

UNOFFICIAL ENGLISH TRANSLATION OF REPORT A/HRC/55/23

Situation of human rights in Colombia

Report of the United Nations High Commissioner for Human Rights

Summary

This report analyses the situation of human rights in Colombia in 2023, with an emphasis on the impact of territorial violence on human rights; on peace, security and dismantling policies; on the state of implementation of human rights provisions of the Peace Agreement; and on civic space.

Annex

Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia

I. Introduction

1. In this report, the Office of the United Nations High Commissioner for Human Rights (OHCHR) analyses the situation of human rights in Colombia between 1 January and 31 December 2023.
2. In January, the United Nations High Commissioner for Human Rights, Volker Türk, conducted a visit to Colombia, and met with several of the country's most senior authorities, including the President of the Republic¹. During his visit, he signed a new Agreement related to OHCHR's Office in Colombia with the Colombian Government, extending the presence of OHCHR in the country until 2032.
3. On 13 July 2023, at the initiative of the Colombian State, the Human Rights Council adopted resolution 53/22 on the strengthening of technical cooperation and capacity building in the sphere of human rights in Colombia. This resolution requests OHCHR to offer and intensify *inter alia* technical assistance to support Colombia in its implementation of the recommendations of the Commission for the Clarification of the Truth, Coexistence and Non-Repetition.
4. By virtue of the provisions of the same resolution, on 26 July 2023, the High Commissioner appointed Antonia Urrejola Noguera as International Human Rights Expert to detect and verify obstacles to the implementation of the 2016 Peace Agreement, particularly those publicly announced in March 2023 by the Special Jurisdiction for Peace. The expert will present her report to the Human Rights Council in its 55th session.
5. In November, Colombia's Universal Periodic Review was conducted. During the review, 82 countries made recommendations to the Colombian State. The Committee against Torture² and the Human Rights Committee³ published their concluding observations on the Colombian State's periodic reports in April and July. The Special Rapporteur on trafficking in persons, especially women and children and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence conducted official visits to Colombia in May and September respectively. The Office welcomes the Government's cooperation with the Human Rights Council and the United Nations human rights treaty bodies.
6. The Office welcomes the creation of the Ministry of Equality and Equity,⁴ aimed at, *inter alia*, facilitating the effective adoption and implementation of public policies and measures to eliminate inequality at all levels and promote the effective enjoyment of the right to equality among the most vulnerable communities and populations.
7. In May, the Congress of the Republic approved the 2022-2026 National Development Plan *Colombia, Potencia Mundial de la Vida* ("Colombia, World Power of Life")⁵. The Office recognises the importance of including a gender, human rights and territorial approach based on strengthening the exercise of the right to citizens' participation, particularly that of ethnic peoples and groups in conditions of vulnerability, in the creation of the Plan. The Plan contains action guidelines on the protection of human rights, focusing on the consolidation of peace, the protection of water, environment, social justice and human security, and actions to guarantee the population's right to food, among others.

¹ <https://www.ohchr.org/en/statements/2023/01/un-high-commissioner-human-rights-volker-turk-concludes-official-visit-colombia>.

² https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FCOL%2FCO%2F6&Lang=en.

³ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FCOL%2FCO%2F8&Lang=en.

⁴ <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=200325#:~:text=Cr%C3%A9ase%20el%20Ministerio%20de%20Igualdad,sus%20entidades%20adscritas%20o%20vinculadas>.

⁵ <https://www.dnp.gov.co/plan-nacional-desarrollo/pnd-2022-2026>.

8. In October, departmental and municipal elections took place for the 2024-2027 period. In some parts of the country, abuses committed by non-State armed groups and criminal organizations affected the exercise of civil and political rights, including the right to life. Between 1 January and 29 October, the Office was informed that 46 people (41 men and 5 women) with some degree of political leadership were killed. Of these 46 cases, 11 were registered candidates and 12 were conducting a pre-electoral political activity. Among the victims, seven were people of African descent, five indigenous, and eight peasants. The incidents occurred in the departments of Antioquia, Atlántico, Bolívar, Cauca, Guaviare, La Guajira, Nariño, Norte de Santander, Putumayo, Tolima and Valle del Cauca. Similarly, during this period, the Office documented threats and attempted killings against political leaders and the headquarters of political parties, harassment, and prohibition of campaign activities, including cases of gender-based violence against women and LGBTIQ+ persons, allegedly committed by non-State armed actors.

9. In 2023, OHCHR in Colombia conducted approximately 962 field missions and 278 capacity building activities with civil society and State institutions.

II. Territorial violence, armed conflict, security and human rights

A. Situation of security and human rights

10. Despite a reduction in some indicators of violence in 2023, on-going territorial expansion and violent social and territorial control strategies⁶ by non-State armed groups and criminal organizations against the civilian population, ethno-territorial and grass-roots organizations, continues to put the physical and cultural survival of many peoples and historical organizational processes at risk.

11. The Office received 123 allegations of possible massacres⁷ in 2023, of which 98 were verified and 25 were considered inconclusive. An increase of 6.5 per cent was observed compared with those verified from 2022. Of the verified massacres, 320 victims were recorded (242 men, 46 women, 25 boys and 7 girls). Of the total victims, 18 were members of ethnic groups (15 indigenous peoples and 3 people of African descent). The most affected departments were Antioquia, Atlántico, Cauca, Magdalena, Nariño and Valle del Cauca. In 93 per cent of the verified massacres, the alleged perpetrators were non-State armed groups and criminal organisations.

12. According to the Office for the Coordination of Humanitarian Affairs (OCHA), in 2023 approximately 62,967 persons were displaced and 87,646 confined. These figures represent a reduction of 22.9 per cent in displacements and 14.3 per cent in confinements in relation to OCHA information from 2022. Fifty-five per cent of displaced persons and 79 per cent of confined persons in 2023 were members of ethnic peoples. The departments most affected by displacements were Bolívar, Cauca, Nariño y Valle del Cauca, and by confinement Caquetá, Cauca, Chocó and Nariño. OCHA also informed that, in 2023, 20,370 persons were affected by limitations to humanitarian access, with the most affected departments being Amazonas, Chocó, Norte de Santander and Putumayo. During 2023, the Directorate for Comprehensive Action against Anti-Personnel Mines recorded 85 incidents involving anti-personnel mines, unexploded ordnance and improvised explosive devices, with the most affected departments being Nariño, Chocó and Bolívar.⁸

13. The United Nations Verification Mission in Colombia verified the homicides of 48 former FARC-EP members in 2023. This represents a reduction of 5.9 per cent compared with 2022. Since the signing of the Peace Agreement, 408 former FARC-EP members have been killed, including 11 women.

14. The Office received 100 allegations of gender-based violence, including sexual violence, in the context of the armed conflict. Fifty-three cases were verified in Antioquia, Arauca, Bolívar, Cauca, Chocó, Córdoba, Meta, Nariño and Norte de Santander. Among these, the Office documented some cases of trafficking for the purposes of sexual exploitation of girls by non-State armed groups, who had been transported to their camps to be sexually exploited by members of their group in Chocó and Nariño. The Office also documented some cases of rape of women and girls in the context of social control exercised by these groups, including cases that took place in the presence of family members.

⁶ Social control is understood as strategies used by non-State armed groups and criminal organizations of intimidation, harassment, pressure, extortion and other actions with the aim to control the population and territories.

⁷ For the purpose of this report, "massacre" is understood as the extrajudicial execution of three or more persons in a single incident, or incidents related by responsibility, place and time. See E/CN.4/2000/11, para. 27.

⁸ https://www.datos.gov.co/Inclusi-n-Social-y-Reconciliaci-n/Situaci-n-V-ctimas-Minas-Antipersonal-en-Colombia/yhxn-eqqw/data_preview.

15. OHCHR continued to document feminicides, sexual violence and cruel, inhuman and degrading treatment by non-State armed groups against women accused of being the partner of members of rival groups or members of the security forces. It was also informed of situations of threats, displacement or violence against LGBTIQ+ persons because of their sexual orientation or gender identity. The majority of these cases were not reported, which demonstrates the need to implement confidential and comprehensive services for women, girls, and LGBTIQ+ persons in the territories.

16. The Office verified 134 cases of recruitment or use of children in the armed conflict by non-State armed groups and criminal organizations (86 boys, 42 girls and 6 children of unconfirmed gender). There continues to be high underreporting of these violations, therefore these figures are a sample of a phenomena of greater magnitude. It is particularly concerning that, in 75 cases, the victims were members of ethnic peoples (71 indigenous and 4 persons of African descent). In 37 of the cases, the victims suffered multiple violations of rights.

17. The majority of the cases of recruitment or use of children documented occurred in Antioquia, Arauca, Cauca and Nariño. At least 11 victims were recruited by non-State armed groups in educational centres or their vicinities, or by using other children to recruit them. Furthermore, regular recruitment routes have been identified, and places where victims are subjected to instruction within the group and even medical examinations. In 16 cases, threats against victims, their family members or traditional authorities were reported. Five children were prosecuted for belonging to a non-State armed group, instead of re-establishing their rights and recognising them as a victim. According to the Attorney General's Office, 40 per cent of the active investigations into crimes of recruitment committed in 2023 are concentrated in Cauca, Nariño and Valle del Cauca. The Attorney General's Office indicates that in Caquetá, Huila and Putumayo, the percentage variation of cases compared with 2022 is higher than average⁹.

18. The Office observed with concern the implementation of the "pistol plan"¹⁰ by non-State armed groups and criminal organizations. According to the Human Rights and National Defence Observatory, 84 members of the security forces were killed, and 380 others were injured in 2023, representing a reduction of 35 per cent and 47 per cent respectively compared with 2022.

19. OHCHR considers that all possible efforts are necessary to improve State coordination, at the territorial level, when implementing the policies of "total peace", of "dismantling criminal organizations that threaten peace building, including paramilitary successors and their support networks" (dismantling policy), of "Citizens coexistence, security, and defence" (security policy) and the "National drug policy 2023-2033: sowing the seeds of life, we will banish drug trafficking" (drug policy). Similarly, it considers that the empowerment of ethno-territorial and grass-roots organizations is fundamental in prioritizing the protection of the civilian population and territory. In particular, better coordination between local, regional and national authorities is needed to articulate and execute the different policies, with the aim to strengthen the presence of the State in the territories.

B. Security forces

20. The Office received 37 allegations of arbitrary deprivations of life committed by members of the Police and Military Forces, of which 30 were verified by the Office and seven are in the process of verification. Of the 30 verified allegations, 26 men, two boys, and two girls are recorded as victims. Four victims were of African descent. The verified allegations occurred in 13 departments, with the most affected being Atlántico, Valle del Cauca, and the city of Bogotá. In 21 of the 30 verified allegations, the alleged perpetrator were members of the Police, and in nine cases, members of the Military Forces. The Office notified the Ministry of Defence of these 37 allegations, which initiated actions to determine whether there was a violation to the right to life, in which case, corresponding disciplinary actions and criminal proceedings by the ordinary jurisdiction shall be initiated.

21. The Office recognises the advances made by the Attorney General's Office in 2023 in the investigation into the incidents that took place in Alto Remanso (Putumayo) in March 2022, where 11 persons lost their lives in the context of a military action. However, it considers that the severity of the incidents under investigation requires a faster judicial process in the framework of the ordinary justice system, considering that the military criminal justice system lacks competency to investigate alleged gross human rights violations attributed to the security forces¹¹.

⁹ Observations of the Colombian State submitted on 30 January 2024.

¹⁰ Orders to systematically kill members of the security forces on or off duty, during a determined time and place, granting a payout for each police or soldier killed, increasing the payment according to victim's ranks.

¹¹ See Auto 989/22.

22. The Office also received 36 allegations of other alleged human rights violations by members of the security forces, of which 18 have been verified. The Ministry of Defence was notified of these allegations in order to initiate the corresponding investigations. These violations consisted of torture, cruel, inhuman or degrading treatment; gender-based violence, including sexual violence and rape; threats to personal integrity; arbitrary detentions; and discrimination. The Office also continued to receive information on cases of corruption and/or collusion between members of the security forces and criminal organizations or non-State armed groups, as well as cases of omission of the duty to protect communities and/or victims.

23. The Office received with concern two new allegations of violations of the human rights of girls in Bolívar, including sexual and gender-based violence, allegedly committed by members of the Military Forces and the Police¹². The Office considers that it is necessary for authorities to take effective measures to investigate and sanction the perpetrators and prevent the occurrence of new violations; as well as strengthen inter-institutional coordination to fully guarantee the rights of girls.

24. OHCHR provided guidance to the Police for the inclusion of international human rights standards in the Human Rights Volume and the Comprehensive Education Plan and provided guidance on the development of the Ministry of Defence's Human Rights Policy. The Office welcomes the willingness of the Ministry of Defence, the Military Forces and the Police to create spaces for dialogue. OHCHR provided technical assistance to Congress for the drafting of the bill to reform the Intelligence Law.

III. Total peace, security and dismantling policies

25. The Office welcomes the adoption of the new security policy by the Ministry of Defence¹³ based on the concept of human security, with the principal aim of protecting life and the environment. The Office values the human rights approach of the policy to address the violence in the territories.

26. This policy recognises the different dynamics of violence in each territory and integrates a preventative approach, through the inclusion of a social justice approach closely connected to the enjoyment of economic, social, cultural, and environmental rights to achieve transformation in the territories. It also envisages comprehensive action from the State through inclusive inter-institutional coordination with the participation of civil institutions. It also establishes the participation of social actors at the local level through dialogue spaces and enables the security forces to guide their actions to protect the population. It is fundamental for this policy to be implemented with the aim to effect change in the actions of the security forces in order to strengthen the protection of the civilian population and the security forces' engagement with this population.

27. In the context of the "total peace" policy, the Government decreed two bilateral and temporary national ceasefires: with the Ejército de Liberación Nacional¹⁴ (National Liberation Army - ELN) in July and with the self-proclaimed "Estado Mayor Central de las FARC-EP"¹⁵ (Central High Command - EMC) in October. The Government established three "socio-legal dialogue round tables" with urban criminal organizations in the cities of Medellín (and its metropolitan area), Quibdó and Buenaventura; and one dialogue round table with the EMC.

28. In 2023, as part of the partial agreements reached in dialogues between the Government and the ELN, a Participation Committee was created to develop a consultation methodology with civil society and gather proposals for this dialogue round table. In December, at the closing of the fifth dialogue cycle between the Government and the ELN, the parts informed, among others, of the agreement to suspend kidnapping for purposes of extortion by the ELN.

29. With regards to these different negotiation spaces with armed actors, in July, the President of the Republic noted that the priority of these dialogues is to enable the comprehensive respect of the population's rights¹⁶. In this sense, it is important that non-State armed groups show a willingness to engage in dialogue by demonstrating a positive change in the way they treat the civilian population.

¹² A/HRC/52/25, para. 55.

¹³ https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Prensa/politica_seg_conviv.pdf.

¹⁴ <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=213670#:~:text=Decretar%20el%20Cese%20al%20Fuego,29%20de%20enero%20de%202024>.

¹⁵ <https://x.com/ComisionadoPaz/status/1714015866184941873?s=20>.

¹⁶ <https://petro.presidencia.gov.co/prensa/Paginas/Declaracion-del-Presidente-Gustavo-Petro-al-termino-del-Consejo-de-Seguridad-en-el-municipio-de-La-Plata-Huila-230729.aspx>.

30. The Office recommended¹⁷ the Government to formalize various dialogue process with grass-roots organizations, ethno-territorial authorities and populations most affected by the armed conflict in the territory, independently of different dialogue spaces with non-State armed groups, in which the organized civilian population can express their suggestions and opinions on human security and territorial peace directly to the State.

31. In September, and after a participative dialogue, the National Security Guarantees Commission approved the dismantling policy¹⁸. Its approval constitutes a fundamental step forward in fulfilling one of the Peace Agreement points to tackle the violence that affects the population and recognise the territorial challenges.

32. It is positive that this dismantling policy is oriented towards the structural causes of the violence. The Office welcomes the consideration of its recommendations during the development of this policy, on the inclusion of a cross-sectional, differential approach based on human rights, gender, and ethnicity, as well as the five international human rights good practices for the dismantling of criminal organizations and the simultaneous application of the same¹⁹.

33. Similarly, the Office welcomes the dismantling policy's provisions on strengthening the comprehensive presence of the State in the territories, with the effective participation of the population. The policy also seeks to strengthen a culture of accountability and, in particular, achieve effective guarantees of non-repetition. The prompt and effective implementation of this policy is essential for a sustained reduction in territorial violence.

34. Finally, the Office recognises the advances in the construction of the first National Action Plan for the implementation of the United Nations Security Council Resolution 1325 on Women, Peace and Security in Colombia. It is worth noting the participation of over 1,500 women across the country in participative consultations.

IV. Implementation of the Peace Agreement

A. Comprehensive rural reform and drug policy

35. The challenge of implementing the 33,000 initiatives of the Development Programmes with a Territorial Focus continues to be one of the most important aspects for the implementation of the comprehensive rural reform provided for in the Peace Agreement. Rural communities affirm the need to strengthen spaces for their participation in the Programmes. The Government has proposed the Active Implementation Route as an implementation strategy for the Action Plans for Regional Transformation. 35,164 hectares have been granted to peasants, the land tenure of 184,189 hectares has been formalized in the case of peasants and 414,999 in the case of ethnic communities, and 672 properties have been returned to 2013 families²⁰. Two hundred and sixty-seven hectares were returned to two ethnic communities.

36. OHCHR celebrates the reform of Article 64 of the Constitution, which recognises peasants as a subject of rights and special protection, in accordance with the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas.²¹ Similarly, the Office welcomes the approval of Legislative Act 03 of 2023²² that creates the agrarian and rural jurisdiction.

37. The Government activated the National System of Agrarian Reform²³ and installed the Permanent Round Table with Peasant Organizations, as well as the restitution road map for women. It is important to coordinate the different policies on access to land so that the advances and impacts of the agrarian reform and land restitution do not generate or increase territorial conflicts. Furthermore, it is necessary to protect the participation of youth, women and organizations that are not part of peasant platforms.

¹⁷ https://www.hchr.org.co/informes_tematicos/analisis-de-la-situacion-de-derechos-humanos-en-colombia-del-1-de-enero-al-30-de-junio-de-2023/.

¹⁸ <https://portalparalapaz.gov.co/aprobada-politica-de-desmantelamiento-de-organizaciones-criminales/08/#:~:text=La%20Pol%C3%ADtica%20de%20desmantelamiento%20de,firma%20por%20fin%20es%20aprobada.>

¹⁹ Social investment, access to justice, the fight against corruption, affectation to criminal patrimony and adjudication accompanied by a reform of the security sector.

²⁰ Document 202320000489313 of 28 December 2023 submitted to OHCHR.

²¹ <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=213790>. See the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas.

²² <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=214630>.

²³ <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=217750>.

38. The National Mixed Commission on Peasant Affairs, created in the context of the Development Plan, as a high-level agency for dialogue between peasants and the Government, is the principal means of peasant participation in public policy making. The Office expresses its concern for the security of peasant leaders who participate in processes of access to land and restitution and other processes that guarantee their rights. It is concerned, furthermore, that certain non-State armed groups pressure communities to participate in peasant guards.

39. More than seven years after the signing of the Peace Agreement, progress made in the implementation of the 16 sectoral plans for comprehensive rural reform remains insufficient²⁴. Plans for rural electrification, rural homes or environmental zoning have seen minimal progress and none of the 16 have surpassed 40 per cent of implementation²⁵.

40. OHCHR welcomes the adoption of the new drug policy in September²⁶ which integrates the International Guidelines on Human Rights and Drug Policy to establish three priorities: i) bring development to zones with the greatest presence of illicit crops; ii) develop a strategy of environmental protection considering that 49 per cent of crops for illicit use are found in special environmental protection zones; and iii) reinforce health sector actions.

41. Peasants from areas where there is presence of crops for illicit use indicate that the National Program for the Substitution of Illicit Crops has had insufficient implementation, which has affected the livelihoods of rural families, in particular access to food.

B. Transitional justice

42. OHCHR highlights the significance of public acts of recognition of State responsibility carried out by the Ministry of Defence, by virtue of fulfilling judicial decisions on cases of extrajudicial executions and enforced disappearances committed by members of the military. In October, the President of the Republic, the Minister of Defence and the Military Commander participated in an act of recognition to ask the relatives of victims of extrajudicial executions from Soacha and other places in the country for forgiveness. They also carried out acts of recognition in Villavicencio and Norte de Santander.

43. The Government formulated measures for the implementation of the recommendations of the Truth Commission's final report. The Monitoring Committee of the Commission's recommendations must have an adequate budget and administrative and legal framework to fulfil its objectives, as well as strengthen the implementation of the Truth Commission's recommendations on measures of non-repetition, given the situation of the armed conflict still present in the territories.

44. The Special Jurisdiction for Peace made advances regarding accountability for: the territorial cases of Ricuarte, Tumaco and Barbacoas (macrocase 2), which included the attribution of responsibility for patterns of sexual and gender-based violence and destruction of the territory and nature; in northern Cauca and southern Valle del Cauca (macrocase 5); and for extrajudicial executions in the subcases of Antioquia and Huila (macrocase 3). The Peace Tribunal also conducted hearings on the concluding resolutions in the cases of kidnappings (macrocase 01) and of the killings and enforced disappearances illegitimately presented as combat casualties by State agents (macrocase 03). The recognition of responsibility hearings in Dabeiba (combined macrocase 03 and 04) and Casanare (macrocase 03) contributed to the right to truth and the restoration of victims' rights.

45. In September, the Special Jurisdiction for Peace agreed to open the macrocase to investigate gender-based violence, including sexual and reproductive violence, and other crimes committed as a result of prejudices based on sexual orientation, and diverse gender expression and/or identity. The Office considers this to be a positive step, as with the incorporation of a gender-based approach in the investigation methodologies and legal decisions in other macrocases.

46. The Office conducted monitoring and follow-up of the threats against the Jurisdiction's magistrates and intervening parties that preceded the hearing in Dabeiba (Antioquia) and against a team of lawyers, as well as the retention of the humanitarian commission of the Unit for the Search of Persons Deemed as Missing in the Pradera municipality (Valle del Cauca). The Office is concerned by the aggressions and killings of persons who have actively participated in macrocase 05 in the department of Cauca.

²⁴ <https://siipo.dnp.gov.co/plannacionalvista>.

²⁵ <https://siipo.dnp.gov.co/plannacionalvista>.

²⁶ <https://www.minjusticia.gov.co/Sala-de-prensa/Documents/Pol%C3%ADtica%20Nacional%20de%20Drogas%202023%20-%202033%20%27Sembrando%20vida,%20desterramos%20el%20narcotr%C3%A1fico%27.pdf>.

47. In response to the Black Communities' Community Councils petition, the Special Jurisdiction for Peace recognised the river Cauca as a victim in the process followed in macrocase 05. It also established a coordination body between the Special Jurisdiction for Peace and the Government for the implementation of alternative sanctions for restorative projects. It is important to strengthen victims' participation spaces on decisions of prioritization and interjurisdictional coordination between the Special Jurisdiction for Peace and the justice systems of ethnic peoples.

48. OHCHR welcomes the efforts of the Unit for the Search of Persons Deemed as Missing to expand its presence in Huila, Risaralda and Santander and the advances made in the recovery of over 1000 dead bodies and the location of people alive. It also reiterates the importance of strengthening inter-institutional coordination and awarding adequate technical resources and budgets to the National Institute of Forensic Medicine for the identification of dead bodies and timely delivery to families and searchers.

49. The Office appreciates the progress made with regards to the search of missing persons in the Estero San Antonio in Buenaventura (Valle del Cauca), promoted by the Search Unit and the Special Jurisdiction for Peace, with the participation of women searchers, victims' family members and civil society organizations. Likewise, it highlights the search efforts in the border zone of Norte de Santander. The Office also welcomes the inclusion, in the National Development Plan, of the National System for the Search of Persons Deemed as Missing as a coordination body to develop a comprehensive public policy for search. OHCHR highlights the bill²⁷ seeking to recognise and protect the work of women searchers of victims of enforced disappearance and considers its approval important.

50. In the preliminary observations of his official visit to Colombia in September, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence emphasized the commendable progress made with regard to transitional justice. He noted a gap in the application of guarantees of non-recurrence and expressed concern for the worsening of violence and conflict.²⁸

C. Victims and Land Restitution Law

51. The Government has presented a bill to reform the Victims and Land Restitution Law (Law 1448 of 2011), which seeks to improve the victims' reparation mechanisms and extend the validity of the Law which expires in 2031. OHCHR urges the Government and Congress to maintain the non-regression of victims' rights and broaden the reparation spectrum and focus, including lasting solutions.

D. Ethnic chapter

52. With regard to the implementation of the Peace Agreement, the Special High-level Body on Ethnic Peoples (*Instancia Especial de Alto Nivel de Pueblos Étnicos*), leaders and authorities reiterated that the "the failure to fulfil obligations with ethnic communities is a systemic and structural problem, therefore it requires an essential reconsideration of how the Ethnic Chapter has been implemented so far."²⁹ In November, the Political Pact for the Implementation of the Ethnic Chapter of the Peace Agreement was signed in response to these kind of concerns³⁰.

53. According to the Comprehensive Information System for Post-conflict, the targets for the implementation of the Ethnic Chapter in 2023 indicated a step forward.³¹ According to this data, the greatest achievements corresponded to the extension, restructuring of indigenous reservations and the collective land titling of territories traditionally occupied by peoples of African descent.³² However, the information from the System indicates that there are no advances in the fulfilment of the Immediate Action Plans despite the situation of vulnerability that ethnic peoples face due to the persistence of the conflict in the territories and the disproportionate impact it has on them, including indigenous peoples at risk of physical and cultural extermination³³ and communities of African descent. The progress made in the legal formalization of land tenure have not necessarily resulted in guarantees for the effective enjoyment to territory and self-government of these peoples.

²⁷ <https://www.camara.gov.co/camara/visor?doc=/sites/default/files/2023-05/5%29%20PL%20242%20-%202022%20C%20Textaprobcom.docx>.

²⁸ <https://www.ohchr.org/en/press-releases/2023/09/colombia-un-expert-calls-compliance-international-human-rights-standards>.

²⁹ CONPA, Monitoring Report on "*II report on the implementation of the Ethnic Chapter of the final peace agreement; 5 years of failure to fulfil*", February 2023.

³⁰ <https://portalparalapaz.gov.co/se-firmo-pacto-por-la-implementacion-del-capitulo-etnico/21/>.

³¹ <https://siipo.dnp.gov.co/avance/clasificacion/1>.

³² <https://siipo.dnp.gov.co/avance/clasificacion/1>.

³³ <https://siipo.dnp.gov.co/avance/clasificacion/1>.

54. OHCHR documented allegations of attacks against authorities and leaders of indigenous peoples and of peoples of African descent, which negatively affected their self-governing and physical and cultural survival, including 23 cases of killings of traditional authorities, indigenous guards or Cimarrona guards, particularly against the Barí people (Norte de Santander), the Hitnü people (Arauca), the Nasa people, the Awá people and Community Councils (Nariño and Cauca). Illustrative cases include the Awá indigenous authority, Raúl Antonio Nastacuas, killed on 24 March in Ricaurte (Nariño), in a meeting convened by a non-State armed group to dictate orders to the community; Nasa indigenous ex-governor Freddy Campo Bomba, killed on 26 July after participating in a commission of authorities to demand respect for their rights to non-State armed actors in Caldon (Cauca); Luis Quiñones Cortés, legal representative of the Community council "*La Voz de los Negros*", killed in Cali on 9 April after having been displaced from Nariño in 2022 due to threats from a non-State armed group; and Phanor Guazaquillo, Governor of a Nasa indigenous reservation in Puerto Asís, Putumayo, killed on 3 December after leaving the funeral of a traditional authority of the Siona people. The killings of four traditional doctors and ancestral elders affected the Nasa people given the roles these people carry out in the community, putting their physical and cultural survival at risk.

55. The Constitutional Court maintains the state of unconstitutional affairs regarding indigenous peoples and people of African descent due to the structural failures in the State response to prevent and remedy the disproportionate impacts of the armed conflict on said peoples³⁴. In May, the Court held a follow-up public hearing on Auto 004 of 2009 for the cases of the Jiw and Nükak peoples due to the grave humanitarian crisis they are facing.³⁵ In March 2023, in their first binational early warning, the Ombudsman's offices of Colombia and Ecuador noted that in 2009, the Constitutional Court of Colombia confirmed that the Awá people (Nariño and Putumayo) were at risk of extermination due to the armed conflict,³⁶ and requested both governments to provide social wellbeing and security guarantees to this people and, in particular, to the communities of the Pacific border zone.³⁷ Similarly, OHCHR recalls that peoples of African descent of the Pacific have been subjects of reiterated orders of the Constitutional Court due to the aggravated situation of risk they face and the violence that persists in their territories, despite the fact that they were incorporated in the protection measures required in the Ethnic Chapter of the Peace Agreement.

V. Civic space

A. Situation of human rights defenders

56. OHCHR received 233 allegations of killings of human rights defenders. In 105 cases, the Office verified that there was a connection between their death and their work in defence of human rights, and 128 were inconclusive. Of the verified cases, 14 were women, 87 men, one non-binary person, two gay men and one transsexual woman. Although a reduction of 9.5 per cent in verified killings of human rights defenders was recorded in comparison with 2022, the violence against them remains intolerable. With 25 verified cases, the department with the highest level of violence was Cauca, followed by Nariño (14), Valle del Cauca (10), Putumayo (9), Norte de Santander (6) and Arauca (6). Puerto Asís was the municipality with the highest number of cases (five), followed by Caldon, Tame and Tumaco (four each). Different non-State armed groups were the alleged perpetrators of 74 per cent of the verified killings.

57. OHCHR received allegations of 763 cases of threats and other affectations to the human rights of human rights defenders, constituting only a sample of the cases in the whole country. Of the total cases, 546 were against men, 186 against women, nine against LBGTIQ+ persons and 22 were collective threats. In 26 cases, the threats and attacks may constitute gender-based violence. Among the 763 cases, there were 65 cases of attempted killings and 23 cases of kidnapping or disappearance. The case of William Castro Muñoz, a defender of African descent from Nariño, is illustrative of the human rights abuses that defenders have faced. Despite possessing measures from the National Protection Unit, from November 2022 to August 2023 he was disappeared by a non-State armed group and subjected to torture, ill-treatment and forced labour.

58. One of the main patterns OHCHR has identified is that human rights defenders are killed when they speak out or become an obstacle to the social control dynamics exercised by non-State armed actors in the territories. The killings also seek to fragment social processes for the defence of human rights and generate fear among communities.

³⁴ <https://www.corteconstitucional.gov.co/relatoria/autos/2017/a266-17.htm>.

³⁵ <https://www.corteconstitucional.gov.co/Relatoria/autos/2023/A827-23.htm>.

³⁶ <https://www.corteconstitucional.gov.co/relatoria/autos/2011/a174-11.htm>.

³⁷ <https://defensoria.gov.co/-/defensor%C3%ADas-del-pueblo-de-colombia-y-ecuador-emiten-primera-alerta-temprana-binacional>.

59. Leaders linked to the *Juntas de Acción Comunal* (JACs) continued to be the main victims as a result of the violence, representing 33% of the cases of verified killings. Additionally, OHCHR documented allegations of cases of threats, stigmatization and forced displacement of community leaders, particularly peasant leaders. Testimonies collected in various regions of the country indicate an intention to weaken community movements due to co-opting attempts by armed actors, forced resignations and fear of exercising the position. Reports of corruption made by members of the *Juntas de Acción Comunal* related to the management of resources by municipal authorities was also an important risk factor. Municipal ombudspersons also experienced high levels of risk, exacerbated by the financial limitations to their work, particularly in remote municipalities, with fewer resources and higher rates of violence.

60. OHCHR verified allegations on 31 cases of killings of environmental, land and territory defenders. Two illustrative cases are the case of Edilsan Andrade, defender of the Integration Committee of the Colombian Massif (Comité de Integración del Macizo Colombiano) who was killed on 31 January in Rosas (Cauca) due to her defence of peasants' ways of life in the territory, and Diana Rodriguez, killed on 11 April, who had denounced the negative impacts of coal extraction activity in San Cayetano in Norte de Santander.

61. On 6 December, the Constitutional Court informed of the issuing of ruling SU-546/23 which declared an unconstitutional state of affairs regarding the situation of violence affecting human rights defenders³⁸.

62. The Government made advances with various prevention and protection initiatives which, despite having a suitable approach, have not achieved all of the expected objectives due to the difficulty reversing structural factors of the violence, the lack of coordination between the different levels of government, and the limited presence of the civilian authorities in regions with higher levels of violence.

63. The Emergency Plan for the protection of defenders adopted in August 2022 concluded its term of 100 days without managing to adopt a comprehensive and permanent strategy in the majority of the 65 municipalities prioritized in the Plan. Only in September 2023, an extensive consultative process was initiated for a national policy of guarantees for human rights defenders. Despite the reiterated requests from human rights platforms, the National Round Table on Guarantees was not established in 2023. However, 10 of the 18 territorial round table on guarantees were established or reactivated to improve dialogue between human rights defenders and authorities at the local level and to strengthen protection and investigation bodies. In 2023, the Presidential Directive 07³⁹ was adopted, through which senior government officials and security forces officers are instructed to recognise, support and guarantee the work and legitimacy of human rights defenders. The Programme for Guarantees for Women Human Rights Defenders' action plan was developed in a participative manner, and a strategy to maintain a sustainable and comprehensive presence of civilian authorities was implemented in 10 prioritized regions in the country⁴⁰.

64. OHCHR considers it is crucial to build a new protection model for human rights defenders, with the full participation of civil society, that does not exclusively depend on the National Protection Unit and has a gender-based, territorial, ethnic, civil, integrated and comprehensive approach. The Unit's capacity has been exceeded due to the multiple protection needs of leaders and communities. Nevertheless, the Unit currently provides protection for more than 6,439 human rights defenders, in 2023 it received 64,581 new protection requests. The Office recorded the killings of 11 human rights defenders who held protection measures from the National Protection Unit and 5 had requested measures but they had not been granted.

65. The most senior authorities of the National Protection Unit adopted important actions to fight against corruption in the institution and improve internal procedures. However, it continued to experience serious limitations in its functioning.

66. OHCHR welcomes the strengthening of collective protection. In 2023, the National Protection Unit concluded 114 collective protection studies, implying an increase of 86% compared to 2022. The Ministry of the Interior increased the budget allocated to collective protection of Decree 660 and adopted a series of measures to improve the prioritization, transparency and accessibility of the programme. The Ministry was able to integrate 51 collectives from a total of 60 requests in the programme. The progressive increase of these resources is fundamental for continuing to broaden collectives' access and guaranteeing the full implementation of the protection and self-protection plans.

³⁸ <https://www.corteconstitucional.gov.co/comunicados/Comunicado%2052%20-%20Diciembre%206%20de%202023.pdf>.

³⁹ [https://www.suin-juriscol.gov.co/clp/contenidos.dll/DirectivasP/30050653?fn=document-frame.htm\\$f=templates\\$3.0](https://www.suin-juriscol.gov.co/clp/contenidos.dll/DirectivasP/30050653?fn=document-frame.htm$f=templates$3.0).

⁴⁰ Argelia, Northern and Pacific (Cauca); Bajo Cauca, Northern and Urabá (Antioquia); Medio and Bajo Atrato, Bajo San Juan, Medio, Alto and Bajo Baudó (Chocó); Rural and Urban Buenaventura (Valle de Cauca); Pacific coast and Samaniego (Nariño); Southern Zone (Córdoba) and Catatumbo (Norte de Santander).

67. The Special Investigation Unit of the Attorney General's Office has made advances in the consolidation of a methodology and strategy for investigating killings of human rights defenders over the past years. However, the number of sentences of intellectual and material authors of these killings and the level of clarification of the circumstances of these crimes remains insufficient. According to the Attorney General, of the 1,182 killings that the Attorney General's Office has investigated from 2016 to December 2023, there have been 175 sentences, 220 cases are in the trial phase, in 86 cases charges have been made and in 164 cases arrest warrants have been issued, which implies that in 43 per cent of cases, the proceedings have not made any progress⁴¹.

68. Another key challenge is the investigation and clarification of threats and attacks against defenders. During 2023, the Office of the Attorney General's Working Group on Threats made important efforts to improve its methodologies, investigative techniques and specialize in staff to reduce enduring impunity. However, there are still substantial challenges in local offices of the Attorney General's Office regarding the stigmatization of defenders, understanding the relevance of their work, lack of contextualization of cases, the speed of urgent actions and the inclusion of ethnic and gender approaches.

B. Right of peaceful assembly

69. The Police adopted a new resolution on the handling of protests that replaced the Mobile Anti-Riot Squad with a new police body: the Dialogue and Order Maintenance Unit⁴². The manual incorporates key elements, in line with international human rights standards such as: to favour dialogue during all operations, the use of force as a last resort, the principle of differentiated use of force, clarification of the chain of command, the strengthening of certain aspects of accountability and the prohibition of the Unit's use of firearms. The Ministry of Defence requested observations and information from OHCHR and from some human rights organizations for the development of this manual. It also established a dialogue process, facilitated by OHCHR, between the Ministry of Defence, the Police and the organizations of the Police Reform Round Table to develop regulations on the use of less lethal weapons. Despite the efforts described, the Office considers that it is essential to adopt a statutory law that establishes a regulatory framework for the exercise of the right of peaceful assembly, in line with international human rights standards.

70. The Inter-institutional Permanent Round Table contributed to the progress in investigations of human rights violations in the contexts of the 2020 and 2021 protests. The Police removed eight officers, of which seven are being criminally prosecuted for their alleged responsibility in the deaths in the context of these protests. With regards to the cases of the National Strike of 2021, the referred Round Table ensured that the Attorney General's Office and the Procurator General's Office included the 46 cases of killings documented by OHCHR in their investigations, as well as the prosecution of 10 officers and the advances in investigations of the context of Cali, which include seven victims and in which the commander of the operations is being prosecuted. Despite these advances, the investigations need to advance more expeditiously, the perpetrators need to be punished, and comprehensive reparations to victims must be provided.

71. The Attorney General's Office reported that, in the context of the 2021 protests, 630 people (580 men, 50 women) were prosecuted for alleged crimes committed during these protests. 185 persons were indicted with pretrial detention, 79 with house arrest and 52 with probation or alternative measure to detention. In some cases, people have been released based on expiry of terms or weaknesses in the documentary evidence of the Attorney General's Office to prove the criminal offences they were charged with. The initiative promoted by the Government, towards the end of 2022, to release some of the youths charged through the "spokespersons for peace" concept was ruled unconstitutional by the Constitutional Court in November 2023⁴³. Of the 18 people designated as "spokespersons for peace", only four received conditional release.

VI. Recommendations

72. The UN High Commissioner for Human Rights recalls the recommendations made in previous reports and recommends the competent authorities to:

⁴¹ Observations of the Colombian State submitted on 30 January 2024.

⁴² [https://www.policia.gov.co/sites/default/files/descargables/14_res.1091 del_31-03_2023_manual_atencion_a_manifestacion_publica.pdf](https://www.policia.gov.co/sites/default/files/descargables/14_res.1091_del_31-03_2023_manual_atencion_a_manifestacion_publica.pdf).

⁴³ <https://www.corteconstitucional.gov.co/comunicados/Comunicado%2050%20-%20Noviembre%2029%20de%202023.pdf>.

a) Conduct all efforts to achieve a comprehensive presence in strategic points across the country with the aim to recover and extend the State's territorial control in light of the actions of non-State armed groups and criminal organizations.

b) Strengthen the institutional capacity to improve the protection of the civilian population in the territories.

c) Strengthen coordination between the total peace policy, the security policy, the dismantling policy, and the drug policy to address the territorial situation and structural factors of the violence.

d) Formalize a permanent and articulated dialogue with grass-roots organizational processes in the territories, independently of the peace dialogues and negotiations with non-State armed actors, in which the organized civilian population can express their suggestions and opinions on human security and territorial peace.

e) Include the cessation of actions that threaten the rights of the civilian population, in particular recruitment of minors and gender-based violence as a focal point of dialogue and/or negotiations with non-State armed actors.

f) Guarantee the equal and effective participation of women in peacebuilding spaces and implement the recommendations made in the consultation spaces of the Action Plan of Resolution 1325 of the United Nations Security Council.

g) Develop territorial strategies, through *inter alia* the Ministry of Equality, to provide comprehensive and confidential services to victims of gender-based violence, including sexual violence in conflict zones, incorporating the participation of ethnic authorities in the identification of cases.

h) Strengthen, through the National Government and territorial authorities, prevention, and care mechanisms with regards to recruitment and sexual violence against children, using ethnic and gender approaches, as well as establishing that children under 18 years of age who have been recruited or used by non-State armed groups must be considered victims.

i) Urge departmental and local governments to designate resources and efforts to implement the Truth Commission's final report recommendations as a contribution to peacebuilding in the territories.

j) Continue efforts to ensure that entities responsible for public security and intelligence services effectively and transversally integrate international human rights standards in their doctrine and mission-oriented instruments and apply them effectively when developing operations including by means of a reform of the intelligence Law.

k) Redouble efforts in the context of proceedings of the Special Jurisdiction for Peace, to guarantee a restorative and transformative impact as a result of the full participation of victims and the consideration of their suggestions and concerns in determining the Jurisdiction's restorative sanctions.

l) Promote a public policy for peasants which incorporates the guidelines of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas.

m) Continue efforts - including financial - for the comprehensive implementation of the Peace Agreement's ethnic focus and Ethnic Chapter, in coordination with the Ethnic Participation Body for monitoring the peace agreements.

n) Recognise and strengthen, through the National Government and the local authorities, the self-governing bodies of peoples of African descent and indigenous peoples through the implementation of a permanent mechanism of financial sustainability, technical guidance and accompaniment to exercise their public function in the context of their right to autonomy and self-determination.

o) Establish a public policy in accordance with international human rights standards for the urgent protection of indigenous peoples at risk of physical and cultural extermination, that includes and consolidates strategies and measures that have been effective in strengthening capacities for survival of these peoples.

p) **Develop a diagnosis, with the participation of the community movement, that identifies risk factors for community action, with the aim to establish an Action Plan which guarantees the protection of members of *Juntas de Acción Comunal*.**

q) **Establish a working group, under the leadership of the Ministry of the Interior, with the full participation of civil society, to build a new protection model for human rights defenders, including a reform of the National Protection Unit, strengthening of collective protection models with differentiated approaches and monitoring of the implementation of measures with a gender approach for women and LGBTIQ+ persons.**

r) **Strengthen the model and capacity of the Special Investigation Unit and Attorney General's Office's Working group on threats to guarantee that local offices of the Attorney General's Office are more effective in their investigation of deaths and threats against human rights defenders. It also urges the modification of internal regulations to guarantee that crimes of attempted killings against defenders is investigated under one of these specialized bodies.**

s) **Adopt a statutory law that establishes a regulatory framework for the exercise of the right of peaceful assembly, in line with international human rights standards.**