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

## Situation of human rights in Colombia

### Report of the United Nations High Commissioner for Human Rights\*, \*\*

#### *Summary*

This report examines the human rights situation in Colombia in 2023, focusing on the impact of territorial violence on human rights; peace, security and dismantling policies; the status of implementation of the Peace Agreement regarding human rights; and civic space.

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\* The present report was submitted to the conference services for processing after the deadline so as to include the most recent information.

\*\* The summary of the report is being circulated in all official languages. The report itself is contained in the annex and is being circulated in the language of submission and in English only.



## 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) assesses the human rights situation in Colombia between 1 January and 31 December 2023.

2. In January, the United Nations High Commissioner for Human Rights, Volker Türk, visited Colombia and held meetings with several of the country's highest authorities, including the President.<sup>1</sup> During his visit, he signed an agreement with the Colombian Government to extend the presence of OHCHR in Colombia until 2032.

3. At the initiative of Colombia, on 13 July 2023, the Human Rights Council adopted resolution 53/22 on the enhancement of technical cooperation and capacity-building in the field of human rights in Colombia. This resolution requests OHCHR to provide and step up its technical assistance, among other things, to assist Colombia in the implementation of the recommendations made by the Commission for the Clarification of Truth, Coexistence and Non-Repetition (Truth Commission).

4. Pursuant to the same resolution, on 26 July 2023, the High Commissioner appointed Antonia Urrejola Noguera as the international human rights expert tasked with identifying and verifying the obstacles to the implementation of the Peace Agreement, in particular those announced publicly by the Special Jurisdiction for Peace in March 2023. The expert will present her report to the Human Rights Council at its fifty-fifth session.

5. The universal periodic review of Colombia was carried out in November; during the review, 82 countries made recommendations to the State. The Committee against Torture<sup>2</sup> and the Human Rights Committee<sup>3</sup> published their concluding observations on the periodic reports of Colombia in June and September, respectively. 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 made official visits to Colombia in May and September, respectively. OHCHR welcomes the Government's openness and cooperation with the Human Rights Council mechanisms and the United Nations human rights treaty bodies.

6. OHCHR welcomes the creation of the Ministry of Equality and Equity,<sup>4</sup> aimed, inter alia, at facilitating the adoption and effective implementation of public policies and measures for the elimination of inequality in all areas and promoting the effective enjoyment of the right to equality of the most vulnerable communities and people.

7. In May, Congress adopted the National Development Plan 2022–2026.<sup>5</sup> OHCHR recognizes the use of a human rights-based approach that takes into account gender and territory, and the strengthening of the exercise of people's right to participate, particularly with regard to ethnic peoples and groups in vulnerable situations, in preparing the Plan. The plan outlines courses of action for the protection of human rights, focusing on peacebuilding,

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

<sup>2</sup> See [CAT/C/COL/CO/6](#).

<sup>3</sup> See [CCPR/C/COL/CO/8](#).

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

<sup>5</sup> See <https://colaboracion.dnp.gov.co/CDT/Prensa/Publicaciones/plan-nacional-de-desarrollo-2022-2026-colombia-potencia-mundial-de-la-vida.pdf>.

water and environmental protection, social justice and human security, as well as measures aimed at enforcing people's right to food, among others.

8. In October, departmental and municipal elections were held for the period 2024–2027. In some parts of the country, abuses committed by non-State armed groups and criminal organizations undermined the exercise of civil and political rights, including the right to life. Between 1 January and 29 October, OHCHR received reports that 46 people (41 men and 5 women) with some form of political leadership had been killed; of these, 11 were candidates to political office and 12 were engaged in pre-electoral political activity. Among the victims were seven Afrodescendants, five Indigenous persons and eight campesinos. The departments where these events occurred are Antioquia, Atlántico, Bolívar, Cauca, Guaviare, La Guajira, Nariño, Norte de Santander, Putumayo, Tolima and Valle del Cauca. In addition, during this period, OHCHR documented threats, attacks against individuals and political party headquarters, harassment and bans on campaign activities, including cases of gender-based violence against women and LGBTIQ+ participants allegedly committed by non-State armed actors.

9. In 2023, the OHCHR office in Colombia conducted 962 field missions and held 278 capacity-building activities for State institutions and civil society.

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

### A. Security and human rights situation

10. Despite a decrease in some indicators of violence in 2023, non-State armed groups and criminal organizations have steadily expanded their geographical reach and employed violent strategies of social and territorial control<sup>6</sup> over the civilian population and ethnic-territorial and grass-roots organizations. In so doing, they have continued to jeopardize the physical and cultural survival of various peoples and historical organizational processes.

11. OHCHR received 123 allegations of possible massacres<sup>7</sup> in 2023. Ninety-eight of these allegations were verified, and in 25 cases, the findings were deemed inconclusive. There was an increase of 6.5 per cent with regard to the verified massacres in 2022. The verified massacres in 2023 involved 320 victims (242 men, 46 women, 25 boys and 7 girls), including 18 persons belonging to ethnic groups (15 Indigenous persons and 3 Afrodescendants). 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 organizations.

12. In 2023, according to the Office for the Coordination of Humanitarian Affairs (OCHA), approximately 62,967 people have been displaced and 87,646 people have been confined. These figures represent a decrease of 22.9 per cent in displacements and 14.3 per cent in confinements, as compared to the figures of OCHA for 2022. Fifty-five per cent of those persons displaced and seventy-nine per cent of those confined in 2023 belong to ethnic peoples. The departments most affected by displacement were Bolívar, Cauca, Nariño and Valle del Cauca, while those most affected by confinement were Caquetá, Cauca, Chocó and Nariño. OCHA also reported that, in 2023, a total of 20,370 people suffered from limited humanitarian access, with the most affected departments being Amazonas, Chocó, Norte de Santander and Putumayo. The Directorate of Mine Action

<sup>6</sup> “Social control” refers to strategies involving intimidation, harassment, pressure, extortion and other actions that are used by non-State armed groups and criminal organizations to control populations and territories.

<sup>7</sup> For the purposes of this report, “massacre” means the extrajudicial execution of three or more persons in a single incident, or during incidents related by responsibility, place and time. See [E/CN.4/2000/11](#), para. 27.

recorded 85 accidents involving anti-personnel mines, unexploded ordnance or improvised explosive devices in 2023; the most affected departments were Bolívar, Chocó and Nariño.<sup>8</sup>

13. The United Nations Verification Mission in Colombia verified the killing of 48 former members of the Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (Revolutionary Armed Forces of Colombia – People’s Army) (FARC-EP) in 2023. This represents a decrease of 5.9 per cent as compared to 2022. Since the signing of the Peace Agreement, 408 former FARC-EP members, including 11 women, have been killed.

14. OHCHR 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 them, OHCHR documented several cases of trafficking for sexual exploitation of girls by non-State armed groups, which are allegedly transporting them to camps to be sexually exploited by their members in Chocó and Nariño. OHCHR also documented some cases of rape of women and girls as part of the social control exercised by these groups, including cases that allegedly occurred in the presence of family members.

15. OHCHR continued to document femicides, sexual violence and cruel, inhuman and degrading treatment by non-State armed groups against women accused of being partners of members of rival groups or members of the security forces. It also received reports of threats, displacement and violence against members of the LGBTIQ+ community on the basis of their sexual orientation or gender identity. Since most cases are not reported, strategies must be developed to ensure the comprehensive and confidential care of women, girls and members of the LGBTIQ+ community in the territories.

16. OHCHR verified 134 cases (86 boys, 42 girls and 6 children whose gender is unknown) of recruitment or use of children in the armed conflict by non-State armed groups and criminal organizations. Such violations are highly underreported, and so these figures are mere illustrations of a wider problem. It is of particular concern that, in 75 cases, the victims belonged to ethnic groups (71 Indigenous persons and 4 Afrodescendants); and in 37 of these cases, the victims suffered multiple rights violations.

17. Most of the documented cases of recruitment or use of children occurred in Antioquia, Arauca, Cauca and Nariño. At least 11 victims were recruited in schools by non-State armed groups located in or around educational centres, or using other children to recruit them. Common recruitment routes have been identified, as have places where victims are subjected to in-group training and even medical tests. In 16 cases, threats against the victims, their relatives or their traditional authorities were reported. Five children were tried for having been members of a non-State armed group, instead of seeing their rights restored and their status as victims recognized. According to the public prosecutor’s office, 40 per cent of ongoing investigations into crimes of recruitment committed in 2023 are concentrated in Cauca, Nariño and Valle del Cauca. The public prosecutor’s office indicates that, in Caquetá, Huila and Putumayo, the percentage change in cases compared to 2022 is above average.<sup>9</sup>

18. OHCHR noted with concern the application of the so-called “Pistol Plan”<sup>10</sup> by some non-State armed groups and criminal organizations. According to the Observatory for Human Rights and National Defence, in 2023, a total of 84 members of the security forces were killed and another 380 were injured – a decrease of 35 per cent and 47 per cent, respectively, as compared to 2022.

19. OHCHR is of the view that every possible effort must be made to achieve better State coordination at the territorial level in the implementation of the total peace policy; in the dismantling of criminal organizations that undermine peacebuilding, including the “successors” of paramilitarism and their support networks; in pursuing the security, defence and citizen coexistence policy, “Guarantees for Life and Peace 2022–2026”; and in carrying

<sup>8</sup> See [https://www.datos.gov.co/Inclusi-n-Social-y-Reconciliaci-n/Situaci-n-V-ctimas-Minas-Antipersonal-en-Colombia/yhxn-eqqw/data\\_preview](https://www.datos.gov.co/Inclusi-n-Social-y-Reconciliaci-n/Situaci-n-V-ctimas-Minas-Antipersonal-en-Colombia/yhxn-eqqw/data_preview).

<sup>9</sup> Observations submitted by Colombia on 30 January 2024.

<sup>10</sup> A campaign to systematically gun down members of the security forces, whether or not they are on duty, over a specific time period and in a specific area; a bounty is offered for each police officer or soldier killed, with the amount increasing according to the victim’s rank.

out the national drug policy for the period 2023–2033, “Preserve Life and Stamp Out Drug Trafficking”. It is also essential to empower ethnic-territorial and grass-roots organizations as a crucial means of prioritizing the protection of the civilian population and the territory. In particular, local, regional and national authorities need to work together to better coordinate and execute the various policies, with a view to strengthening the presence of the State in the regions.

## B. Security forces

20. OHCHR received 37 allegations of arbitrary deprivation of life purportedly committed by members of the police and military forces; of these, 30 were verified by OHCHR and 7 are in the process of being verified. The victims of the 30 verified cases were 26 men, 2 boys and 2 girls. Four victims were of African descent. The verified cases occurred in 13 departments, the main ones being Atlántico, Valle del Cauca and the city of Bogotá. In 21 of the 30 verified cases, the alleged perpetrators were members of the police, and in 9 they were members of the military forces. OHCHR referred the 37 allegations to the Ministry of Defence, which took action to determine whether there had been a violation of the right to life; OHCHR requested that, where such violations are confirmed, the appropriate disciplinary action should be taken and criminal proceedings should be initiated before the ordinary courts.

21. OHCHR appreciates the progress made by the Attorney General’s Office in 2023 in the investigation of the events that occurred in March 2022 in Alto Remanso (Putumayo), where 11 people lost their lives in the context of a military operation. However, it is of the view that the gravity of the facts being investigated requires the court proceedings to be carried out more expeditiously within the framework of the ordinary justice system, given that the military criminal justice system lacks the jurisdiction to investigate serious human rights violations alleged to have been committed by the security forces.<sup>11</sup>

22. OHCHR also received 36 allegations of other human rights violations by members of the security forces, of which it has verified 18. The allegations were referred to the Ministry of Defence so that it might initiate the relevant investigations. These violations consisted of torture; cruel, inhuman or degrading treatment; gender-based violence, including sexual violence; violations of and threats to personal integrity; arbitrary detentions; and discrimination. In addition, OHCHR received further reports of 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 in their duty to protect communities and/or victims.

23. OHCHR received with concern two new allegations of human rights violations against girls in Bolívar, including sexual and gender-based violence, purportedly perpetrated by members of the police and armed forces.<sup>12</sup> OHCHR considers it necessary for the authorities to take more effective measures to investigate and punish those responsible, and to prevent the occurrence of new violations, as well as to strengthen inter-institutional coordination to fully uphold the rights of girls.

24. OHCHR advised the police on the inclusion of international human rights standards in its human rights handbook and comprehensive training plan, and assisted in the development of the human rights policy of the Ministry of Defence. OHCHR welcomes the willingness of the Ministry, the armed forces and the police to create spaces for dialogue. OHCHR provided technical assistance to Congress in drafting the bill to amend the Intelligence and Counter-Intelligence Act (No. 1621).

<sup>11</sup> Constitutional Court Order No. 989/22.

<sup>12</sup> [A/HRC/52/25](#), para. 55.

### III. Total peace, security and dismantling policies

25. OHCHR welcomes the adoption of the new security and coexistence policy of the Ministry of Defence,<sup>13</sup> which is based on a human security-centred approach and is aimed at protecting life and the environment. OHCHR values the human rights approach taken in this policy to address violence in the territories.

26. The security and coexistence policy recognizes the different dynamics of violence in each territory and adopts a preventive approach through the inclusion of a social justice concept closely related to the enjoyment of economic, social, cultural and environmental rights to achieve transformation in the territories. It also provides for wide-ranging action by the State through inclusive inter-institutional coordination and with the participation of civil institutions. It provides for the participation of social actors at the local level by providing for spaces for dialogue, and establishes that the security forces must act with a view to protecting the people. This policy must be implemented in order to bring about changes in the actions of the security forces to better protect and improve relations with the civilian population.

27. Within the framework of the total peace policy, the Government declared two bilateral and temporary national ceasefires, one with the Ejército de Liberación Nacional (National Liberation Army) (ELN)<sup>14</sup> in July and the other with the self-identified “Estado Mayor Central de las FARC FARC-EP” in October.<sup>15</sup> The Government established three sociolegal round tables with urban criminal organizations in the cities of Buenaventura, Medellín (and the surrounding metropolitan area) and Quibdó, as well as a discussion forum with the Estado Mayor Central de las FARC-EP.

28. In 2023, as part of the partial agreements reached in the Government’s dialogues with ELN, a participation committee was set up to develop a methodology for consulting with civil society and to collect their proposals for the aforementioned discussion forum. In December, at the conclusion of the fifth cycle of dialogues between the Government and ELN, the parties reported, among other things, an agreement on the suspension of kidnappings for extortive purposes by ELN.

29. In July, the President stated that, in any of the aforementioned negotiations with armed actors, the priority must be to ensure the full respect of the rights of the people.<sup>16</sup> It is important that the willingness of the non-State armed groups to engage in dialogue is accompanied by positive change in their treatment of the civilian population.

30. OHCHR recommended the Government to formalize the various forums for discussion with grass-roots organizations, ethnic-territorial authorities and the groups most affected by the armed conflict at the territorial level, independently from the different spaces for dialogue with non-State armed groups, so that civilian organizers may convey directly to the State their proposals and opinions on human security and peace in the territories.<sup>17</sup>

31. In September, after a participatory dialogue, the National Commission for Security Guarantees adopted a policy for dismantling criminal organizations.<sup>18</sup> Its adoption is a major step in the fulfilment of one of the points of the Peace Agreement, to address the violence affecting the population, and in the recognition of territorial challenges.

<sup>13</sup> See [https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Prensa/politica\\_seg\\_conviv.pdf](https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Prensa/politica_seg_conviv.pdf).

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

<sup>15</sup> See [https://www.altocomisionadoparalapaz.gov.co/dialogos\\_con EMC\\_FARC-EP/Documents/Decreto%201684%20del%2016%20de%20Octubre%20de%202023.pdf](https://www.altocomisionadoparalapaz.gov.co/dialogos_con EMC_FARC-EP/Documents/Decreto%201684%20del%2016%20de%20Octubre%20de%202023.pdf).

<sup>16</sup> See <https://www.youtube.com/watch?v=X7v3FW5J20Q>.

<sup>17</sup> See [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/](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/).

<sup>18</sup> See <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.>

32. It is positive that the dismantling policy focuses on the underlying causes of violence. OHCHR welcomes the fact that its recommendations on the inclusion of a cross-cutting human rights, gender, ethnic and differential approach, as well as the five international good human rights practices for the dismantling of criminal organizations, have been taken into account in the development of this policy and that they have been applied simultaneously.<sup>19</sup>

33. Likewise, OHCHR welcomes the fact that the dismantling policy provides for the enhanced presence of the State in the territories, with the effective participation of the people. The policy is also aimed at fostering a culture of accountability and, in particular, at achieving effective guarantees of non-repetition. The prompt and effective implementation of this policy is essential for a sustained decrease in violence in the territories.

34. Finally, OHCHR recognizes the progress made in the development of the first national action plan on United Nations Security Council resolution 1325 (2000) on women and peace and security in Colombia. It is noteworthy that over 1,500 women from all over the country attended the participatory consultations.

## IV. Implementation of the Peace Agreement

### A. Comprehensive rural reform and drug policy

35. Implementation of the 33,000 initiatives launched as part of the development programmes with a territorial focus continues to be key to the realization of the comprehensive rural reform provided for in the Peace Agreement. Rural communities claim they need further opportunities for involvement in the development programmes. The Government has proposed an implementation strategy for the regional transformation action plans. A total of 35,164 ha have been turned over to campesinos; land tenure of 184,189 ha for campesinos and 414,999 ha for ethnic communities has been formalized; and 672 properties have been returned to 2,013 families.<sup>20</sup> A total of 267 ha were restored to two ethnic communities.

36. OHCHR welcomes the amendment of article 64 of the Constitution, which recognizes campesinos as rights holders who are entitled to special protection, in accordance with the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas.<sup>21</sup> OHCHR also considers positive the adoption of Legislative Act No. 3 of 2023,<sup>22</sup> which provided for the creation of an agricultural and rural judicial authority.

37. The Government launched the National Agrarian Reform and Rural Development System<sup>23</sup> and established the Permanent Working Group for Campesino Organizations; it has also identified ways to restore women's rights. It is important to coordinate the various land access policies so that the progress and impacts of agrarian reform and land restitution do not generate or escalate territorial conflicts. It is also necessary to ensure the participation of young people, women and organizations that are not part of the campesino platforms.

38. The National Joint Commission for Campesino Affairs, created under the national development plan as a high-level body for dialogue between campesinos and the Government, is the main means of campesino participation in public policymaking. OHCHR is concerned about the safety of campesino leaders involved in land restitution and land access processes and other processes aimed at enforcing campesino rights. It is also concerned that some non-State armed groups are pressuring communities to join *guardias campesinas* (campesino guards).

<sup>19</sup> Investment in social welfare, access to justice, the fight against corruption, the requisition of the proceeds of crime, and the bringing of criminals to justice, together with security sector reform.

<sup>20</sup> Official communication No. 202320000489313 of 28 December 2023, submitted to OHCHR.

<sup>21</sup> Legislative Act No. 1 of 2023, available at <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=213790>.

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

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

39. More than seven years have passed since the signing of the Peace Agreement, and the implementation of the 16 sectoral plans for comprehensive rural reform remains insufficient. The plans for rural electrification, rural housing and environmental zoning have made minimal progress, and none of the 16 plans have exceeded 40% implementation.<sup>24</sup>

40. OHCHR welcomes the adoption, in September, of the new National Drug Policy 2023–2033,<sup>25</sup> which has incorporated the International Guidelines on Human Rights and Drug Policy through the establishment of three priorities: (a) bring development to areas with the highest presence of illicit crops; (b) develop an environmental protection strategy, in light of the fact that 49 per cent of illicit crops are grown in areas of special environmental protection; and (c) enhance health sector initiatives.

41. Campesinos in areas where illicit crops are grown claim that the Comprehensive National Programme for the Substitution of Illicit Crops has been insufficiently implemented, affecting rural families' ways of life, particularly with regard to food.

## B. Transitional justice

42. OHCHR acknowledges the importance of the public acts recognizing State responsibility made by the Ministry of Defence in compliance with court decisions on cases of extrajudicial executions and forced disappearances committed by members of the Army. In October, the President of the Republic, the Minister of Defence and the Commander of the Army participated in an act of recognition in which they apologized to the families of victims of extrajudicial executions in Soacha and other parts of the country. Similar acts were carried out in Villavicencio and Norte de Santander.

43. The Government developed measures in follow-up to the recommendations set out in the Truth Commission's final report. It is crucial to provide the follow-up and monitoring committee for the implementation of the Truth Commission's recommendations with an administrative and legal framework and budget that allows it to reach its goals. There is also a need to further implement the Truth Commission's recommendations on non-repetition measures, given the ongoing armed conflict in the territories.

44. The Special Jurisdiction for Peace made progress in establishing criminal liability in the cases of Barbacoas, Ricaurte and Tumaco (macrocase 02), including in respect of patterns of sexual and gender-based violence and the destruction of territory and nature; in northern Cauca and southern Valle del Cauca (macrocase 05); and with regard to extrajudicial executions in the subcases of Antioquia and Huila (macrocase 03). The Tribunal for Peace also held hearings on the findings in the cases of kidnappings (macrocase 01) and killings and forced disappearances illegitimately presented as combat casualties by State agents (macrocase 03). The accountability hearings in Dabeiba (joint macrocase 03 and 04) and Casanare (macrocase 03) contributed to upholding the right to truth and the restoration of victims' rights.

45. In September, the Special Jurisdiction for Peace agreed to open macrocase 11 to investigate gender-based violence, including sexual and reproductive violence, and other crimes committed out of prejudice based on sexual orientation or diverse gender expression and/or identity. OHCHR considers this, together with the incorporation of a gender perspective in investigation methodologies and judicial decisions in other macrocases, to be positive steps.

46. OHCHR followed up on the threats made against the Jurisdiction's judges and intervening parties that preceded the hearing held in Dabeiba (Antioquia) and a team of lawyers, as well as the detention of the humanitarian committee of the Unit for the Search for Persons deemed Missing that occurred in the municipality of Pradera (Valle del Cauca).

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

<sup>25</sup> See <https://www.minjusticia.gov.co/Sala-de-prensa/Documents/Pol%C3%ADtica%20Nacional%20de%20Drogas%202023-2033%20%27Sembrando%20vida,%20desterramos%20el%20narcotr%C3%A1fico%27.pdf>.



The assault and killing of people who have actively participated in macrocase 05 in the department of Cauca are cause for concern.

47. In response to the request of the community councils in black communities, the Special Jurisdiction for Peace recognized the Cauca River as a victim in the proceedings in macrocase 05. A coordination body was established for the Special Jurisdiction for Peace and the Government regarding the use of restorative sentences in restorative justice projects. It is important to enhance victims' participation in prioritization decisions and the inter-jurisdictional 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 for Persons Deemed Missing to expand its presence in Huila, Risaralda and Santander, as well as the progress made in the recovery of more than 1,000 bodies and the location of missing persons still alive. It reiterates the importance of strengthening inter-institutional coordination and providing adequate technical and budgetary resources to the National Institute of Forensic Medicine and Science for the thorough identification of corpses and the timely delivery of bodies to families and searchers.

49. OHCHR appreciates the progress made in the search for missing persons in the San Antonio estuary in Buenaventura (Valle del Cauca), led by the Unit for the Search for Persons Deemed Missing and the Special Jurisdiction for Peace, with the participation of women searchers, victims' relatives and civil society organizations. It also notes with appreciation the search efforts in the border area of Norte de Santander. OHCHR welcomes the inclusion, in the national development plan, of the National System for the Search for Persons Deemed Missing as a coordinating body in the development of a comprehensive public search policy. OHCHR takes note of the bill<sup>26</sup> aimed at recognizing and protecting the work of women searchers in the search for victims of enforced disappearance and considers its adoption important.

50. In his preliminary remarks on his official visit to Colombia in September, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence highlighted the commendable progress made in the area of transitional justice. He noted the insufficient implementation of guarantees for non-recurrence and expressed concern about the resurgence of violence and conflict.<sup>27</sup>

### **C. Victims and Land Restitution Act**

51. The Government has submitted a bill to amend the Victims and Land Restitution Act (No. 1448) of 2011, with a view to enhancing reparation mechanisms for victims and extending the period of application of the Act, which expires in 2031. OHCHR urges the Government and Congress to continue to observe the non-regression principle in respect of victims' rights and to broaden the spectrum and focus of reparations, including durable solutions.

### **D. Ethnicity-related aspects of the Peace Agreement**

52. Regarding the implementation of the Peace Agreement, the High-level Forum of Ethnic Peoples, leaders and authorities has stated that "the failure to engage with ethnic communities is a structural and systemic problem, requiring a re-examination of the application of the ethnicity-related aspects of the Peace Agreement thus far".<sup>28</sup> In November,

<sup>26</sup> See <https://www.camara.gov.co/camara/visor?doc=/sites/default/files/2023-05/5%29%20PL%20242%20-%202022%20C%20Textaprobcom.docx>.

<sup>27</sup> See <https://www.ohchr.org/en/press-releases/2023/09/colombia-un-expert-calls-compliance-international-human-rights-standards>.

<sup>28</sup> See [https://conpa.org.co/images/informes/2\\_Informe\\_CONPA\\_2021.pdf](https://conpa.org.co/images/informes/2_Informe_CONPA_2021.pdf), pp. 12–13.

the Political Pact for the Implementation of the Ethnic Chapter of the Peace Agreement was signed in response to those concerns.<sup>29</sup>

53. According to data provided by the integrated post-conflict information system, progress has been made towards achieving the goals for the application of the ethnicity-related aspects of the Peace Agreement in 2023.<sup>30</sup> The greatest achievements relate to the expansion and reorganization of Indigenous reserves and the collective titling of territories traditionally occupied by peoples of African descent.<sup>31</sup> However, the information obtained also indicates that no progress has been made in carrying out the plans for immediate action, despite the situation of vulnerability faced by ethnic peoples given the ongoing conflict in the territories and its disproportionate impact on them, including Indigenous Peoples, who are at risk of physical and cultural extermination, and Afrodescendent communities.<sup>32</sup> Progress in the legal formalization of land tenure has not necessarily translated to guarantees for the effective enjoyment of the rights to territory and to self-government of these peoples.

54. OHCHR documented allegations of attacks against authorities and leaders of Indigenous Peoples and Afrodescendent communities, which had negatively affected their ability to self-govern and jeopardized their physical and cultural survival. These attacks included 23 cases of homicide of traditional authorities, *guardias indígenas* (Indigenous guards) and *guardias cimarronas* (Afrodescendent guards), in particular against the Barí people (Norte de Santander), the Hitnü people (Arauca), the Nasa people, the Awá people and community councils (Nariño and Cauca). Examples include the Awá Indigenous authority, Raúl Antonio Nastacuas, murdered on 24 March in Ricaurte (Nariño), in a meeting called by a non-State armed group to dictate orders to the community; the former Nasa Indigenous governor, Freddy Bomba Campo, murdered on 26 July after participating in a commission of authorities demanding respect for their rights from non-State armed actors in Caldon (Cauca); Luis Quiñones Cortés, legal representative of the community council “La Voz de los Negros” (The Voice of the Black Community), murdered in Cali on 9 April after being displaced in 2022 from Nariño owing to threats from a non-State armed group; and Phanor Guazaquillo, governor of a Nasa Indigenous reservation in Puerto Asís (Putumayo), murdered on 3 December upon leaving the funeral of a traditional authority of the Siona people. The killing of four traditional doctors and ancestral sages especially affected the Nasa people; indeed, given the doctors’ roles in the community, their disappearance put the community’s physical and cultural survival at risk.

55. The Constitutional Court maintains the unconstitutional state of affairs in respect of Indigenous and Afrodescendent peoples owing to structural failures in the State’s response to prevent and remedy the disproportionate impacts of the armed conflict on these peoples.<sup>33</sup> In May, the Court convened a public hearing on the application of Order No. 004 of 2009, in the cases of the Jiw and Nükak peoples, owing to the serious humanitarian crisis they face.<sup>34</sup> In March 2023, in their first binational early warning, the Colombian and Ecuadorian Ombudsmen’s Offices recalled that, in 2009, the Colombian Constitutional Court had found that the Awá people (Nariño and Putumayo) were at risk of extermination owing to the armed conflict<sup>35</sup> and requested both governments to provide security and social welfare guarantees to that people and, in particular, to the communities in the Pacífico border area.<sup>36</sup> OHCHR recalls that the Afrodescendent peoples of Pacífico have been the subject of repeated orders from the Constitutional Court relating to the situation of aggravated risk they face and the violence that persists in their territories, despite the fact that the necessary protection measures set out in the chapter on ethnicity of the Peace Agreement also apply to them.

<sup>29</sup> See <https://portalparalapaz.gov.co/se-firmo-pacto-por-la-implementacion-del-capitulo-etnico/21/>.

<sup>30</sup> See <https://siipo.dnp.gov.co/avance/clasificacion/1>.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> See <https://www.corteconstitucional.gov.co/relatoria/autos/2017/a266-17.htm>.

<sup>34</sup> See <https://www.corteconstitucional.gov.co/Relatoria/autos/2023/A827-23.htm>.

<sup>35</sup> Order No. 174/11.

<sup>36</sup> See <https://defensoria.gov.co/-/defensoria%20C3%ADas-del-pueblo-de-colombia-y-ecuador-emiten-primera-alerta-temprana-binacional>.

## V. Civic space

### A. Situation of human rights defenders

56. OHCHR received 233 allegations of the killing of human rights defenders. In 105 of those cases, OHCHR verified that there was a link between their death and their work defending human rights; in 128, the findings were inconclusive. The verified cases involved 14 women, 87 men, 1 non-binary person, 2 gay men and 1 transsexual woman. Notwithstanding a 9.5 per cent decrease in verified killings of human rights defenders as compared to 2022, such persons have nevertheless experienced unconscionable violence. With 25 verified cases, Cauca is the department with the highest levels of violence, followed by Nariño (14 cases), Valle del Cauca (10 cases), Putumayo (9 cases), Norte de Santander (6 cases) and Arauca (6 cases). The municipality with the highest number of cases (5) was Puerto Asís, followed by Caldono, Tame and Tumaco, each of which reported four cases of violence. Various non-State armed groups are assumed to be responsible for 74 per cent of the verified killings.

57. OHCHR received allegations of 763 cases of threats and other human rights violations against human rights defenders; this is of course a mere sample of all the cases in the country. Of those, 546 cases concerned men, 186 women and 9 members of the LGBTIQ+ community; 22 were collective threats. In 26 cases, the threats and attacks may amount to gender-based violence. Of the 763 total cases, 65 involved attempted murder and 23 involved 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 defenders have faced. Despite benefiting from measures adopted by the National Protection Unit, Mr. Castro Muñoz was disappeared by a non-State armed group from November 2022 to August 2023, during which time he was subjected to torture, ill-treatment and forced labour.

58. One of the main patterns identified by OHCHR is that human rights defenders are killed when they speak out or become an obstacle to the dynamics of social control exercised by non-State armed actors in the territories. The murders are also meant to break up social systems that serve to enforce human rights, and to generate fear among communities.

59. Leaders with links to community action committees continued to be the main victims of violence; they represent 33 per cent of the verified homicide cases. In addition, OHCHR documented allegations of threats, stigmatization and forced displacement of community leaders, campesinos in particular. Testimonies collected in several regions indicate that there is an intention to weaken the community movement through attempted co-optation by armed actors, forced resignations and the spread of fear of running for office. The corruption allegations made by members of the community action committees regarding the management of municipal authorities' resources were also a major risk factor. Municipal offices found themselves in high-risk situations, which were exacerbated by the financial restrictions on their work, particularly in remote municipalities with the least resources and highest rates of violence.

60. OHCHR verified allegations of 31 cases of killings of persons defending land, territory or the environment. Two illustrative cases are that of Edilsan Andrade, a defender of the Comité de Integración del Macizo Colombiano (Colombian Range Integration Committee), murdered on 31 January in Rosas (Cauca) for defending campesino livelihoods in the territory, and that of Diana Rodríguez, murdered on 11 April, for denouncing the negative impacts of coal mining in San Cayetano (Norte de Santander).

61. On 6 December, the Constitutional Court announced in a press release the issuance of ruling SU-546 of 2023, declaring an unconstitutional state of affairs in relation to the violence faced by human rights defenders.<sup>37</sup>

<sup>37</sup> See

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

62. The Government implemented various prevention and protection initiatives which, while appropriately targeted, have not achieved all the expected objectives owing to the difficulty of addressing structural factors of violence, the lack of coordination between the various levels of government and the limited presence of civilian authorities in the regions with the highest levels of violence.

63. When the Emergency Plan for the Protection of Human Rights Defenders, adopted in August 2022, reached the end of its 100-day term, most of the 65 municipalities that had been highlighted as a priority in the Plan still had not adopted a comprehensive and permanent strategy to protect human rights defenders. It was only in September 2023 that a broad consultation process was initiated for the development of a national policy of guarantees for human rights defenders. Despite repeated requests from human rights platforms, it was not possible to set up the National Committee on Safeguards (for Human Rights Defenders) in 2023. However, it was possible to set up or reinstitute 10 of the 18 territorial committees on safeguards with a view to improving the dialogue between defenders and local authorities and to strengthen protection and investigation institutions. In 2023, Presidential Directive No. 7<sup>38</sup> was adopted, instructing senior government officials and commanders of the security forces to recognize, support and protect the work and legitimacy of human rights defenders. The action plan for the Comprehensive Programme of Safeguards for Women Leaders and Human Rights Defenders was developed in a participatory manner, and a strategy was rolled out to ensure a solid, sustainable presence of civilian authorities in 10 priority areas.<sup>39</sup>

64. OHCHR views it as crucial to develop, with the full participation of civil society, a new protection model for defenders that does not depend exclusively on the National Protection Unit and whose focus takes into consideration gender, territorial, ethnic, civil, holistic and collective factors. The Unit's capacity has been overwhelmed by the multiple protection needs of leaders and communities. Nevertheless, the Unit currently provides protection to more than 6,439 defenders, and in 2023 it received 64,581 new protection requests. OHCHR recorded the killing of 11 defenders who benefited from protection measures from the National Protection Unit and 5 who had requested measures but were not granted them.

65. The highest authorities of the National Protection Unit took significant steps to address corruption within the institution and to improve its internal processes. However, its operations continued to suffer serious limitations.

66. OHCHR welcomes the strengthening of collective protection. In 2023, the National Protection Unit concluded 114 collective protection studies, an increase of 86 per cent as compared to 2022. The Ministry of the Interior increased the budget allocated to collective protection under Decree No. 660 of 2018 and adopted a series of measures to improve the prioritization, transparency and accessibility of the protection programme. The Ministry was able to absorb 51 groups into the programme, from a total of 60 applications. The progressive increase in resources is fundamental if the Ministry is to make the programme accessible to more groups and guarantee the full implementation of protection and self-protection plans.

67. The Special Investigation Unit of the Attorney General's Office has made progress in consolidating a methodology and strategy for the investigation of killings of human rights defenders in recent years. However, the number of convictions of the perpetrators and of those responsible for ordering the killings, as well as the extent to which the circumstances of these crimes have been clarified, remains insufficient. According to the Attorney General's Office, out of the 1,182 killings that it investigated between 2016 and December 2023, 175 convictions have been secured, and 220 cases are in the trial stage; furthermore, charges

<sup>38</sup> See [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).

<sup>39</sup> Argelia; Norte and Pacífico (Cauca); Bajo Cauca, Norte and Urabá (Antioquia); Medio Atrato and Bajo Atrato; Bajo San Juan; Medio Baudó, Alto Baudó and Bajo Baudó (Chocó); urban and rural area of Buenaventura (Valle de Cauca); Costa Pacífica and Samaniego (Nariño); Zona Sur (Córdoba); and Catatumbo (Norte de Santander).

have been brought in 86 cases and arrest warrants have been issued in 164 cases. This implies that there have been no procedural developments in 43 per cent of the cases.<sup>40</sup>

68. Another key challenge is the investigation and elucidation of threats and attacks against human rights defenders. In 2023, the working group on threats within the Attorney General's Office made significant efforts to improve its methodologies and investigative techniques and to train personnel to reduce impunity. However, the district prosecutor's offices still face major challenges related to the stigmatization of defenders, understanding of their work's relevance, the lack of contextualization of cases, the pace at which urgent measures are taken, and the incorporation of gender and ethnic perspectives.

## **B. Right of peaceful assembly**

69. The National Police adopted a new decision (No. 1091 of March 2023) on the handling of demonstrations; under this decision, the mobile anti-riot squad will be replaced with the new Unit for Dialogue and Maintenance of Order.<sup>41</sup> The National Police handbook on responding to peaceful public assemblies and demonstrations and on riot control was also issued under this decision. Key elements of the handbook, in accordance with international human rights standards, include an emphasis on 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 some aspects of accountability and the prohibition of the use of firearms by the Unit. The Ministry of Defence requested comments and information from OHCHR, as well as from some human rights organizations, in developing this manual. A dialogue process, facilitated by OHCHR, was also established for the Ministry of Defence, the National Police and the organizations of the Police Reform General Committee, with a view to drafting regulations on the use of less lethal weapons. Notwithstanding the efforts described above, OHCHR believes it is essential for a statutory law to be adopted on a regulatory framework for the exercise of the right of peaceful assembly, in accordance with international human rights standards.

70. The Inter-Institutional Standing Committee helped advance investigations into human rights violations in the context of the 2020 and 2021 protests. Eight police officers allegedly involved in the human rights violations have retired; of these, seven are being criminally prosecuted for their alleged responsibility in these violations. As for the 2021 national strike, thanks to the efforts of the Inter-Institutional Standing Committee, the Attorney General's Office and the Counsel General's Office have included in their investigations the 46 homicide cases documented by OHCHR and the identification of 10 officials, and progress has been made in contextual investigations in Cali, which concern seven victims and in which the commander of the operations is being prosecuted. Despite this progress, it is necessary to move forward more expeditiously in the investigations, punish those responsible and make full reparations to the victims.

71. The Attorney General's Office reported that 630 people (580 men and 50 women) were prosecuted for crimes allegedly committed during the protests in 2021. A total of 185 people were placed in pretrial detention, 79 under house arrest and 52 under probation or alternative measures. In some cases, people have been released owing to the expiration of terms and weaknesses in the evidentiary basis of the Attorney General's Office for the criminal charges against them. The initiative introduced by the Government at the end of 2022 to release some of the young people charged by recognizing them as spokespersons for peace was declared as unconstitutional by the Constitutional Court in November 2023.<sup>42</sup> Of the 18 people recognized as spokespersons for peace, it is reported that only 4 have been released on parole.

<sup>40</sup> Observations submitted by Colombia on 30 January 2024.

<sup>41</sup> See [https://www.policia.gov.co/sites/default/files/descargables/14\\_res\\_1091del\\_31-03-2023\\_manual\\_atencion\\_a\\_manifestacion\\_publica.pdf](https://www.policia.gov.co/sites/default/files/descargables/14_res_1091del_31-03-2023_manual_atencion_a_manifestacion_publica.pdf).

<sup>42</sup> See <https://www.corteconstitucional.gov.co/comunicados/Comunicado%2050%20-%20Noviembre%2029%20de%202023.pdf>.

## VI. Recommendations

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

- (a) Make every effort to deploy a solid presence in strategic parts of the country in order to recover and expand territorial control of the State given the activities of non-State armed groups and criminal organizations;
- (b) Strengthen institutional capacity to better protect the civilian population in the territories;
- (c) Strengthen coordination of the total peace policy, the security policy, the dismantling policy and the drug policy, in order to address the situation in the territories and the structural factors of violence;
- (d) Formalize a permanent, coordinated dialogue with grass-roots organizations in the territories, independent of the peace dialogues and negotiations with non-State armed actors, in which civilian organizers may convey directly to the State their proposals and opinions on human security and peace in the territories;
- (e) Include as a central point of dialogues and/or negotiations with non-State armed actors the cessation of acts that violate the rights of the civilian population, in particular child recruitment and gender-based violence;
- (f) To guarantee the equitable and effective participation of women in peacebuilding and to implement the recommendations on consultations made in the action plan on United Nations Security Council resolution 1325 (2000);
- (g) Develop territorial strategies through, inter alia, the Ministry of Equality, to provide comprehensive and confidential care to victims of gender-based violence, including sexual violence in conflict zones, and incorporate the participation of ethnic authorities in the identification of such cases;
- (h) Strengthen, through the national Government and territorial authorities, the mechanisms for preventing and responding to child recruitment and sexual violence against children, from an ethnic and gender perspective, and establish that children under 18 years of age who are recruited or used by non-State armed groups should be considered victims;
- (i) Urge departmental and local governments to allocate resources for the implementation of the recommendations of the Truth Commission's final report, with a view to building peace in the territories;
- (j) Continue efforts to ensure that the entities in charge of public security and the intelligence services effectively incorporate international human rights standards in a cross-cutting manner in their training and methods, and apply them effectively in conducting their activities, including through the amendment of the Intelligence and Counter-Intelligence Act;
- (k) Redouble efforts with regard to the proceedings before the Special Jurisdiction for Peace, to guarantee the full participation of the victims and to ensure that their proposals and concerns are taken into consideration when restorative sentences are handed down and that the latter have a restorative and transformative impact;
- (l) Introduce a public policy for campesinos in line with the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas;
- (m) Continue efforts – including financial efforts – for the comprehensive application of an ethnic policy and of the ethnicity-related aspects of the Peace Agreement, in coordination with the High-level Forum of Ethnic Peoples, in monitoring the implementation of the Peace Agreement;

(n) Recognize and strengthen, through the national Government and local authorities, the self-governing bodies of Indigenous and Afrodescendent peoples, by setting up a permanent mechanism for financial sustainability, consultation and technical assistance, thus allowing them to exercise their public function within the framework 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, which will include and consolidate the strategies and measures that have been effective in improving the survival capacities of these Peoples;

(p) Determine, with the participation of the community movement, the risks involved in community-oriented activities, in order to agree on an action plan that guarantees the protection of the members of the community action committees;

(q) Set up a working group, under the leadership of the Ministry of the Interior, with the full participation of civil society, to develop a new protection model for defenders, including the transformation of the National Protection Unit, the enhancement of collective protection models with differentiated approaches and the monitoring of gender-focused measures for women and members of the LGBTIQ+ community;

(r) Enhance the model and capacity of the Special Investigation Unit and the working group on threats within the Attorney General's Office to ensure that district prosecutor's offices become more effective in investigating the killing of and threats against defenders; and amend domestic regulations to ensure that the attempted murder of any human rights defender is investigated by a specialized court;

(s) Adopt a statutory law on the regulatory framework for the exercise of the right of peaceful assembly, in accordance with international human rights standards.

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