

Chapter IV.A

Human Rights Development in the Region

CHAPTER IV

HUMAN RIGHTS DEVELOPMENT IN THE REGION

A. Overview of the Human Rights Situation by Country

METHODOLOGY

1. The Commission decided that Chapter IV of its 2020 Annual Report should contain an overview of the human rights situation in the States of the region, with special emphasis on the rights and issues prioritized by the IACHR, as well as on the following cross-cutting themes established by the Commission in its Strategic Plan 2017-2021: Democratic Institutionalality, Human Rights Institutionalality, Access to Justice and Citizen Security; and the issues prioritized therein. Likewise, in the framework of the global health crisis caused by COVID-19, the Commission decided to request information regarding the effects generated by the pandemic on human rights, as well as regarding the impact of the measures adopted to address them. Regarding freedom of expression and economic, social and cultural rights, it should be noted that the respective Special Rapporteurs produce their annual reports, which are annexed to this Report.

2. For the preparation of this section, the IACHR took into account the information received in the exercise of its monitoring function regarding the human rights situation in 32 countries in the region during 2020. The IACHR used input from the different mechanisms through which the IACHR has followed up on the situation in the country, such as public hearings, thematic visits, requests for information under Article 41 of the American Convention and in connection with precautionary measures; as well as journalistic articles, press releases, decisions and recommendations from specialized international organizations, among others.

3. Furthermore, under the powers vested in it by Article 41 of the American Convention and Article 18 of the American Declaration on the Rights and Duties of Man, in September 2020, the Commission requested information from the member states on the rights, issues, and cross-cutting themes prioritized in the aforementioned Strategic Plan.

4. The IACHR received responses from the following 15 member states: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Paraguay, Saint Lucia, Suriname, Trinidad and Tobago, and the United States. The IACHR is grateful for and appreciates the information sent, which has been included in this chapter.

5. The IACHR is also grateful for the information provided by institutions and civil society organizations throughout the year via the different monitoring mechanisms, which has likewise been included in this section.

TRENDS

6. Below, the IACHR presents an overview of the human rights situation in the region observed during 2020: a year marked by the COVID-19 pandemic and the measures implemented by States to address its spread and mitigate its effects. From the information reviewed, the IACHR identifies some trends in terms of human rights challenges, many of which remain the same as those observed in the previous year.

7. During 2020, the IACHR observed the persistence of acts of violence and discrimination against groups in special situations of exclusion, often exacerbated by the COVID-19 pandemic, such as women and girls and LGBTI persons, indigenous peoples, human rights defenders and social leaders, and Afro-descendants. The situation of persons in human mobility and persons deprived of liberty is also worrisome.

8. Older people are at extreme risk from the COVID-19 virus. The prevalence of mortality due to the virus for the population between 65-74 years is eight times higher than for people between 40-49 years. This risk has been increased in long-stay institutions where the elderly reside. In this sense, the IACHR has observed with special concern the high prevalence of infections and deaths in residences for this population. Additionally, the isolation to which older people have been subjected in several countries of the region is of greater concern in view of the particular need of this population to connect with their families.

9. The IACHR notes with concern certain trends in the context marked by the pandemic caused by the COVID-19 virus that point to illegitimate restrictions and the excessive use of police and military force in the area of citizen security in some States of the region in demonstrations and social protests that have resulted in deaths, serious injuries, and arbitrary detentions against demonstrators and third parties not involved in the protest.

10. In accordance with inter-American standards, in the context of social protests, States must ensure that their security forces have different types of weapons, ammunition, and protective equipment that allow them to adapt their reaction proportionally to the situation that requires their intervention, generating adequate and effective safeguards against arbitrariness. In this context, the Commission warns of the widespread use of so-called "less lethal weapons" in social protests by various police forces in the region and warns of the very serious consequences that their disproportionate use can have for personal integrity and even for life. In this regard, the Commission underscores the obligation of State officials to observe at all times the principles of legality, absolute necessity, and proportionality. The IACHR recalls that the actions of some individuals during demonstrations do not disallow the right of assembly for peaceful, unarmed demonstrators. States have the duty to protect the exercise of the right of assembly and freedom of expression of demonstrators, identifying and isolating those who interfere with their full exercise. The IACHR calls on States to respect and guarantee the exercise of human rights through the strengthening of democratic and participatory citizen security policies that are focused on the protection of human beings.

11. In addition, the IACHR received information on detentions, the use of physical violence, the use of firearms and weapons considered "less lethal" against persons allegedly contravening epidemic control measures. In this regard, States should avoid arbitrary detentions during restrictions on the movement of persons, and all detentions should be subject to due judicial control, in accordance with human rights standards.

12. With respect to human rights defenders, the Commission notes the persistence of high numbers of murders of human rights defenders and social leaders in the region, as well as attacks, threats, harassment, acts of intimidation, criminalization, stigmatization campaigns, and delegitimization of their work. The IACHR again notes the aggravated risk faced by human rights defenders and indigenous, land and environmental, and women's rights defenders and leaders, as well as the high levels of impunity in these cases. Likewise, patterns of violence against journalists and the media continue, and, as reported in previous years, many such crimes still go unpunished. The IACHR once again calls on the States of the region to take concrete, adequate, and effective measures in

terms of protection, prevention, investigation and access to justice in order to create an enabling and safe environment for those who defend human rights in the region. They must also ensure that human rights defenders, journalists, and the media can carry out their important work in freedom and safety.

13. With regard to the rights of indigenous peoples, the IACHR received information on the impact of the COVID-19 pandemic, in particular, shortcomings in medical care with a multicultural approach, delays in the State's response to care for these populations, and the lack of consultation and consent with regard to prevention and mitigation policies. At the same time, the Commission noted with concern high levels of violence against women in the region, aggravated by the confinement policies implemented in the context of the pandemic, as well as persistent challenges in access to sexual and reproductive health services. It also takes note of the measures adopted by some States to strengthen care and complaint mechanisms for women victims of domestic violence.

14. With respect to LGBTI persons or those perceived as such, the IACHR observed high levels of violence, including hate crimes against them, due to their sexual orientation, gender expression and/or identity, or sexual characteristics. The IACHR is particularly concerned about the existence in several Caribbean countries of laws that criminalize consensual sexual relations between adults of the same sex, called "sodomy laws" or laws on "serious indecency," as well as the persistence of so-called conversion therapies or efforts to "correct" the sexual orientation and/or gender identity of LGBTI persons or those perceived as such.

15. With regard to the rights of persons in human mobility, the IACHR noted with concern the impact that the measures adopted by the States to contain the spread of COVID-19 have reportedly had on protection and guarantees of the rights of this group of persons. In particular, the Commission noted the persistence of immigration detention practices, accelerated expulsion or deportation procedures, a decrease in resettlement actions for refugees, limitations on entry into the territories of the States and obstacles to the presentation of asylum or protection applications, or to the continuation of such processes, restrictions on access to public services, the closing of borders to groups of migrants returning to their own States of origin or nationality, the forced displacement of persons, and acts of xenophobia.

16. The Commission emphasizes that migratory phenomena, whether for economic reasons or in search of protection, require a priority response by States based on the principles of solidarity, cooperation, and shared responsibility in the context of the pandemic, with a focus on guaranteeing access to protection mechanisms and ensuring non-refoulement for persons whose lives and integrity are at risk. In this regard, the Commission welcomes the efforts by some States in the region to adopt measures to guarantee access to health care for migrants and to facilitate the continuity of administrative migration and protection procedures, such as the extension of deadlines, humanitarian aid services through the delivery of food, and the implementation of humanitarian flights to repatriate people to their countries.

17. In addition, the Commission has followed up on the serious consequences of prison overcrowding for the life, integrity, and health of persons deprived of liberty in the face of the advance of COVID-19. This situation affects to a greater extent people who belong to vulnerable groups, such as the elderly and those with chronic or autoimmune diseases. In this context, countries in the region have adopted various measures to prevent the spread of the virus, mainly by reducing the prison population. In this regard, two types of initiatives have been implemented: those that seek to apply alternative measures to imprisonment and those that seek to commute sentences through pardons and amnesties. Despite the initiatives adopted, the situation of persons deprived of their liberty in the

context of the pandemic is one of the main concerns of the Commission, as it places them at particular risk of contagion and of not having adequate medical care to treat COVID-19. The Commission reiterates the special obligation of the States of the region to adopt immediate and urgent measures to protect the life, health, and integrity of the persons in their custody. In particular, the IACHR urges the States to take actions to reduce the prison population, taking into account various recommendations of the Commission, contained mainly in [Resolution No. 01/20 on Pandemic and Human Rights in the Americas](#).

18. The IACHR also took note of the restriction of visits as a measure adopted to contain the COVID-19 pandemic. In this regard, the IACHR recalls that the restriction of visits could have serious consequences for the mental health of persons deprived of liberty. The IACHR urges States to adopt other measures, such as videoconferencing, increased telephone communication, and electronic communication, in the face of restrictions on in-person visits.

19. In view of the trends described in this section regarding human rights challenges in the region, the IACHR presents below an overview of the human rights situation by country, observed during 2020.

isolation measures, the delivery of 125,000 computers with Internet access to enable online education, and the publication of the “Chile Crece Contigo” website with extensive information on COVID-19 for families with children and adolescents.⁴⁵⁹

235. In addition, the IACHR expressed its grave concern about the case in which two adolescents were wounded by gunshots in a SENAME residence in Talcahuano.⁴⁶⁰ According to information published by the media, two adolescents, aged 17 and 14, were wounded during a Carabineros procedure at the Carlos Macera Home in Talcahuano⁴⁶¹. In this regard, the Commission takes note of the investigation of the facts initiated by the Investigative Police of Concepción and the arrest of the person accused of shooting the adolescents.⁴⁶²

236. The IACHR also monitored the processing of legislative initiatives that seek to reform the institutional framework for the promotion and protection of the rights of children and adolescents in the country. In this regard, the IACHR notes that in October, the creation of the Specialized Protection Service for Children and Adolescents, which will assume part of the functions of the current National Service for Minors (SENAME), was finally approved.⁴⁶³ The Commission notes that the law that created this service was enacted in December 2020 and published in January 2021, but, as of the date of this report, had not yet entered into force.

237. Social demonstrations, in the midst of restrictions caused by the COVID-19 pandemic, marked part of the year in Chile. The Office of the Special Rapporteur recorded the excessive use of force in the context of these demonstrations that left people injured and detained by both security forces and violent groups. Among the victims were (local and foreign correspondent) journalists and cameramen.

COLOMBIA

● General considerations

238. With regard to **progress**, the IACHR welcomes various measures adopted by the State in the area of human rights. In particular, it highlights progress in the implementation of the Peace Agreement related to the institutional framework for the Comprehensive System of Truth, Justice, Reparation and Non-Repetition, such as the accreditation of individual and collective victims before the Special Jurisdiction for Peace and the development of National and Regional Plans to Search for Persons Disappeared in the Context of the Armed Conflict.

239. As for **challenges**, the IACHR highlights the violence faced by human rights defenders, social leaders, representatives of indigenous peoples, peasant farmers, Afro-descendants, women and girls, children and adolescents. The Commission also notes with concern the increase in

⁴⁵⁹ Ministry of Foreign Affairs of Chile, Information from the State for the preparation of the 2020 Annual Report of the IACHR, IACHR Archive, December 16, 2020, pp. 13-14. Available at: <http://www.crececontigo.gob.cl/covid19/>

⁴⁶⁰ IACHR, [Tweet](#), November 19, 2020

⁴⁶¹ Cooperativa, [INDH sobre baleo a niños: No hubo otros medios disuasivos](#), 19 November 2020. Bio Bio Chile, [Dos adolescentes heridos a bala deja procedimiento de carabineros al interior de hogar del Sename](#), November 18, 2020.

⁴⁶² Cooperativa, [Delgado after visiting shot children: There are things that should not happen; the State must protect them](#), November 19, 2020.

⁴⁶³ SENAME, [Senate approved veto creating the new Child and Adolescent Protection Service](#), October 29, 2020.

collective homicides or massacres registered in the country and the murder, attempted murder, and disappearances of former combatants who signed the Peace Agreement. Similarly, the IACHR voiced its concern regarding illegal spying on journalists, justice operators, human rights defenders, and political leaders allegedly carried out by members of the Army; cases of kidnapping and sexual violence against indigenous girls and adolescents by members of the armed forces; and the excessive use of police force in the context of public demonstrations. Another human rights challenge in the country is the high number of forced displacements registered during the year, especially of various ethnic communities.⁴⁶⁴ Finally, the IACHR considers it worrisome, for the integral reparation of the victims of the armed conflict and the right to truth of Colombian society as a whole, that the Commission for the Clarification of Truth, Coexistence and Non-Repetition has difficulty accessing documentation requested from state institutions.

240. On September 29, 2020, the State submitted a response to the request for information sent for the preparation of this chapter.

- **Specific topics**

241. Regarding the COVID-19 pandemic, the IACHR highlights the measures adopted to contain the spread of the virus. In Colombia, the first case was registered on March 6 and preventive actions were taken, such as the declaration of a sanitary emergency and a state of national emergency, the closure of educational establishments, the total closure of borders, and mandatory preventive isolation. After several months of these measures, actions were taken for the gradual reactivation of the country's economic and social life. With respect to institutional follow-up, the High Counselor's Office for Human Rights is the body in charge of monitoring the measures adopted.

242. In terms of **human rights institutions**, the Commission has taken note of the appointment of a new head of the Ombudsman's Office, an autonomous and independent body for the promotion and defense of human rights.⁴⁶⁵ In particular, the IACHR highlights as a good practice in this area, the sustained implementation by the network of National Human Rights Institutions (INDH) of an Early Warning System to monitor and warn about risks to the population associated with the internal armed conflict and to promote humanitarian prevention actions aimed at protecting and guaranteeing human rights.⁴⁶⁶

243. In terms of public policies, one notable development was the beginning of the process of formulating a Public Policy for Integral Protection and Guarantees for Social and Community Leaders, Journalists and Human Rights Defenders. According to the information provided by the State, this policy adopts a differential, equity and ethnicity-oriented and territorial approach, and will incorporate guidelines for the protection of journalists, among other segments of the population, aimed at safeguarding the right to freedom of expression and access to information.

⁴⁶⁴ In 2020, 32,217 people were forcibly displaced, half of them belonging to ethnic communities, specifically, 9,150 Afro-descendants and 7,049 members of indigenous peoples. CODHES, Desplazamiento Forzado en Colombia ¿Qué pasó en 2020, February 21, 2021.

⁴⁶⁵ El Espectador, Carlos Camargo will be the new Ombudsman. He had the majority support of Congress, August 14, 2020.

⁴⁶⁶ Ombudsman's Office of Colombia, Early Warning System SAT <https://www.defensoria.gov.co/es/public/atencionciudadanoa/1469/Sistema-de-alertas-tempranas---SAT.htm>

244. For its part, the State announced the launching of the second version of the "National Action Plan on Business and Human Rights 2019-2022" prioritizing economic recovery following the crisis caused by the pandemic.⁴⁶⁷

245. With regard to **democratic institutionalism**, the State reported on activities related to the revision of dates for holding elections in 4 departments, the promotion, dissemination and electoral training of the Youth Councils, and the issuance of Resolution 958 of 2020 on biosecurity measures for the management and control of COVID-19 risk in electoral processes.⁴⁶⁸

246. On the other hand, the Commission took note of expressions of concern by civil society regarding the concentration of powers in the Executive Branch and its possible impact on the system of checks and balances necessary for the functioning of a full democracy and the links between members of the Executive Branch and the persons elected to occupy investigative and oversight bodies. The Commission also took note of the fact that the Executive Branch has been given the power to issue 164 decrees, 11 of them directed at the health sector, in the framework of the state of emergency decreed in response to the COVID-19 pandemic.⁴⁶⁹

247. With regard to **access to justice**, the State reported on the progress made in Transitional Justice and the approval by Congress of the 10-year extension of Law 1.448, known as the Victims Law.⁴⁷⁰ Likewise, the State highlighted the measures that guarantee the provision of services by the Family Police Stations, the training of officials on the rights of persons with disabilities, and the measures taken in relation to persons deprived of liberty.⁴⁷¹

248. With respect to **citizen security**, the State reported on the three fronts it has defined as fundamental: substitution of illicit crops; reincorporation of former combatants; and recruitment of children and adolescents. In relation to the security of leaders who support the National Comprehensive Program for the Substitution of Illicit Crops (PNIS), the State highlighted the various security and inter-agency coordination initiatives, as well as the monthly monitoring, follow-up and analysis of all the early warnings issued by the Ombudsperson's Office and the documents sent by the Intersectoral Commission for Rapid Response to Early Warnings (CIPRAT).⁴⁷² In relation to the security of former combatants, the State reported on security and protection measures in the Territorial Spaces for Training and Reincorporation (AETCR). With regard to the 9,538 ex-combatants in 579 municipalities that are not in the AETCRs, the State highlighted the actions implemented by the National Protection Unit (UNP) both at the collective level, with 12 protection schemes in the ETCR, and via 226⁴⁷³ individual protection schemes. The State highlighted the fact that the Attorney

⁴⁶⁷ The Republic, [New national business and human rights action plan](#), December 11, 2020.

⁴⁶⁸ Government of Colombia, Aportes de Colombia para la elaboración del Informe Anual de la CIDH -Capítulo IV, Sección A "Panorama anual sobre la situación de los Derechos Humanos por país" correspondiente a 2020, pp. 2-5.

⁴⁶⁹ IACHR, [Situation of Human Rights in Colombia](#), 178th session, December 9, 2020.

⁴⁷⁰ Government of Colombia, Aportes de Colombia para la elaboración del Informe Anual de la CIDH -Capítulo IV, Sección A "Panorama anual sobre la situación de los Derechos Humanos por país" correspondiente a 2020, pp. 20-21.

⁴⁷¹ Government of Colombia, Aportes de Colombia para la elaboración del Informe Anual de la CIDH -Capítulo IV, Sección A "Panorama anual sobre la situación de los Derechos Humanos por país" correspondiente a 2020, pp. 23-25.

⁴⁷² Government of Colombia, Aportes de Colombia para la elaboración del Informe Anual de la CIDH -Capítulo IV, Sección A "Panorama anual sobre la situación de los Derechos Humanos por país" correspondiente a 2020, pp. 31-33.

⁴⁷³ Government of Colombia, Aportes de Colombia para la elaboración del Informe Anual de la CIDH -Capítulo IV, Sección A "Panorama anual sobre la situación de los Derechos Humanos por país" correspondiente a 2020, p. 34.

General's Office, through the Special Investigation Unit responsible for the investigation of the crimes of homicides, attempted homicides and disappearances of former combatants, has carried out 256 investigations, obtained 38 convictions, identified more than 220 people as suspects, arrested 103 of them, and has issued a further 53 arrest warrants.⁴⁷⁴ It also reported on prevention policies and policies against the stigmatization of former combatants, as well as measures to support the security of FARC Party candidates. Regarding the recruitment of children and adolescents, the State reported on the progress made by the Special Jurisdiction for Peace (JEP) in relation to cases involving the recruitment of 8,839 victims by the FARC and on inter-agency actions to prevent the recruitment of children and adolescents.⁴⁷⁵

249. Regarding the safety of leaders who support the PNIS, the IACHR took note of information from the National Congress of the Republic and civil society organizations indicating that in those municipalities where this illicit crop substitution program is being implemented, the homicide rate is 57.9 per 100,000 inhabitants, which is 259% higher than the national average.⁴⁷⁶

250. On the other hand, the United Nations Verification Mission in Colombia has verified the assassination of 248 former combatants since the signing of the Peace Agreement (73 in 2020), in addition to 55 attempted homicides and the disappearance of 20 former combatants.⁴⁷⁷ The Verification Mission points out that the threats received by the signatories of the Agreement are driving them to abandon the AETCR and the ETCR,⁴⁷⁸ as was the case in the "reincorporation spaces" of La Elvira in Cauca, Mesetas in Meta, Ituango in Antioquia, Puerto Asis in Putumayo⁴⁷⁹ and in the ETCR of Santa Lucia where former combatants collectively abandoned the area.⁴⁸⁰

251. The IACHR also took note of the increase in massacres in Colombia during the year 2020. The Office of the United Nations High Commissioner for Human Rights in Colombia documented, as of December 2020, 66 massacres in the country in which 255 people were killed; and other cases are still being verified.⁴⁸¹

252. The Commission also expressed its concern over allegations of illegal spying for the purpose of preparing intelligence reports on journalists, justice operators, human rights defenders, and political leaders, allegedly carried out by at least four battalions and intelligence and counterintelligence brigades of the Armed Forces in Colombia. For this purpose, information was allegedly gathered through the monitoring of these persons and through various computer tools for collecting data on private communications, telephone calls, emails, places of residence and work, data

⁴⁷⁴ Government of Colombia, Aportes de Colombia para la elaboración del Informe Anual de la CIDH -Capítulo IV, Sección A "Panorama anual sobre la situación de los Derechos Humanos por país" correspondiente a 2020, p. 36.

⁴⁷⁵ Government of Colombia, Aportes de Colombia para la elaboración del Informe Anual de la CIDH -Capítulo IV, Sección A "Panorama anual sobre la situación de los Derechos Humanos por país" correspondiente a 2020, p. 44.

⁴⁷⁶ Congreso de la República, *¿En qué va la paz a 2 años del Gobierno Duque?*, August 4, 2020, p. 4.

⁴⁷⁷ United Nations Verification Mission in Colombia, *Report of the Secretary-General, S/2020/1301*, December 29, 2020, p.3.

⁴⁷⁸ United Nations Verification Mission in Colombia, *Report of the Secretary-General, S/2020/1301*, December 29, 2020, p. 3.

⁴⁷⁹ El Espectador, *Los espacios de reincorporación de las Farc con más amenazas*, July 9, 2020.

⁴⁸⁰ Agencia EFE, *Desmovilizados de las FARC abandon reincorporation zone due to violence*, July 16, 2020.

⁴⁸¹ OHCHR, *Bachelet urges Colombia to increase protection of population due to increased violence in rural areas*, December 15, 2020.

on their families and contact persons, intrusions into their privacy and even direct interceptions of the communications of the aforementioned persons.⁴⁸²

253. The IACHR also received information on cases of kidnapping and gang rape of indigenous girls and adolescents by members of the armed forces. According to public information, an adolescent girl from the Nukak Makú indigenous people was allegedly abducted in a military battalion camp and repeatedly raped by members of the army. The Commission received information on the alleged existence of five other cases of sexual violence against Nukak indigenous girls in this same reservation at the hands of members of the army and the kidnapping and subsequent gang rape of an indigenous girl from the Embera Chamí people by eight members of the military. The Colombian Army has itself announced that, since 2016, at least 118 military personnel have been identified as being involved in cases of alleged sexual abuse.⁴⁸³

254. The IACHR also expressed its concern about the excessive use of police force, including the case of Javier Ordoñez, who died in police custody after being beaten by members of the Metropolitan Police of Bogotá, and the 13 people who died during the demonstrations that followed.⁴⁸⁴ In the investigations into the deaths of people during that protest, the Attorney General's Office charged 3 members of the police for the death of 4 demonstrators whose bodies had gunshot wounds.⁴⁸⁵

255. In relation to the rights of **indigenous peoples**, information received from civil society reports the murder of 47 indigenous leaders in 2020.⁴⁸⁶ Likewise, the IACHR learned of attempts against the life and integrity of indigenous leaders⁴⁸⁷ and of accusations against indigenous representatives of being infiltrated by FARC-EP leaders during the Indigenous Minga (communal gathering) in October 2020.⁴⁸⁸ The presence of illegal armed groups and illegal crops in indigenous territories continues to generate forced displacement, as in the case of the forced displacement of indigenous communities in Bahía Solano, Chocó following the murder of an indigenous leader in December 2020.⁴⁸⁹

256. With respect to **human rights defenders**, the State reported on progress with formulating the National Policy on respect and guarantees for the work of human rights defenders. In this regard, the State mentioned the holding of workshops with civil society and territorial authorities

⁴⁸² IACHR, Press Release, The IACHR and its Office of the Special Rapporteur for Freedom of Expression urge the State of Colombia to establish a diligent, timely and independent investigation into allegations of illegal spying on journalists, justice operators, human rights defenders and political leaders, No. 118/20, May 21, 2020.

⁴⁸³ IACHR, Press Release. IACHR expresses its strong condemnation of the rape of indigenous girls and adolescents and calls on Colombia to investigate the facts with due diligence, No. 166/20, July 17, 2020.

⁴⁸⁴ IACHR, Press Release. IACHR Condemns the Excessive Use of Police Force and Expresses Concern over Acts of Violence in the Framework of Public Demonstrations in Colombia, No. 219/20, September 16.

⁴⁸⁵ Semana, Three police officers charged for deaths during Sept. 9 demonstrations, January 4, 2021

⁴⁸⁶ INDEPAZ, Informe de masacres en Colombia durante el 2020, December 13, 2020.

⁴⁸⁷ ONIC, La ONIC rechaza las amenazas contra la vida y nuestros procesos organizativos, October 19, 2020. El Tiempo, Qué se sabe del atentado al senador Feliciano Valencia, October 29, 2020. Noticias RCN, En el Chocó a diario hay muertos que no están reportados: líder social, February 15, 2020.

⁴⁸⁸ Consejo Regional Indígena del Cauca, La Minga del Suroccidente es alta política por la vida y la paz, October 17, 2020. Revista Semana, La minga indígena responde: "La movilización no está infiltrada", October 13, 2020.

⁴⁸⁹ El Tiempo, Alerta en Chocó por desplazamiento masivo tras crimen de líder, December 5, 2020.

during 2020, with the aim of receiving input for the development of public policy, although it also noted that this process had been hampered by current limitations caused by the pandemic⁴⁹⁰.

257. On the other hand, the Commission is aware of the efforts made by the Colombian State to advance in the investigations into the murder of human rights defenders. According to information from the State, the Office of the Attorney General of the Nation (FGN) has made progress in the investigation of crimes against human rights defenders, especially with regard to homicides. It reported that between January 1, 2016 and December 2, 2020, the OHCHR reported 421 cases of homicides of human rights defenders. Of those, 404 are being investigated by the FGN, which has made headway with clarification of 60.89% of the cases. Convictions have been achieved in 63 of the cases reported.

258. However, the Commission observed and frequently condemned the fact that acts of violence against human rights defenders and social leaders continued during 2020.⁴⁹¹ According to State figures, between January and December 2020, 53 human rights defenders were murdered.⁴⁹² For its part, the Office of the OHCHR reported that as of December 15, 2020, there had been 120 murders of human rights defenders, of which 53 are verified.⁴⁹³ Likewise, the Somos Defensores Program stated that through September 2020, 135 murders of human rights defenders had been reported.⁴⁹⁴

259. The IACHR has observed a territorial concentration of violence against human rights defenders in areas characterized by a limited presence of the State and the actions of illegal armed groups competing for dominance and control of the various illegal economies (drug trafficking, illegal mining, among others). In this regard, the Commission notes that most of the murders recorded during the year were concentrated in the departments of Antioquia, Cauca, Chocó, Huila, Norte de Santander, Córdoba, Nariño and Putumayo, mostly affecting social and indigenous leaders. In addition, the IACHR observed the persistence of threats against human rights defenders and social leaders, which, according to the MAPP/OAS, have been concentrated mainly in the departments of Bolívar, Cauca, Cesar, Norte de Santander, Putumayo, and Valle del Cauca.⁴⁹⁵

260. With regard to **women's rights**, the Commission welcomes the Constitutional Court's ruling recognizing the rights of former FARC female combatants who were victims of sexual and reproductive violence during the armed conflict.⁴⁹⁶ The IACHR also welcomes the implementation

⁴⁹⁰ Government of Colombia, Diplomatic Note MPC/OAS No. 1669/2020, Report on follow-up to recommendations of the IV Country Report "Truth, Justice and Reparation: Fourth Report on the Situation of Human Rights in Colombia" **emphasis 2020**, October 30, 2020, para. 1121.

⁴⁹¹ IACHR, Press Release No. 062/20, IACHR expresses its condemnation of the murder of social leaders and reiterates its concern about the human rights situation in Colombia, March 26, 2020. IACHR, Press Release No. 174/20, IACHR expresses its concern over murders of human rights defenders and social leaders during the first half of the year in Colombia, July 23, 2020.

⁴⁹² Government of Colombia, Diplomatic Note MPC/OAS No. 043/21 of January 20, 2021, on file with the IACHR.

⁴⁹³ OHCHR, Bachelet urges Colombia to increase protection of population due to increased violence in rural areas, December 15, 2020.

⁴⁹⁴ Somos Defensores Program, The Virus of Violence, November 20, 2020.

⁴⁹⁵ OAS, Twenty-ninth Report of the Secretary General to the Permanent Council on the Mission to Support the Peace Process in Colombia of the Organization of American States (MAPP/OAS), OEA/Ser.G CP/doc.5668/20, December 10, 2020, p.14.

⁴⁹⁶ Insight crime, Colombia court ruling recognizes sexual violence in FARC, February 4, 2020.

of the Colombian Women's Observatory, 14 years after the passing of Law 1009/2006, which mandated its creation.⁴⁹⁷

261. However, the Commission notes with concern the report of 178 victims of femicide between January and September 2020.⁴⁹⁸ The IACHR also notes that, according to a statement by the Deputy Attorney General, 24,850 women were reportedly victims of sexual violence between January and September 2020; and according to the data available, 249 complaints of domestic violence were reportedly filed in Colombia every day during 2020.⁴⁹⁹

262. Regarding the situation of **people of African descent and against racial discrimination**, the IACHR welcomes the institutional guidelines of the Ministry of Health for the prevention, detection, and management of cases of COVID-19 for the ethnic population in Colombia, particularly for the black, Afro-Colombian, Raizal and Palenquero communities, including differentiated, culturally sensitive health care.⁵⁰⁰

263. On the other hand, the Commission notes that the COVID-19 pandemic has deepened the historical racial inequality in the country, which is reflected in structurally precarious conditions for the realization of the economic, social, cultural, and environment rights (ESCER) in the departments where the settlements of the Afro-Colombian communities are located. According to the National Institute of Health, 46,953 Afro-descendants had been infected by COVID-19 and 1,556 had died by December 2020. The departments with the highest number of cases are Bogotá (7,472), Barranquilla (7,343), Antioquia (5,256), Cartagena (3,713), Valle del Cauca (3,658), Chocó (3,600), Atlántico (3,306) and Nariño (3,012).⁵⁰¹

264. With regard to citizen security, the IACHR notes with concern the reports of the murders of Afro-descendent youths Anderson Arboleda, Harold Morales, and Julián Mauricio González, allegedly committed by police officers⁵⁰² or in police custody, as in the case of Juan Luis Guzmán.⁵⁰³ Similarly, the Commission condemned the massacre of 5 Afro-Colombian adolescents, who were allegedly tortured and executed in the city of Cali on August 11, 2020, as well as the massacre of September 19, 2020, in the rural area of the municipality of Buenos Aires, Cauca, where 5 adults and a 16-year-old Afro-descendant were allegedly murdered.⁵⁰⁴ The Commission also

⁴⁹⁷ El Espectador, Tras 14 años de haber sido aprobado, crean el Observatorio Colombiano de Mujeres, March 6, 2020.

⁴⁹⁸ El Tiempo, En lo corrido del año, 178 mujeres han sido víctimas de feminicidio, September 22, 2020.

⁴⁹⁹ El Tiempo, Every day there are 249 complaints of domestic violence in Colombia, September 12, 2020.

⁵⁰⁰ Ministry of Health, mainstreaming the differential approach, guidelines for the prevention, detection and management of COVID-19 cases for the ethnic population in Colombia, June 2020.

⁵⁰¹ Caracol Radio, 1,556 Afros and 251 foreigners have died from COVID-19 in Colombia, January 05, 2021. See also New York Times, How to Prevent the Coronavirus from Deepening Racial Inequality in Colombia, April 29, 2020.

⁵⁰² BBC News, Anderson Arboleda: the death of a young black man after an alleged police beating sparked a debate on racism in Colombia, 4 June 2020. See also El Espectador, Harold Morales dreamed of being a soccer player and was killed by a police bullet in Cartagena, September 1, 2020; Vorágine, Dígame a mi mamá que la amo: el último suspiro de Julián, asesinado por la Policía, September 15, 2020.

⁵⁰³ Caribe Afirmativo, Juan Luis Guzman, gay man, dies in the police station of Arboletes, Antioquia, August 10, 2020.

⁵⁰⁴ IACHR, Press Release No. 251, IACHR expresses its concern over the increase of violence in Colombia in territories with presence of illegal armed groups, October 13, 2020.

expressed its deep concern over the murder of Afro-Colombian community leader Patrocinio Bonilla, which occurred on August 11, 2020.⁵⁰⁵

265. In relation to the multiple discrimination faced by Afro-Colombian women, according to public information, on February 9, 2020, Luz Irina Solís Sierra, a 33-year-old pregnant woman, disappeared and days later her body was found in a rural area of Tumaco with signs of torture and sexual violence. On February 3, 2020, Loren Daniela Montaña Cortés, 10 years old, was reportedly disappeared and subsequently murdered in the backyard of a house next to her home in Tumaco.⁵⁰⁶ The IACHR also received information from civil society on alleged harassment by illegal groups against AFRODES leaders, including Silvia Rodríguez and Ruby Cortes, community leaders from Tumaco, who reportedly received threats or were victims of attempted homicides.⁵⁰⁷

266. Regarding the **rights of persons in a situation of mobility**, the State reported that thanks to implementation of the Special Permit to Stay, as of June 2020, 762,857 Venezuelans have regular migratory status in the country.⁵⁰⁸ It also stated that the Special Permit to Stay for the Promotion of Formalization (PEP-FF) was issued as an additional regularization mechanism. This permit seeks to reduce the levels of labor informality of the Venezuelan population and to provide a mechanism to avoid labor exploitation of people in an irregular situation.⁵⁰⁹ Regarding the reduction of statelessness cases, the State pointed out that Law 1997 of 2019 extended the term of the exceptional administrative measure that grants Colombian nationality by birth to children of Venezuelan fathers and mothers born in Colombia until September 2021.⁵¹⁰

267. The Commission was informed by civil society organizations about the forced displacement of ethnic communities as a result of clashes between armed groups in their ancestral territories. The IACHR took note of the displacement of approximately 4,000 people from the communities of San Pedro and Honda, Community Council of the Chagüí River, in the department of Nariño.⁵¹¹

268. With regard to the rights of **children and adolescents**, the IACHR expressed its grave concern regarding cases of torture and murders of adolescents in different parts of the country.⁵¹² In

⁵⁰⁵ IACHR, [Tweet](#), August 13, 2020

⁵⁰⁶ Document submitted to the IACHR by the Proceso de Comunidades Negras, El Estado de los derechos colectivos en comunidades negras y la profundización de la crisis humanitaria en el marco del COVID- 19, Informe trimestral enero-abril de 2020, April 20, 2020, p. 2.

⁵⁰⁷ Document submitted to the IACHR by the International on Race, Equality and Human Rights, Denuncia por violaciones sistemáticas en contra de líderes sociales afrodescendientes de la Asociación Nacional de Afrocolombianos Desplazados -AFRODES, December 30, 2020, p. 4 - 9.

⁵⁰⁸ Government of Colombia, Aportes de Colombia para la elaboración del Informe Anual de la CIDH -Capítulo IV, Sección A "Panorama anual sobre la situación de los Derechos Humanos por país" correspondiente a 2020, par. 33.

⁵⁰⁹ Government of Colombia, Aportes de Colombia para la elaboración del Informe Anual de la CIDH -Capítulo IV, Sección A "Panorama anual sobre la situación de los Derechos Humanos por país" correspondiente a 2020, par. 34.

⁵¹⁰ Government of Colombia, Aportes de Colombia para la elaboración del Informe Anual de la CIDH -Capítulo IV, Sección A "Panorama anual sobre la situación de los Derechos Humanos por país" correspondiente a 2020, par. 38.

⁵¹¹ Document submitted to the IACHR by the Proceso de Comunidades Negras, El Estado de los derechos colectivos en comunidades negras y la profundización de la crisis humanitaria en el marco del COVID- 19, Informe trimestral enero-abril de 2020, April 20, 2020, p. 2.

⁵¹² IACHR, Press Release No. 251/2020: [IACHR expresses concern over the increase of violence in Colombia in territories with the presence of illegal armed groups](#), October 13, 2020.

August and September, the Commission repudiated the murder of 11 adolescents, two of them in the department of Nariño, four in the department of Antioquia and five in the department of Valle del Cauca.⁵¹³ In addition, in November, the IACHR expressed its concern over the deaths of two adolescents in the department of Huila, which allegedly occurred as a result of gunshots fired by a soldier at a police checkpoint in San Agustín.⁵¹⁴ According to the information available, between January and September 2020 there were at least 93 murders of children and adolescents in Colombia.⁵¹⁵

269. During 2020, the Commission also monitored with concern the ongoing recruitment of children and adolescents by paramilitary groups that was aggravated by the pandemic and the suspension of classes, according to figures from the Coalition against the involvement of children and youths in the armed conflict in Colombia (Coalico).⁵¹⁶ In the information sent for the drafting of this report, the State indicated that in July the Presidential Council for Human Rights, the Colombian Institute for Family Welfare, UNICEF, and other organizations launched the strategy "Súmate por mí" (Join me), which aims to establish protective environments for children and adolescents and prevent recruitment, exploitation, and sexual violence against children and adolescents. The information provided by the State indicates that the strategy will be implemented in 200 territories that, according to current indicators, are at high risk from the action of armed groups.⁵¹⁷ In addition, the IACHR expressed its concern regarding the serious situation of malnutrition affecting children and adolescents of indigenous peoples in the department of La Guajira.⁵¹⁸ In particular, the Commission lamented the death of 12 Wayúu children and urged the State to comply with the precautionary measure issued in 2015 for the protection of children and adolescents from the communities of Uribí, Manaure, Riohacha and Maicao, and to formulate and implement culturally appropriate public policies, agreed upon with the indigenous peoples, that guarantee the right to food and water.⁵¹⁹

270. With regard to recruitment and trafficking in persons, the IACHR takes note of the report of the OAS Secretary General on the Mission to Support the Peace Process in Colombia, which indicates that three years after the signing of the peace agreement, illegal armed groups continue to

⁵¹³ IACHR [@CIDH]. (Aug. 13, 2020). #Colombia The @IACHR repudiates violence against adolescents in the country. On #11August 7 adolescents were killed, 2 of them in the department of Nariño and 5 others in the department of Valle del Cauca. #NiñosNiñasAdolescentes #DDH 1. Twitter: <https://twitter.com/CIDH/status/1293891891617042434>. IACHR [@CIDH]. (Sep. 1, 2020). #Colombia The @IACHR repudiates violence against adolescents in the country. Between August 23 and 29, 4 adolescents were killed in different circumstances happened in 3 municipalities in the department of Antioquia. #NiñosNiñasAdolescentes #DDH 1. Twitter: <https://twitter.com/CIDH/status/1300782150334263297>

⁵¹⁴ IACHR [@CIDH]. (Nov. 19, 2020). #Colombia The @IACHR repudiates the murder of Emerson Dussán and José Irua aged 16 and 14 who, according to public information, were shot by a military officer at a police checkpoint in San Agustín, Huila. #NiñosNiñasAdolescentes #DDH 1. Twitter: <https://twitter.com/CIDH/status/1329442316877258753>

⁵¹⁵ El Universal, *Brutality against children proliferates in Latin America*, November 13, 2020.

⁵¹⁶ El Espectador, *Lack of classes increased forced recruitment in Colombia*, May 17, 2020.

⁵¹⁷ Republic of Colombia, *Aportes de Colombia para elaboración del Informe Anual de la CIDH - Capítulo IV, Sección A*, IACHR files, October 14, 2020, p. 44.

⁵¹⁸ Human Rights Watch, *Colombia: Indigenous children at risk of malnutrition and death*, August 13, 2020.

⁵¹⁹ IACHR [@CIDH]. (July 24, 2020). #Colombia The @IACHR reiterates its concern and alarm over the death of 10 #NiñosNiñasAdolescentes indigenous Wayúu, according to public information, due to malnutrition. Official data from 2015 indicates that 29.6% of indigenous girls and boys aged 0-4 years suffer from chronic malnutrition. 1 Twitter: <https://twitter.com/CIDH/status/1286664463370919937>

recruit children and adolescents.⁵²⁰ In this regard, the IACHR recalls its Resolution 04/19, on the Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons and Victims of Trafficking in Persons, and calls on States to monitor, prevent, identify, and address risk situations, including forced recruitment.⁵²¹

271. With regard to **memory, truth, and justice**, the IACHR values the accreditation of 308,141 individual victims and collective subjects before the Special Jurisdiction for Peace (JEP).⁵²² The Commission also highlights the fact that the Unit for the Search for Disappeared Persons has managed to coordinate, together with other bodies, the dignified handover of 97 bodies of disappeared persons and organized the reunion of 3 persons with their families while they were still alive.⁵²³ In addition, the Commission welcomes the dissemination of the National Search Plan - which includes 430 searchers, 112 organizations and 12 entities - and the elaboration of 14 Regional Search Plans.⁵²⁴

272. Likewise, in the framework of the hearing before the IACHR, civil society organizations highlighted situations that could generate obstacles to access to justice for girls, women, and LGBTI victims of sexual violence during the armed conflict in the framework of the cases prioritized by the SJP and requested specific measures on victimization by sexual and reproductive violence and motivated by the sexuality of the victims in that context.⁵²⁵ For its part, the Commission for the Clarification of Truth, Coexistence, and Non-Repetition (CEV) presented to the IACHR, in a public hearing, the results achieved so far.⁵²⁶ The CEV pointed to various challenges it faces with regard to fulfilling its mandate, in particular, difficulty in accessing information held by certain state institutions, the denial of direct access to documentation, the delivery of fragmented or incomplete answers, and untimely responses. On that occasion, the IACHR expressed its concern about the impact that these challenges could have on the drafting of the Final Report that the Truth Commission is required to deliver in 2021.

273. On the other hand, the IACHR takes note of the judgment issued by the Council of State requiring unification of jurisprudence on grounds of legal importance with respect to the criteria to be followed in cases in which the expiration of the action for direct reparation for crimes against humanity, war crimes, or any other matter from which the pecuniary responsibility of the State can be inferred.⁵²⁷ In particular, the Council of State determined that: "(i) in such events the term [Tr. i.e.,

⁵²⁰ MAPP-OAS, *Twenty-eighth Report of the Secretary General to the Permanent Council on the Mission to Support the Peace Process in Colombia of the Organization of American States (MAPP/OAS)*, May 18, 2020.

⁵²¹ IACHR, *Resolution 04/19 Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons and Victims of Trafficking in Persons*, December 7, 2019, 56.

⁵²² JEP, *Comunicado 175 of 2020 'Accountability 2020: The JEP moves forward with action and results'*, December 11, 2020.

⁵²³ UBPD, *Avanzan las acciones humanitarias de la Unidad de Búsqueda de Personas dadas por Desaparecidas en Colombia*, December 21, 2020.

⁵²⁴ El Espectador, *Arranca el Plan Nacional de Búsqueda de Desaparecidos en el conflicto*, May 6, 2020; UBPD, *Avanzan las acciones humanitarias de la Unidad de Búsqueda de Personas dadas por Desaparecidas en Colombia*, December 21, 2020; UBPD, *Avanzan las acciones humanitarias de la Unidad de Búsqueda de Personas dadas por Desaparecidas en Colombia*, December 21, 2020.

⁵²⁵ IACHR, Public Hearing, 175th Period of Sessions, "Gender and the Peace Accords in Colombia", March 5, 2020.

⁵²⁶ IACHR, Public Hearing, 178th Period of Sessions, "Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición de Colombia balance y desafíos", December 8, 2020.

⁵²⁷ Judgment of the Council of State, Full Chamber of Administrative Litigation, Third Section, judgment of January 29, 2020, case no. 85001-33-33-002-2014-00144-01, Consejera Ponente: Marta Rubia Velásquez Rico.

the time allowed] to sue established by the legislator [two years, according to Decree 01 of 1984 and Law 1437 of 2011] is enforceable; ii) this term, except in the case of forced disappearance, which is expressly regulated by law, is calculated from the time when the affected parties knew or should have known of the State's participation by action or omission and became aware of the possibility of holding it liable for pecuniary responsibility, and iii) the relevant term does not apply when situations are observed that would have materially prevented the exercise of the right of action and, once they have been overcome, the statutory term will begin to run."⁵²⁸ In this regard, the IACHR recalls that legal actions for reparation for the harm caused by serious human rights violations and international crimes should not be subject to the statute of limitations because it constitutes an obstacle to effective access to justice for victims in order to effectively exercise their right to reparation⁵²⁹ On the other hand, the Commission welcomes the fact that, on December 10, Congress approved the extension of the Victims Law for another 10 years.⁵³⁰

274. In relation to **the rights of the elderly**, the Commission highlights the approval by Congress of the Inter-American Convention for the Protection of the Rights of Older⁵³¹ Persons, which constitutes a step forward in the promotion, protection, and guaranteeing of recognition and full enjoyment and exercise, under conditions of equality, of all human rights and fundamental freedoms of the elderly.

275. Regarding the rights of **lesbian, gay, bisexual, trans, gender diverse and intersex (LGBTI) persons**, the Commission welcomes the implementation of the Plan of Action of Decree 762-2018 "Public policy to guarantee the effective exercise of the rights of persons who are part of the LGBTI social sectors of persons with diverse sexual orientations and gender identities", which contains measures to guarantee the rights of LGBTI persons, as well as to prevent and react to acts of violence and discrimination.⁵³² The Commission also welcomes the incorporation of a diversity perspective within the Special Jurisdiction for Peace (JEP),⁵³³ which has a Gender Commission and has implemented actions such as the effective use of inclusive language in information systems and document management.⁵³⁴

276. Notwithstanding the progress made, the Commission takes note of acts of discrimination and violence against LGBTI persons and those perceived as such,⁵³⁵ according to information from the Ombudsperson's Office, at least 63 acts of lethal violence were recorded during

⁵²⁸ Judgment of the Council of State, Full Chamber of Administrative Litigation, Third Section, judgment of January 29, 2020, case no. 85001-33-33-002-2014-00144-01, Consejera Ponente: Marta Rubia Velásquez Rico. p. 42.

⁵²⁹ J/A Court H.R., Case of Órdenes Guerra et al. v. Chile. Merits, Reparations and Costs. Judgment of November 29, 2018, par. 88.

⁵³⁰ El Tiempo, Colombia extends for 10 years the Victims and Land Restitution Law, January 9, 2021.

⁵³¹ Law No. 2055 approving the "Inter-American Convention on the Protection of the Human Rights of Older Persons" adopted on June 15, 2015 in Washington D.C., September 10, 2020.

⁵³² State of Colombia, Informe de seguimiento a recomendaciones del IV informe país "Verdad, Justicia y Reparación: Cuarto informe sobre la situación de Derechos Humanos en Colombia" énfasis 2020, paras. 990- 994.

⁵³³ The State highlighted the publication of an academic article in conjunction with the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) related to the issue of access to justice for LGBTI persons in the JEP.

⁵³⁴ State of Colombia, Informe de seguimiento a recomendaciones del IV informe país "Verdad, Justicia y Reparación: Cuarto informe sobre la situación de Derechos Humanos en Colombia" énfasis 2020, pp. 224-227.

⁵³⁵ Ombudsman's Office, Early Warning 37-2020, August 13, 2020.

2020.⁵³⁶ In the context of the pandemic, the IACHR notes that trans, non-binary and gender-diverse people expressed alarm at the adoption of measures in some cities to prevent infection by designating specific days for the free movement of people, differentiating between women and men.⁵³⁷

277. The Commission also notes that trans women have been victims of discrimination and violence in the context of interventions by State agents. In this regard, the Commission took note of the allegations of police abuse against Emma Hidalgo in the Medellín subway⁵³⁸ and condemned the murder of Juliana Giraldo Díaz, a trans woman, as a result of a shot fired by a member of the Third Division of the National Army in Cauca.⁵³⁹ The Commission issued a similar statement in response to reports that trans women engaged in sex work in Bogotá were injured during a police intervention on June 21 as part of the measures to contain the pandemic.⁵⁴⁰

278. Regarding **persons with disabilities**, the State reported on the implementation of the Peace Agreement regarding the Unified Registry of Victims and the inclusion in the registration process of the criterion of self-recognition of the situation of disability. As of August 31, this registry included 392,855 persons with disabilities, which represents 4.3% of the total number of victims.⁵⁴¹ Likewise, the State highlighted the Social Inclusion Program for the attention of persons with disabilities, victims of the armed conflict, through which a diagnostic assessment has been performed and several actions have been taken in a number of areas such as health, education, work, and empowerment, with an intersectional⁵⁴² approach.

279. With regard to **persons deprived of liberty**, the IACHR highlighted Colombia's initiatives to contain the spread of COVID-19 in penal establishments, such as: i) the guidelines and protocols for care to ensure the safety of persons deprived of liberty drawn up by the National Penitentiary and Prison Institute (INPEC),⁵⁴³ and ii) Colombia's Legislative Decree No. 546-2020, published on April 14, 2020, which provides for alternative measures to deprivation of liberty for persons who are most vulnerable to the virus.⁵⁴⁴ For its part, the State also informed the IACHR about

⁵³⁶ Corporación Caribe Afirmativo, Sertransen Colombia: una carrera contra la muerte, September 25, 2020; Colombia Diversa, Herramienta de Visualización de las cifras de violencia LGBTI, consulted on December 10, 2020 with values adjusted to "January 1, 2020 - December 10, 2020", reflecting that from January to July 2020 there were 37 reports of violence against 43 victims.

⁵³⁷ El Espectador, Burlas, discriminación y puñaladas: la violencia que revela el Pico y Género, May 3, 2020; El Espectador, Hombre que apuñaló a mujertransen el Sur de Bogotá fue enviado a la cárcel, May 7, 2020.

⁵³⁸ Caracol TV, Denuncian abuso policial a mujer trans en metro de Medellín, July 26, 2020.

⁵³⁹ IACHR, IACHR Condemns Murder of Juliana Giraldo Diaz, September 25, 2020; Colombian Army, Press Release, September 24, 2020; France 24, Transwoman dies at hands of military officer in Colombia rocked by police violence, September 24, 2020.

⁵⁴⁰ IACHR, The IACHR expresses its concern over reports that trans women engaged in sex work in Bogotá were injured during a police intervention, June 23, 2020.

⁵⁴¹ Report of the Colombian State in follow-up to IACHR recommendations issued in the Country Report "Truth, Justice and Reparation: Fourth Report on the Situation of Human Rights in Colombia". October 30, 2020, pp. 73-74.

⁵⁴² Report of the Colombian State in follow-up to IACHR recommendations issued in the Country Report "Truth, Justice and Reparation: Fourth Report on the Situation of Human Rights in Colombia". October 30, 2020, pp. 77-107.

⁵⁴³ IACHR, Press Release 66/20 - The IACHR urges States to guarantee the health and integrity of persons deprived of liberty and their families in the face of the COVID-19 pandemic. Washington, D.C., March 31, 2020.

⁵⁴⁴ IACHR, Press Release 212/20 - Faced with the COVID-19 pandemic, the IACHR expresses concern about the special situation of risk faced by persons deprived of liberty in the region. Washington, D.C., September 9, 2020; Republic of Colombia, Ministry of Justice and Law, Legislative Decree 546 of 2020, April 14, 2020.

general measures adopted by INPEC in the context of the pandemic, including the order to prison directors to identify and adapt temporary locations for the placement of probable cases, the issuance of an institutional directive for the delivery of hygiene kits to all persons deprived of liberty, and the implementation of a virtual visits strategy.⁵⁴⁵

280. Despite the above, the IACHR warns that the Follow-up Commission for Judgment T-388 of 2013 reported that the alternative measures adopted through Decree No. 546-2020 would not be sufficient since they exclude most of the persons deprived of liberty and include several provisions that limit their effectiveness in reducing overcrowding.⁵⁴⁶ Similarly, civil society organizations have alerted the IACHR about the inadequacy of the measures adopted for the prevention and attention of COVID-19 in Colombian prisons,⁵⁴⁷ which reportedly triggered several riots in protest.⁵⁴⁸ In particular, the IACHR highlighted events in 13 Colombian prisons, including the riot that occurred on March 21 at the La Modelo prison in Bogotá, where 23 people were killed and 80 were injured.⁵⁴⁹

COSTA RICA

- **General considerations**

281. With regard to the **progress made in the** face of the COVID-19 pandemic, the IACHR highlights the measures adopted to contain the spread of the virus. The IACHR highlights the approval of the constitutional reform to recognize "the basic and inalienable human right to drinking water" on May 20, as well as the entry into force of equal marriage in Costa Rica on May 26, 2020.

282. In terms of **challenges**, the Commission notes with concern the reports received regarding impunity for acts of violence committed against human rights defenders and indigenous leaders in the area of Buenos Aires, Puntarenas province, Costa Rica.

283. The State responded to the request for information sent for the preparation of this chapter.⁵⁵⁰

- **Specific topics**

284. Regarding the measures taken to contain and prevent the spread of **COVID-19**, the Costa Rican State informed that, as of March 8, 2020, the date on which it was decided to raise the current health alert from green to yellow, the Emergency Operations Center (COE) began permanent

⁵⁴⁵ Government of Colombia. Contributions of Colombia for the preparation of the Annual Report of the IACHR - Chapter IV, Section A "Annual Overview of the Human Rights Situation by Country" Corresponding to 2020. October 14, 2020.

⁵⁴⁶ Commission for Follow-up of Judgment T-388 of 2013 (CSS), Review of constitutionality of Legislative Decree 546 of April 14, 2020, adopting measures to reduce overcrowding within the framework of the State of Economic, Social and Ecological Emergency, May 12, 2020, p. 2.

⁵⁴⁷ Letter to the IACHR Ref. Alert on investigations of excessive use of force in La Modelo prison and other human rights violations in Colombian prisons. June 11, 2020.

⁵⁴⁸ IACHR, Press Release 66/20 - The IACHR urges States to guarantee the health and integrity of persons deprived of liberty and their families in the face of the COVID-19 pandemic, Washington, D.C., March 31, 2020.

⁵⁴⁹ IACHR, Press Release 66/20 - The IACHR urges States to guarantee the health and integrity of persons deprived of liberty and their families in the face of the COVID-19 pandemic, Washington, D.C., March 31, 2020.

⁵⁵⁰ Ministry of Foreign Affairs and Worship of Costa Rica. Note no. CROEA-OG-1157-20, October 2, 2020.