

Colombia must urgently reform how it polices protests to avoid further human rights violations – UN report

GENEVA/BOGOTA (15 December 2021) – The Colombian authorities should reform how protests are managed to avoid a recurrence of the loss of life and injuries seen during widespread demonstrations that started in April this year as part of a national strike, the UN Human Rights Office said in a report published today.

The strike and mass protests against the country's deep and long-standing economic and social inequalities, many of which were worsened by the Covid-19 pandemic, began on 28 April and continued across Colombia for several weeks.

Between 28 April and 31 July, the UN Human Rights Office in Colombia received 63 allegations of deaths in the context of the protests. To date, the Office has verified 46 deaths, of which 44 were civilians and two police officers. Of the documented deaths, 76 per cent of the victims died from gunshot wounds.

Based on the information gathered and analysed by the Office*, there are reasonable grounds to believe that police officers were responsible for at least 28 of these deaths and that at least 10 of these deaths involved members of the National Police's Mobile Anti-Riot Squad (ESMAD). Non-State actors are believed to have killed 10 people. There is insufficient information to establish the likely perpetrators of eight deaths.

The report documents various instances of unnecessary or disproportionate use of force by police officers, especially ESMAD members, to disperse peaceful protests and blockades. Demonstrators were also attacked and fired upon by armed individuals without the security forces stepping in.

The report stresses the importance of law enforcement officers abiding by the principles of legality, precaution, necessity, proportionality, and non-discrimination when policing demonstrations, with firearms only used as a measure of last resort when there is an imminent threat to life or of serious injury. In addition, it highlights that the use of firearms to indiscriminately disperse a protest is always unlawful; that firearms are not an appropriate tool for policing protests; and that they must never be used simply to disperse an assembly.

Other incidents detailed in the report point to inappropriate and indiscriminate use of less-lethal weapons by the police in violation of international standards.

All those reportedly involved in causing injury or death, including State officials, should face prompt, effective, thorough, independent, impartial and transparent investigations. The

State must also ensure the right to full reparation to victims. Steps already taken by the authorities to investigate and prosecute these abuses are welcome, the report says.

The report highlights the State's responsibility to protect human rights, including the right to life and security of person, without discrimination, and the obligation to facilitate the exercise of the right of peaceful assembly. Based on the analysis conducted by the Office, the report says that the Colombian State failed to maintain a safe environment for protesters on numerous occasions.

The report also includes 60 reported cases of sexual violence allegedly committed by the police, of which the Office has so far been able to verify 16.

The degree to which protesters were criminalized and stigmatized, including by the media linking them to vandalism or even alleging acts of terrorism, was also concerning, as were attacks on human rights defenders during the protests and on journalists documenting events, the report says.

The report documents acts of violence and damage by some protesters and other individuals, which the UN Human Rights Office has consistently condemned. However, it concludes that the vast majority of the protests were peaceful. When authorities used dialogue rather than force to interact with protesters and included human rights defenders in decisions about addressing the protests, the result was a clear de-escalation of tensions and helped to prevent violence.

The report details some areas where investigations into alleged human rights violations have made progress, and welcomes the Government's stated zero tolerance of violations by its security forces.

The report sets out lessons learned from the handling of the protests and, among its recommendations, it urges the Colombian authorities to take the necessary steps to ensure those in charge of managing protests, in particular the National Police, only resort to dispersal of protesters in strict adherence of international human rights norms and standards. Noting Government reform proposals, it also calls for a broad national debate on police reform, including the possibility of transferring the police from the Ministry of Defence to civilian control, and improving internal oversight and accountability mechanisms. The aim should be to effectively guarantee and facilitate the exercise of the right of peaceful assembly in Colombia.

The UN Human Rights Office also recommends –beyond measures to seek justice – individual and collective reparation measures to honour the memory and lives of victims, to ensure non-recurrence by formally recognizing what happened, and to adequately assist those harmed by the violations and violence during the protests as they seek to rebuild their lives.

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Read the report (Spanish only):

<https://bit.ly/3DU8f2>

<https://www.hchr.org.co/index.php/informes-y-documentos/documentos/10246-documento-lecciones-aprendidas-paro-nacional-colombia-2021-juliette-de-rivero-representante-de-la-alta-comisionada>

**The UN Human Rights Office in Colombia conducted 623 interviews with victims and witnesses, examined 83 videos, including mobile phone footage, of the protests and related incidents, and held 878 meetings with government officials, as well as civil society representatives and protesters.*

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