amplify political narratives have sometimes influenced online information in Colombia.

The government launched a campaign to shape online narratives around social unrest during the coverage period. In October 2021, FLIP published an investigation into the online #ColombiaEsMiVerdad (Colombia is my truth) campaign launched by the Ministry of Defense and military forces amid nationwide protests in late April and early May 2021 (see B8). FLIP asserted that the campaign, which authorities claimed sought only to combat purportedly false news, was created to attack online users who criticized and questioned the actions of military forces, especially during the protests.⁷⁴ As part of the campaign, official accounts belonging to the Ministry of Defense and the National Police tweeted screenshots of online content superimposed with a “fake news” label, which they claimed had previously been classified as false by independent fact-checking entities, like Colombiacheck and La Silla Vacía. Both organizations refuted this claim, reporting that they had not labeled all of the posts in question as false, and that the government had strategically cherry-picked fact-checking publications in their favor.⁷⁵ As part of the campaign, the government also staged a cyberattack on the websites of defense and security entities and the social media accounts of high-ranking officials in May 2021, and launched widely criticized cyberpatrolling and online monitoring efforts (see C5).⁷⁶

Events of high national interest, like presidential elections, frequently see heightened levels of manipulated online content. Ahead of the May 2022 presidential election, coordinated and seemingly inauthentic ad campaigns spread disinformation and hateful content about a wide range of candidates and politicians on Facebook and Instagram. The Atlantic Council’s Digital Forensic Research Lab (DFRLab) reported on the campaigns in August 2022, revealing connections between the Facebook networks and so-called “disinformation for hire” marketing firms that sought to influence the vote by spreading fear and polarization. The campaigns most frequently targeted now president Gustavo Petro; one of the highest-spending campaigns paid \$138,500 for ads that linked to fringe media and alternative sites attacking Petro and supporting right-wing candidate Federico Gutiérrez and independent candidate Rodolfo Hernández.⁷⁷

In May 2022, La Silla Vacía and the Latin American Center for Investigative Journalism (CLIP) published a report revealing that 10 coordinated Facebook pages had spent 309 million Colombian pesos (over \$75,000) to spread 538 ads containing negative and misleading content about Petro and centrist candidate Sergio Fajardo, as well as former heads of state. The investigation outlined connections between some of the Facebook pages and two marketing firms; it also revealed that a senior employee at one of the firms cofounded Únete por Colombia, a right-wing think-tank whose members include political leaders and influencers aligned with right-wing parties, and which has spread misinformation about Petro on its Facebook page.⁷⁸

High levels of disinformation, including about economic issues facing the country and candidates from across the political spectrum, were also spread outside of these coordinated ad campaigns.⁷⁹ Decontextualized and sometimes doctored pictures of candidates were shared across social media platforms in high volumes, while unknown actors fabricated posts on Twitter posing as various candidates. Political actors close to candidates were also frequent sources of misinformation.⁸⁰

Disinformation on social networks and WhatsApp was also pervasive during the 2018 presidential campaign.⁸¹ While researchers did not find significant evidence of botnet operations, DFRLab found the main amplifiers of false or misleading claims were “high-profile and well-known partisans or politicians.”⁸²

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users’ ability to publish content 2 / online? 3

Many online news outlets are thought to avoid or adjust coverage of certain issues in order to maintain relationships

with advertisers.

According to a 2015 survey of journalists by Proyecto Antonio Nariño (PAN), an alliance of organizations focused on freedom of expression and access to information, between 40 and 66 percent of respondents believed that media outlets in their region modify their editorial positions to protect advertising revenue, depending on the region; 64 percent said that the way official advertising is awarded is opaque; and 75 percent agreed that it is necessary to change the way in which official advertising contracts are allocated.⁸³ In May 2021, news outlet *El Espectador* published leaked audio clips in which members of the ruling party's leadership discussed how to leverage advertising money to pressure the press into changing their narrative surrounding the government's role in national strikes.⁸⁴

A February 2021 announcement that the MinTIC would invest 85 billion Colombian pesos (\$23.7 million) in subsidies for media outlets sparked concern within civil society that these pressures might devolve into forms of bribery. Outlets hoping to receive funding had to comply with requirements set by the government, and the ministry was to decide which outlets would receive funding.⁸⁵ In September 2021, the government announced that none of the 354 applicants had met the set requirements.⁸⁶

B7 0-4 pts

Does the online information landscape lack diversity and reliability? 3 / 4

Colombia has numerous digital media outlets and online spaces for political debate, and Colombians are able to view and disseminate a wide range of content.

Many professional media enterprises thrive in Colombia's largest cities and, in general, authorities do not interfere with their operations. However, there is a lack of media diversity in many regions. According to FLIP, almost 60 percent, or 666 of the 1,109 municipalities they mapped, had no media that produced local news. Out of almost 2,186 media outlets operating in those regions, 228 were digital.⁸⁷ Of these digital outlets, 62 percent were concentrated in department capitals, while 1030 municipalities had no digital news media as of 2019.⁸⁸

Indigenous voices are underrepresented in the online landscape, which lacks relevant linguistic and cultural diversity.⁸⁹ False or misleading content has also contributed to offline harms for Indigenous Colombians. During a national strike in May 2021, false claims spread on social media that members of the Cauca Regional Indigenous Council (CRIC) were entering residential complexes in Cali with the intent to loot. Residents, panicked and bolstered by the disinformation, violently confronted the group; eight Indigenous people were injured, including the CRIC's leader, Daniela Soto, who was shot in the abdomen.⁹⁰

B8 0-6 pts

Do conditions impede users' ability to mobilize, form communities, and campaign, particularly on 5 / political and social issues? 6

Social media has played an essential role in organizing and has contributed to offline mobilization in recent years. However, police have at times responded to protests with arbitrary detentions, physical violence, and devices seizures.

During the coverage period, activists and everyday users used social media to organize online and voice their support for the legalization of abortion ahead of a February 2022 Constitutional Court decision on the matter. In the fall of 2021, for instance, reproductive and women's rights advocates launched a social media campaign entitled *Hijas de la Frontera* (Daughters on the Border), in which celebrities shared stories of Colombian women and girls who had been denied abortions.⁹¹ The Constitutional Court ultimately ruled to decriminalize abortion during the first 24 weeks of pregnancy.⁹²

Several protests have been sparked and sustained by online users in recent years. In September 2020, a series of protests erupted after a video of police brutalizing law student Javier Ordoñez, who died in custody shortly thereafter, went viral on social media. The call for mobilization mainly took place on online platforms.⁹³

Separately, from April to July 2021, nationwide protests that began in opposition to a proposed tax reform quickly escalated to a mass antigovernment movement. Demonstrators were met with severe abuses by police, which led citizens to turn to social media to document and condemn the brutality by sharing videos of the violence and generally contributing to the continued momentum of the movement.⁹⁴

Device seizures and online surveillance by state actors magnify the perceived risk of those organizing online and offline. Police and security forces reportedly seized protesters' mobile phones during the April 2021 demonstrations. One participant reported that an officer pressed her fingertips to her phone to unlock it while she was handcuffed, under the auspices of loosening the cuffs.⁹⁵

C Violations of User Rights

C1 0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to 4 / information, and press freedom, including on the internet, and are they enforced by a judiciary that 6 lacks independence?

Score Change: The score improved from 3 to 4 because the judiciary ruled in favor of free expression and access to

information online in multiple cases over the coverage period.

Colombia’s constitution includes protections for free expression, though judges sometimes rule against these rights. Article 20 of the constitution guarantees freedom of information and expression and prohibits prior restraint. Article 73 further provides for the protection of “the liberty and professional independence” of “journalistic activity.” Although there are no specific provisions protecting freedom of expression online, according to the Constitutional Court, online journalists and bloggers have the same liberties and protections as print or broadcast journalists.⁹⁶

The judiciary consistently exhibits independence. Though judges have sometimes ruled against free expression, as with orders to restrict content based on an acción de tutela, the coverage period saw multiple judicial rulings in favor of online expression and access to information (see B3). In April 2022, for instance, the Constitutional Court issued a ruling overturning a reform to the electoral code that had been criticized by digital rights organizations for threatening citizens’ political expression over social media (see C2).⁹⁷ In January 2022, the Constitutional Court ruled that the general prosecutor’s office had violated FLIP’s rights to access to information and free expression in its refusal to provide the organization with information on the number of criminal libel and slander complaints filed against journalists by a particular lawyer. The Court also ordered the office to hand over the information.⁹⁸

C2 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities, particularly those that 2 / are protected under international human rights standards? 4

Colombia maintains criminal penalties for defamation. According to the Colombian penal code, individuals accused of making “dishonorable accusations” can face up to four-and-a-half years in jail, while individuals accused of libel can face up to six years in jail. Sanctions may be heightened when the crime is committed through the use of “social mediums of communication or of other collective divulgence.”⁹⁹ Whoever “publishes, reproduces, or repeats” dishonorable accusations or libel may also be subject to the same punishment.¹⁰⁰

Though a number of bills have been proposed in recent years with potential to restrict online expression, including by increasing government regulation of social networks or prohibiting broadly defined content, none had passed by the end of the coverage period.¹⁰¹ In April 2022, the Constitutional Court overturned a reform to the electoral code approved by Congress in December 2020 that included provisions that had been criticized by digital rights organizations for their disproportionate and ambiguous restrictions on citizens’ political expression over social media.¹⁰² The decision by the Court hinged upon the flawed legal procedure behind the reform, rather than its content.¹⁰³

In December 2021, the Senate rejected an article in a proposed anticorruption bill that had been criticized by free expression and journalism organizations for violating free expression guarantees by imposing disproportionate criminal penalties. The article provided for prison sentences of up to 10 years and fines of up to 1.36 billion Colombian pesos (\$308,000) for those found to slandering current or former public officials.¹⁰⁴

C3 0-6 pts

Are individuals penalized for online activities, particularly those that are protected under international 4 / human rights standards? 6

Prosecution and imprisonment for online activities is quite rare in Colombia, though brief detentions have become more common amidst recent political and social unrest. Criminal defamation suits pose a legitimate threat to journalists.

Digital media personnel covering protests risk arbitrary detention by authorities. FLIP documented 16 arbitrary arrests of media personnel over the course of 2021, mainly concentrated between April and July, when nationwide protests were taking place (see B8).¹⁰⁵ In March 2022, Jennifer Mejía, a journalist for online outlets Le Cuento and Pacifista, was detained for one hour on unspecified grounds after identifying herself as press. Mejía had been documenting the arrest of a protester involved in demonstrations for International Women’s Day.¹⁰⁶ Previously, in September 2020, four journalists from the digital medium La Otra Verdad were detained for seven hours while covering protests, after identifying themselves as press to police.¹⁰⁷

Criminal defamation suits are sometimes filed against journalists in retaliation for their online reporting. For instance, in September 2020, two freelance journalists for the online news magazine Volcánicas were ordered by the attorney general’s office to appear for questioning for a criminal defamation complaint. The complainant, screenwriter and director Ciro Guerra Picón, filed the case in response to an article the journalists published in June 2020 reporting on at least eight separate cases accusing Picón of sexual harassment.¹⁰⁸ In May 2021, a court ordered the journalists to add additional context and details to their published testimonies.¹⁰⁹ In the first four months of 2022, the attorney general’s office reported 471 cases of alleged slander related to the dissemination of purportedly false news.¹¹⁰

C4 0-4 pts

Does the government place restrictions on anonymous communication or encryption? 3 / 4

There are no restrictions on the use of anonymizing tools online, though users must register to obtain telecommunication services. While Colombia maintains vaguely worded legislation on encrypted messages, its applicability to online activities remains unclear.

Telecommunication service providers must maintain a database, to which police have access, that contains user data, such as name, identification number, place and residence address, mobile phone number, and service activation date.^{[111](#)} Users must provide accurate information under penalty of perjury, which is punishable by a minimum of six years in prison.^{[112](#)} There are no registration requirements for bloggers or cybercafé owners.

Since 1993, Colombian law has banned the use of “communication devices that use the electromagnetic spectrum” to send “encrypted messages or messages in unintelligible language.”^{[113](#)} In response to an information request, the MinTIC explained that those provisions apply only “to the content of the communications, not the encryption of the medium.” Despite the ambiguous wording of the law, the MinTIC further claimed that these provisions only apply to radio-like devices and not to the internet.^{[114](#)} The Intelligence and Counterintelligence Act stipulates that telecommunications service providers may only offer encrypted voice services to intelligence agencies and “high government” officials.^{[115](#)}

A 2019 Constitutional Court ruling recognized anonymity as an essential element of freedom of expression and the extension of its protected scope to technologies that enable anonymity, including encryption.^{[116](#)}

C5 0-6 pts

Does state surveillance of internet activities infringe on users’ right to privacy? 2 / 6

Intercepting personal communications in Colombia is authorized only for criminal investigation purposes and legally requires a judicial order.^{[117](#)} Colombian law allows intelligence agencies to monitor devices that use the electromagnetic spectrum to transmit wireless communication without a judicial order.^{[118](#)}

Episodes of extralegal surveillance carried out by intelligence agencies, the army, and the police against journalists, activists, and opposition leaders have constituted an ongoing scandal in Colombia for over ten years.^{[119](#)} Some steps have been taken in recent years to punish perpetrators, including with the arrests of former heads of illegal wiretapping and interception networks.^{[120](#)} The Inter-American Commission on Human Rights (IACHR) confirmed in October 2020, however, that impunity persists for those conducting illegal surveillance.^{[121](#)}

Two investigations published by the magazine *Semana* in January and May 2020 revealed the processes and equipment used in illegal military surveillance. The January report exposed the use of sophisticated technology and open-source intelligence—including International Mobile Subscriber Identity (IMSI) catcher equipment, a malware system called Invisible Man, and the artificial intelligence tool Voyager—to spy on politicians, magistrates, generals, social leaders, activists, and journalists in 2019. The military used technology originally provided by the United States to address drug trafficking and the fight against guerrillas, compiling files on each target that included excerpts of social media conversations, photographs, videos, contacts, and maps tracing their movements.^{[122](#)} The May report noted that military intelligence targeted 130 people for surveillance in 2019, including 30 journalists from prominent outlets, human rights defenders, and the regional head of Human Rights Watch (HRW).^{[123](#)}

Social media monitoring is also an issue. As part of the #ColombiaEsMiVerdad (Colombia is my truth) campaign launched by the Ministry of Defense and military forces amid nationwide protests in late April and early May 2021, cyber patrol units invested over 21,000 hours in surveilling online speech in an alleged attempt to identify purportedly false news, for which they did not provide a clear definition. The IACHR condemned the practice in July 2021.^{[124](#)}

In August 2020, a national observatory revealed that the mayor of Medellín, Daniel Quintero, had used public resources to hire a firm to monitor the social media profiles of journalists, social leaders, politicians, and regular citizens who were critical of his administration.^{[125](#)} Previously, in March and April 2020, the National Police carried out cyber patrolling to identify online disinformation related to COVID-19.^{[126](#)}

In 2015, Privacy International found that the Bogotá police bought technology from the companies NICE (sold to Elbit Systems the same year) and Verint that could intercept phone calls in order to monitor government opponents. According to a 2018 investigation by Israeli newspaper *Haaretz*, Colombia has continued to purchase technology from Verint. Authorities are also suspected of having contracts with Italy-based surveillance technology firm Hacking Team, which is known to provide spyware to governments, with documents leaked in 2015 indicating that the National Police contacted the company to activate spyware.^{[127](#)}

C6 0-6 pts

Does monitoring and collection of user data by service providers and other technology companies 3 / 6 infringe on users’ right to privacy?

While some constitutional and legal protections regulate the government’s use of data, service providers in Colombia are obligated to share data with the intelligence community with limited judicial review.

Service providers are required to collaborate with intelligence agencies by providing access, when feasible, to the communications history, location data, or technical data of any specific user without a warrant; intelligence agencies conducting an authorized operation only need to request the data. However, Colombian intelligence and counterintelligence agencies are also subject to Statutory Law 1621 of 2013, which binds agencies to respect “rights to honor, good name, personal and family privacy, and due process.” Article 4 restricts the discriminatory use of intelligence data, including on the basis of gender, race, or origin (see C5).^{[128](#)}

Service providers are also obliged to retain subscriber data for the purposes of criminal investigations and intelligence activities for a period of five years.¹²⁹ An additional threat to user privacy comes in the form of Article 2 of Decree 1704 (2012), which requires that ISPs create access points that capture communications traffic on their networks for criminal investigation purposes—which can be used under the prosecutor general’s authorization. A service provider that does not comply with these obligations faces fines and could lose its operating license.¹³⁰

In March 2020, the Superintendence of Industry and Commerce (SIC), a consumer protection agency that operates under the purview of Colombia’s trade ministry, released a circular that authorized telecommunications firms to share user data with public authorities as part of the country’s COVID-19 response. While public entities are obliged to secure data and respect its confidentiality,¹³¹ the decision opens users to risks including discrimination, undue surveillance, invasion of privacy, and the revelation of journalistic sources. The circular does not specify what data should be collected and imposes no time limit.¹³²

C7 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other actor in relation to their online activities? 2 / 5

Score Change: The score declined from 3 to 2 due to an escalation in violence against journalists in likely retaliation for their online reporting, with one such instance resulting in the death of a reporter.

Though online journalists have historically faced less deadly violence than print journalists, they continue to face attacks and harassment by state and nonstate actors.

Violence in suspected retaliation for online reporting has turned deadly for some Colombian users. In September 2021, journalist Marcos Efraín Montalvo was fatally shot in Tuluá. Montalvo, who had practiced journalism for more than 40 years, had been reporting on local organized crime and corruption on his personal Facebook page in the years prior, for which he had received death threats in 2021. Though it is uncertain whether Montalvo was killed in retaliation for his reporting, the country’s defense minister stated that his murder could be related to his commentary on political corruption.¹³³ Earlier, in April 2021, freelance photojournalist Luis Carlos Ayala was shot by an unidentified person riding a motorcycle in Cali. Ayala often contributed to digital outlet Colombia Informa and had spent months on a story about Indigenous and Afro-Colombian communities defending their land against drug trafficking groups and business interests.¹³⁴

Online journalists are also subject to other forms of violence and intimidation. In June 2021, eight men demanded Pincen Mora, an editor for independent Facebook-based local news outlet Extrema Noticias, come outside of his home and speak with them; they opened fire on his house when he refused to do so. Mora had previously received death threats over Facebook Messenger for his outlet’s reporting on a neighborhood gang.¹³⁵ In September 2021, Josué Nieves, director of the digital media outlet N Noticias Saravena was detained by FARC dissidents and forced to record and publish on his outlet a video proving a hostage they had kidnapped was still alive.¹³⁶

Online journalists covering protests frequently face violence and harassment by state and nonstate actors. In June 2021, journalists José Alberto Tejada and Jhonatan Buitrago of community media outlet Canal2 received threats of deadly violence by security forces while livestreaming on Facebook coverage of national strike protests.¹³⁷ In June 2021, the IACHR reported instances of severe online harassment against journalists, especially women reporters, who were covering the 2021 national strike.¹³⁸

Journalists and politicians also sometimes face sexist and racist online abuse. In May 2022, FLIP and the Electoral Observation Mission (MOE) voiced concern about racist content being spread online about certain candidates.¹³⁹ In a court decision the same month, the Administrative Court of Cundinamarca recognized “a marked pattern of online violence, exercised [through] social networks, against women journalists,” especially “in the exercise of political activity.” The case involved an acción de tutela filed by FLIP in October 2020 on behalf of nine women journalists who had faced online violence by political actors, which they argued was facilitated by the failure of political parties and the National Electoral Council (CNE) to effectively penalize such violence. The court further established that the CNE and ethics committees of political parties must adopt a more proactive role in preventing and sanctioning online violence in the exercise of political activity.¹⁴⁰

C8 0-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to 1 / widespread hacking and other forms of cyberattack? 3

Online outlets and journalists have been targeted by cyberattacks. In 2021, FLIP recorded four cyberattacks against websites belonging to media outlets, six less than in 2020.¹⁴¹

Journalists have recently been victims of hacking attempts. In April 2021, Diana Calderón announced that her WhatsApp account had been hacked and was now part of a hacking chain, in which her contacts would receive requests for a code from her account that, if provided, would allow the hackers full access to their own accounts. Calderón is the director of a radio show and regularly writes articles for *El País* that are published online. The hack also targeted high-level politicians and two other Colombian journalists.¹⁴²

Outlets themselves are also among the victims of cyberattacks. In August 2021, one media outlet reported to FLIP that its website ceased to work for two and a half hours following a denial of service (DoS) attack.¹⁴³

Government institutions also face cyberattacks, including in retaliation for the state’s crackdown on protesters during the coverage period. This was the justification provided by Anonymous in April 2021, when the group claimed to have used distributed denial-of-service (DDoS) attacks—which aim to crash websites by bombarding their host servers with information requests—to take down the official pages of the presidency and the senate. The group also claimed to have leaked the personal information of members of the army through cyberattacks.¹⁴⁴

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Austrian Red Cross Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)	Wiedner Hauptstraße 32, 1041 Wien T (Telephone) +43 1 589 00 583 F (Fax) +43 1 589 00 589 info@ecoi.net	Contact Imprint & Disclaimer F.A.Q. Data Protection Notice
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