

Information Note for the COP16 Human rights situation of environmental defenders

October 2024

1. Introduction

Colombia is one of the most biodiverse countries on the planet, with a wealth of natural resources. Although its environmental characteristics are essential to the survival of a diversity of Indigenous Peoples, People of African Descent, and peasant communities, these same natural resources and biodiversity have attracted the interest of a multiplicity of actors dedicated to mining, oil and gas exploration, agribusiness, the use of water sources and cultivation of a variety of both licit and illicit crops, among other extractive activities.

In regions with intense exploitation of natural resources, especially those rural areas with insufficient state presence, environmental defenders work to protect the rights of communities, forests and jungles, bodies of water, flora and fauna, and territorial ecosystems.

In Colombia, environmental protection is carried out primarily at the community and collective level, based on traditional forms of social organization. Most environmental defenders are leaders of grassroots and community organizations who need to protect their territories, natural resources, and biodiversity against threats related to legal and illegal extractive economies, such as mining, oil and gas exploration, deforestation, agribusiness, cultivation of crops for illicit use, extensive cattle ranching, and the exploitation of water resources. Many of these leaders do not identify as environmental defenders. They believe they are working primarily to defend their livelihoods, the habitat that allows them to recreate their culture and worldview, the biodiversity of their territories, and the life of their communities. This lack of self-recognition as environmental defenders has reduced the visibility of their vital environmental protection work and has led to the lack of full recognition as such by various state institutions.

This information note adopts a broad definition of environmental defenders in line with the definition developed by the UN Special Rapporteur on human rights defenders. In the report on environmental defenders¹, the Office of the Special Rapporteur refers to individuals and groups who, in their personal or professional capacity and in a peaceful manner, strive to protect and promote human rights relating to the environment, including water, air, land, flora and fauna. The definition used here also includes those who defend land and territory, particularly those

¹ <https://undocs.org/Home/Mobile?FinalSymbol=A%2F71%2F281&Language=E&DeviceType=Desktop&LangRequested=False>

belonging to indigenous, Afro-descendant, and peasant communities who are fighting to protect their natural habitat and ensure their survival as a people.

2. Killings and the typology of violence

In Colombia, defending the right to a clean, healthy, and sustainable environment² and rights linked to defense of the land and territory entail a high risk to personal life and safety. From January 2016 to September 2024, the Office of the United Nations High Commissioner for Human Rights in Colombia (UN Human Rights) verified 248 cases of killings of environmental defenders, 220 of which were men and 28 were women.

Eighty-nine percent of the documented killings were of Indigenous People, People of African Descent, and peasant defenders, which shows the disproportionate impact of violence on the peoples and communities that live in the most biodiverse territories and that are defending nature and natural resources, as well as their lands, territories, ways of life, and culture. Of these killings, 139 victims were Indigenous People, 18 were People of African Descent, and 64 were peasants.

Of the 139 Indigenous People assassinated, 39 were traditional authorities or former authorities, 38 were indigenous guards defending their territory, and 17 were sources of traditional knowledge or medicine in the communities. In the 18 cases of People of African Descent, eight of the victims were Community Council authorities and four were members of the *Cimarrona* guard. Among the 64 peasant environmental defenders killed, 21 were leaders of Community Action Boards and six were members of peasant guards.

UN Human Rights has recorded an increase in the killings of environmental defenders since 2016. Fourteen environmental defenders were killed in 2016, compared to 44 in 2023. The pace of this increase has intensified between 2016 and 2024, with as many as 36 environmental defenders killed in 2018 and 37 in 2022. The highest number of killings was documented in 2023, with 44 cases. As of 30 September 2024, UN Human Rights has documented 15 cases of killings of environmental defenders and is verifying another 10 cases.

The highest number of cases have occurred in the Pacific region, accounting for 56 percent of total killings (138 people). Ten percent of the cases were located in the departments that comprise the Colombian Amazon River basin. Putumayo had the highest number of cases, 15, compared to eight in Caquetá and one in Guaviare. Eight percent of cases were recorded in the Orinoquía region of Colombia, with 13 cases in Arauca, five in Meta, two in Casanare, and one in Vichada. The Magdalena Medio region accounted for three percent of homicides, or a total of

² The term "environment rights" refers to the human right to a clean, healthy, and sustainable environment, as described in Human Rights Council Resolution 48/13 of 8 October 8, 2021, and United Nations General Assembly Resolution 76/300 of 28 July 28, 2022.

eight cases. Four percent of cases occurred in the Caribbean region (nine cases), five of them in the department of La Guajira. Six cases (2%) of the cases occurred in the country's coffee-growing region.

At the departmental level, Cauca is the department with the highest number of cases, accounting for 31 percent of killings (76 cases), followed by Chocó with 23 cases (9%), Nariño, 21 (8%), Valle de Cauca, 18 (7%), Antioquia, 15 (6%) and Norte de Santander, eight cases (3%).

According to UN Human Rights, defending land and territory poses the greatest risk in the fight to protect the environment and related rights. Forty-nine percent of killings were attributable to such situations, with indigenous and Afro-descendant authorities and peasant leaders representing the majority of victims. The right to water, mining-related impacts, and social-environmental conflicts involving business interests each account for an additional seven percent of cases. The remaining victims were people who denounced deforestation, promoted sustainable agriculture, protested against pollution, defended specific ecosystems, advocated for the protection of natural parks, denounced the impact of hydroelectric projects, opposed fracking, or were engaged in different environmental protection tasks.

Based on contextual information, UN Human Rights found that in 66 percent of the cases the alleged perpetrators were non-state armed actors. Eight percent were attributed to private individuals, four percent to local economic or political groups, and three percent to public security forces. In 19 percent of the cases, no information was obtained about the alleged perpetrator.

2.1 Attacks and other forms of violence

In addition to risking their lives, environmental defenders in Colombia face a range of violations related to their work. Killings are often preceded by threats and attacks that escalate over time. Many human rights defenders are subjected to direct and indirect threats, including intimidation, surveillance, harassment, and even physical attacks and attempted homicide. In some cases, especially those involving female activists, threats are also directed against children and relatives in an attempt to curb the defenders' actions and silence them. The combination of threats and other forms of violence creates a hostile environment for those protecting the land and natural resources, putting them in constant danger long before a killing occurs.

A significant proportion of the threats recorded by UN Human Rights are linked to the defense of the environment, land, and territory. The most common types of threats include violent attacks, threatening pamphlets, social media posts that threaten or stigmatize defenders, WhatsApp messages and intimidating calls, as well as surveillance and shadowing. These acts create a climate of terror and insecurity that hinders the work of defenders. Because of such threats, some defenders make the decision to keep a low profile, remain silent, temporarily leave the territory

or move away with their families. Stopping or giving up their defense work leaves a void in their communities and discourages others from engaging in similar activities, creating a climate of impunity for environmental harm.

In addition, environmental defenders are often stigmatized by local authorities or actors with economic interests in the territory, who accuse them of opposing progress and development. Indigenous and Afro-descendant authorities, women, and LGBTIQ+ people face challenges in relation to stigmatization. Cases have also been reported of the law being used to curtail their work. Criminal prosecutions are pursued without solid legal grounds. Regardless, such cases negatively impact activists by forcing them to focus on their legal defense. Categorizing their actions as illegal delegitimizes their work and isolates them from the communities they are trying to protect.

3. Risk factors

Several factors increase the risks to environmental defenders in Colombia. These factors pose obstacles to their work, exposing their activities and aggravating tensions with multiple actors invested in natural resources.

3.1 Economic interests of non-state armed groups

The right to a clean, healthy, and sustainable environment is affected *by the presence and actions of non-state armed groups* in areas with important environmental resources, in direct violation of the human rights of the Indigenous Peoples, People of African Descent, and peasant communities that live there. According to the Special Jurisdiction for Peace, the environment has been a "silent victim of the armed conflict" in Colombia, with 283 cases of environmental impacts recorded between the signing of the Peace Agreement in 2016 and 30 May 2022.³

Deforestation, illegal mining, attacks on oil infrastructure, and drug trafficking are some of the activities carried out and controlled by non-state armed groups that affect the environment and the human rights of the land's inhabitants.

Between 2019 and 2023, ECOPETROL reported 222 attacks on the company's production and transportation infrastructure, causing contamination of water sources and damage to ecosystems and wildlife.⁴

³ <https://www.jep.gov.co/JEP/documents1/EI%20ambiente%20como%20victima%20silenciosa.pdf>

⁴ [https://www.ecopetrol.com.co/wps/portal/Home/es/noticias/detalle/ecopetrol-mindefensa-y-uiaf-fortalecen-lucha-contra-delitos-que-afectan-infraestructura-de-la-empresa-estatal#:~:text=Solo%20en%20los%20C3%BAltimos%20dos,L%20Cira%20Infantas%20\(Barrancabermeja](https://www.ecopetrol.com.co/wps/portal/Home/es/noticias/detalle/ecopetrol-mindefensa-y-uiaf-fortalecen-lucha-contra-delitos-que-afectan-infraestructura-de-la-empresa-estatal#:~:text=Solo%20en%20los%20C3%BAltimos%20dos,L%20Cira%20Infantas%20(Barrancabermeja)

The use of toxic chemical precursors such as cyanide, mercury, gasoline, sulfuric acid, caustic soda and others for illegal mining and coca leaf processing negatively impacts the rights of entire communities to health, food, and access to water. According to the United Nations Office on Drugs and Crime (UNODC), 230,000 hectares of Colombian territory were devoted to illicit crop production in 2022, with 65 percent concentrated in the departments of Nariño, Norte de Santander, and Putumayo.⁵⁵ Also, according to UNODC, 49 percent of illicit crops are in special management areas, including national parks, indigenous reservations, black or Afro-descendant communities, and forest reserves. Despite the fact that, in 2023, Colombia recorded its lowest level of illegal deforestation in 23 years, the practice remains an imminent risk to the forests and the environment, especially the Amazon and Pacific regions. Non-state armed groups have played a significant role in deforestation via indiscriminate logging to expand the agricultural frontier, cattle ranching, and other economic activities.

Speaking out against the negative impacts of the actions of non-state armed groups puts environmental defenders in clear confrontation with the interests of these groups and, therefore, put them at risk of violence. Non-state armed groups' strategy to control illicit economies implies exercising social control over the communities that inhabit the affected territories. For this reason, complaints about the negative impacts of their activities are perceived as a challenge to their ability to maintain social control. Some non-state armed groups have even declared environmental defenders to be "military objectives" given the direct threat they pose to their interests at the local level. As noted above, UN Human Rights identified non-state armed actors as the probable perpetrators in 66% of killings cases.

As non-state armed actors promote illicit economies that affect the environment, through their territorial, social, political and economic control of communities they also act as agents of environmental control or defense. In some cases, despite the apparent contradiction, non-state armed groups impose environmental protection rules that reflect their own economic interests in the territory. According to information collected by UN Human Rights, non-state armed groups establish rules to control the processing of illicit crops, including efforts to protect water sources. In some regions, these groups define forest reserve areas and prohibit the planting of certain monocultures. On the other hand, in areas such as the Amazon, non-state armed groups threaten peasant communities who participate in forest conservation and reforestation programs and block access to the territory by the public officials who promote them, including park rangers.

Another point of conflict is the environmental and ecosystem management plans promoted by

⁵ https://www.biesimci.org/index.php?id=82&no_cache=1

Indigenous and Afro-descendant authorities, or by peasant communities in peasant reserve areas. Non-state armed actors often attempt to block the implementation of these plans, threaten peasant leaders, and undermine the autonomy of the ethnic and community authorities involved in environmental management.

Finally, UN Human Rights has received information about the violent co-optation of social and community processes by non-state armed actors in the territories. These actors seek to impose their economic interests on environmental management, controlling the activities of communities, defining conservation areas, and even establishing areas with deforestation "permits." They attempt to involve Community Action Boards in enforcing these mandates or receiving payments for permits for logging or cattle ranching in certain areas. Information has also been received about the use of extortion to obtain resources from state-funded environmental services projects and public policies aimed at improving life in the territories.

3.2 Institutional fragmentation and a weak official response

Another risk factor is associated with the existence of a legal and institutional framework that fragments the scope of activities of the environmental authorities and entities involved in promoting and protecting the human rights of communities in matters related to the environment. In addition, the institutions with the power to grant permits for the exploitation of natural resources, such as mining, energy, and agriculture, are disconnected and do not coordinate with environmental authorities.

The weak institutional coordination of these sectors and levels of government hinders the right of defenders to demand that the state protect the environment and their territories, as it prevents the adequate coordination of the different state entities to guarantee human rights in the regions. There are also contradictions and tensions in state decision-making on issues related to environmental protection and human rights, such as prior consultation, the exploitation of natural resources during business operations, access to information, participation in environmental issues, and access to environmental justice. These tensions create and escalate social-environmental conflicts associated with the State's decisions related to the exploitation of natural resources.

In fact, in its most recent visit to the country in August 2024, the United Nations Working Group on Business and Human Rights expressed concern about the lack of coordination between government agencies and tensions between regional and national entities, and called for

improved alignment and collaboration.⁶

The lack of adequate institutional coordination also explains the difficulty in identifying an inter-institutional governing body to coordinate the competencies and powers of the state entities who oversee natural resources and those that ensure the guarantee of human rights. This means that environmental defenders must navigate multiple state entities and institutional pathways in pursuit of judicial remedies, administrative actions, social mobilization, and other strategies to raise awareness about the environmental impacts, wasting time and resources and risking public exposure, among other elements that put them at a disadvantage and at risk.

One specific challenge is also the weakness of local institutions at the departmental and municipal levels. A significant number of departmental environmental corporations face legitimacy challenges in view of the allegations of corruption, lack of transparency in decision-making about projects that impact the environment, incapacity to ensure compliance with environmental standards, and their vulnerability to local economic interests.

3.3. Weak guarantee of environmental standards and obstacles to access to environmental justice

Another factor of risk is the weak institutional capacity to protect the environment and limited effectiveness of mechanisms and legal resources to defend environmental rights. In addition, the State has limited and weak capacity to monitor and comply with existing environmental standards, including mitigation measures derived from environmental impact studies, as well as the institutional capacity to de-escalate social-environmental conflicts. In this sense, the Working Group has highlighted "the need to implement requirements for respect and guarantee of human rights in all business permit processes, including the granting of concessions, titles, and environmental licenses".⁷

In the latter scenario, environmental defenders face administrative decisions that may affect their rights without adequate mechanisms for reporting, monitoring and control, so they must identify legal pathways to ensure their protection. Current control, monitoring, and sanctioning mechanisms include environmental impact studies and sanctioning processes. However, these mechanisms do not incorporate a human rights-based approach and are generally insufficient for the adequate protection of the environment and other rights, leaving defenders without effective

⁶ <https://www.ohchr.org/sites/default/files/documents/issues/business/workinggroupbusiness/20240809-eom-statement-colombia-wg-business-es.pdf?lds>

⁷ <https://www.ohchr.org/sites/default/files/documents/issues/business/workinggroupbusiness/20240809-eom-statement-colombia-wg-business-es.pdf?lds>

resources to demand their protection and respect.

There are also legal obstacles ensure the full implementation of environmental standards through criminal law. Although the Penal Code codifies environmental crimes in Law 2111 of 2021, not all impacts on the rights related to the environment constitute an environmental crime and, therefore, there are regulatory gaps that force those affected to seek other avenues to raise awareness about the impacts caused.

The preferential mechanism for defending the right to the environment has been the "*acción de tutela*," or writ of protection of fundamental rights. However, the Working Group argues that this remedy "lacks specific mechanisms to ensure effective reparation in specific cases, since it only orders the suspension of actions or omissions that cause damage, without addressing the magnitude of the damage or guaranteeing non-repetition." For the Working Group: "(...) this type of decision does not set a precedent for businesses in terms of their human rights obligations for future hires, renewals or operating licenses. (...) These problems can be attributed, among other factors, to the lack of coordination between national and local authorities, broad or diffuse decisions, and the lack of control after judgments are handed down."⁸

Finally, it should be noted that the fragmentation of state regulations and competencies also derives from the absence of effective and safe spaces for participation with access to timely, transparent, and reliable information that allows citizens to influence decision-making about the environment and the territory.

3.4 The role of businesses

In the context described above, business operations involving the exploitation of natural resources cannot be separated from the existing social tensions and, in many cases, their actions or omissions can be considered a risk factor for the defense of the environment, given the business interests in natural resources for their economic activity.

In fact, the United Nations Working Group on Business and Human Rights stated that "the prevailing economic model, based on the exploitation of resources with large-scale territorial projects and production volumes, has systematically marginalized Indigenous, Afro-descendant, and peasant communities, undermining their traditional ways of life and generating persistent inequality gaps."⁹

⁸ <https://www.ohchr.org/sites/default/files/documents/issues/business/workinggroupbusiness/20240809-eom-statement-colombia-wg-business-es.pdf?lds>

⁹ <https://www.ohchr.org/sites/default/files/documents/issues/business/workinggroupbusiness/20240809-eom-statement-colombia-wg-business-es.pdf?lds>

During its visit, the Working Group heard complaints from community leaders and human rights and environmental defenders in territories where mining, energy, and agricultural companies operate. Among other things, they reported: "threats, persecution, and physical and psychological violence by non-state armed groups to prevent them from interfering with or denouncing the activities of said companies or exercising their rights to protest and freedom of expression."

The information provided by the communities suggests that non-state armed groups are sometimes financed by extorting bribes from business projects that involve the exploitation of natural resources. Groups can benefit from projects via direct extortion or by involvement in contracting processes through third parties. When environmental defenders initiate environmental advocacy work that may curb such projects, they may also be affecting the interests of non-state armed groups. The response from these groups may come in the form of violence against defenders so that they do not affect their economic interests in the territory.

In this sense, economic activities with a high impact on natural resources can represent a risk for defenders if measures are not adopted as part of corporate due diligence to ensure that both the State and businesses fully guarantee protection and respect for the environment and the right to defend human rights.

Other situations have been identified in which business activity can become a risk factor for environmental defenders. These include stigmatizing the social leaders who defend the environment as being opposed to development. Also of concern are the social fragmentation caused by businesses that support certain groups or community sectors through social projects or employment, and the use of criminal or judicial actions against defenders without a solid legal and factual basis.

An additional risk factor is the lack of mechanisms for accountability and reparation of environmental impacts from a human rights perspective that go beyond environmental compensation to sanctioning human rights violations, to ensure the accountability of businesses and the State as well as comprehensive reparations.

A current example of the above is the lack of clear regulation of the carbon bond market in Colombia. Complaints by Indigenous Peoples reveal the opacity of information in this market, the implementation of deceptive mechanisms to obtain the consent of indigenous authorities, and the absence of the State both in terms of institutional presence and regulations to protect the ethnic communities' rights to a healthy environment and territory. This has led environmental organizations to assume the role of petitioner without institutional support or access to justice

mechanisms and the accountability of the businesses involved, and left them vulnerable to threats and harassment.

3.5 Impunity

An important risk factor is the impunity in cases of violence against environmental defenders and the lack of adequate implementation of court rulings that protect the environment.

The Special Investigation Unit of the Attorney General's Office has developed a methodology to strengthen its investigative work in cases of killings targeting environmental defenders and human rights defenders, more generally. The first investigative hypothesis in this methodology is the possible connection to the victim's work. Efforts have been made to improve the profiling of environmental and human rights defenders and the analysis of regional contexts. The methodology also involves drawing connections between cases, identifying patterns, and building investigations on the ultimate determinants of violence.

The Attorney General's Office has also created a Working Group linked to the Human Rights Directorate to investigate threats and other aggressions. This Group has led to the formation of a specialized group of prosecutors, analysts, and investigators to address threats and improve access to justice for victims who wish to report incidents to the Attorney General's Office at the national level when they lack the confidence to do so locally. Although the Threat Group has allowed some investigations to advance, enormous challenges remain to reducing the high levels of impunity for this type of crime.

UN Human Rights received information from the Attorney General's Office on progress in its investigation of 244 cases concerning killings committed against environmental defenders. Of these 244 cases, the Attorney General's Office reported that 225 fell within its strategy to investigate human rights defenders or leaders. Of the 225, 124 - or 55 percent - had significant procedural momentum. A conviction had reportedly been reached in 30 of these 124 cases. An additional 31 cases were in the trial process, 20 were under investigation, 34 were under investigation with an arrest warrant issued for the alleged perpetrator, and nine were precluded. Of the remaining 101 cases, 96 were under investigation, three were filed due to the impossibility of finding or establishing the perpetrator, and two cases ended in acquittals.

The Attorney General's Office and other key actors with a mandate to ensure access to justice, such as the Elite Corps of the National Police, Legal Medicine or the judicial branch, must send a strong message that killing, threatening or attacking a person who defends the environment has irreparable consequences and that it will not be tolerated by the courts.

Failure and/or unjustified delays in the implementation of judicial rulings that protect the right to a healthy environment in cases of serious impacts caused by economic activities contribute to impunity and represent an obstacle to the defense of the environment.

In this context, Constitutional Court decisions, such as judgments SU 698 of 2017¹⁰ and T 614 of 2019,¹¹ related to the impacts of legal open-pit coal mining on environmental rights and related rights such as health, housing and a dignified life, have not reported substantive progress in guaranteeing the rights protected.

Threats have been reported against persons charged with enforcing compliance with judgments T-622 of 2016¹² (on protecting the Atrato River from illegal mining and logging methods that cause harmful and irreversible environmental consequences) and T-038 of 2019¹³ (recognizing the Cauca River as having a right to protection from the impacts of legal and illegal economic activities).

4. Institutional protective and prevention actions

A fundamental step in the prevention of and protection against violence targeting environmental defenders has been the ratification of the Regional Agreement on Access to Information, Public Participation, and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), formalized on 25 September 2024. Before its ratification, the Colombian government, under the leadership of the Ministry of the Environment and the National Environmental Impact Licensing Agency, had already begun a process to implement the Escazú Agreement and develop an action plan to protect environmental defenders.

The National Ombudsman's Early Warning System had also introduced a special focus on the risks to environmental defenders in various municipalities. The Alert System's national and structural Early Warnings included an analysis of the particular risks facing environmental defenders.¹⁴ The System also recently prepared its first early warning (AT 007-24) about the risks to defenders of the Colombian Amazon region.¹⁵

¹⁰ <https://www.corteconstitucional.gov.co/relatoria/2017/su698-17.htm>

¹¹ <https://www.corteconstitucional.gov.co/relatoria/2019/T-614-19.htm>

¹² <https://www.corteconstitucional.gov.co/relatoria/2016/t-622-16.htm>

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https://santafedeantioquiaantioquia.micolombiadigital.gov.co/sites/santafedeantioquiaantioquia/content/files/000680/34000_rigo-cauca--tsm-sentencia-no-038-de-2019.pdf

¹⁴ <https://alertasstg.blob.core.windows.net/alertas/019-23.pdf>

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<https://www.defensoria.gov.co/documents/20123/2723475/PAT+personas+defensoras+asuntos+ambientales%5B93%5D.pdf/881a39dd-0aa6-624a-3ef9-d47bec7be13c?t=1710873660451>

This advancement of the Early Warning System to generate preventive actions for environmental defenders must be followed by an in-depth reform with the full participation of human rights organizations and platforms, within the framework of the Intersectoral Commission for the Rapid Response to Early Warnings. The goal should be to generate effective and comprehensive state responses to the situations that put these defenders at risk.

The difficulties and operational limitations in both the individual and collective pathways for accessing the National Protection Unit also affect environmental defenders. An additional challenge is that the leadership typologies developed by the Unit do not include environmental leaders. This shortcoming does not necessarily mean that environmental defenders cannot access individual channels, as they can be linked to the measure through their connection to another profiles, such as Indigenous Peoples, peasants, or defenders of other human rights. However, the lack of a typology implies limitations insofar as reasons for threats or attack directly related to their profile as environmental defenders may be omitted or left unclear in the Unit's analysis.

As recognized by UN Human Rights in its 2023 annual report, the National Protection Unit's promotion of collective protection is a positive development.¹⁶ This is especially relevant for environmental defenders because, as previously mentioned, environmental protection in Colombia is an eminently collective activity undertaken by leaders in coordination and communication with the entire community. For this reason, UN Human Rights insists on the need to reform the protection model of the National Protection Unit to transition to a model that privileges collective protection, fully incorporating differentiated and territorial approaches.

Within the framework of the implementation of the Escazú Agreement, the Ministry of the Environment is also developing a protocol for responding to situations that put environmental defenders at risk. Although this protocol seeks to strengthen existing protection channels at the national and territorial levels, it can contribute to coordination and monitoring of responses to specific situations and cases and promote a comprehensive approach to social-environmental conflicts that lead to violence against defenders. The Ministry of the Environment is also promoting an institutional protection network for defenders who live in forest communities in the departments of the Colombian Amazon region and who have committed to government forest protection and reforestation programs.

¹⁶ https://www.hchr.org.co/informes_anuales/informe-anual-del-alto-comisionado-de-la-onu-para-los-derechos-humanos-sobre-la-situacion-de-derechos-humanos-en-colombia-durante-2023/

5. Conclusions

UN Human Rights has identified very high levels of violence against environmental defenders in Colombia. Between 1 January 2016 and 30 September 2024, the Office has verified the killing of 248 defenders of the environment, land, and territory (28 women and 220 men), in addition to countless threats and acts of stigmatization.

This violence has a disproportionate impact on Indigenous, Afro-descendant, and peasant environmental defenders, who represent 89 percent of the victims of such homicides. The areas of greatest risk for environmental defenders are the defense of land and territory, the right to water, and denunciation of the negative impacts of mining, deforestation, and other forms of extractive activities that generate social-environmental conflict.

UN Human Rights also found that, geographically speaking, the Pacific region has the highest number of killings of environmental defenders, accounting for 56 percent of the total. Cauca is the department with the highest number of cases (76 homicides). Other regions with high levels of violence are the Amazon and Orinoquía river basins, as well as the Magdalena Medio region. High levels of violence were also observed in the departments of Chocó, Nariño, and Valle del Cauca.

Based on contextual information, UN Human Rights concluded that non-state armed actors are the main generators of violence, allegedly responsible for 66 percent of documented homicides.

UN Human Rights condemns the actions of non-state armed groups, in particular the killings of environmental defenders, and urges respect for their life, safety, and work.

6. Recommendations

To guarantee ideal conditions for defending the right to a clean, healthy, and sustainable environment, UN Human Rights recommends that:

1. National, departmental, and municipal authorities should redouble their efforts to recognize the vital role that environmental defenders play in the protection of nature and life, adopting a broad definition of an environmental defender.
2. National, departmental, and municipal authorities must refrain from stigmatization and use information and recognition campaigns to expose efforts by other actors to stigmatize environmental defenders. That the Ministry of the Environment and the National Environmental Licensing Agency should promote the adoption of an action plan for implementation of the Escazú Agreement with the necessary budgetary allocation to create clear avenues for action, in coordination with other national and territorial

institutions for preventing violence against environmental defenders.

3. Under the leadership of the Ministry of the Interior, a special section on environmental defenders should be included in the National Policy on Guarantees for Defenders, and the implementation of the National Action Plan of the Comprehensive Guarantees Program for Women Defenders should include actions to strengthen the capacities of women-led environmental defense organizations.
4. Under the leadership of the Ministry of the Interior, progress should be made in the implementation of the Ethnic Chapter of the Peace Agreement, with special attention to strengthening the self-governance of indigenous authorities in environmental matters, as well as in the life plans and environmental management plans promoted by Indigenous Peoples, community councils, and peasant reserve areas.
5. In the process of implementing the Escazú Agreement, access to environmental information by communities and environmental defenders should be strengthened and security conditions should be guaranteed for full participation in local environmental decision-making, including stronger implementation of the right to prior consultation by Indigenous Peoples and People of African Descent and the participation of peasant communities.
6. In implementing the Escazú Agreement, the effectiveness of the administrative mechanisms for reporting non-compliance with environmental standards and lack of action to mitigate environmental risks should be strengthened.
7. The Attorney General's Office must strengthen its administrative control of environmental territorial corporations, in view of the complaints of corruption and non-compliance with environmental standards in the granting of environmental licenses and compliance monitoring.
8. Under the leadership of the Ministry of the Environment, institutional cooperation mechanisms for addressing and reducing social-environmental conflict should be strengthened, creating spaces for participation by the affected communities.
9. Under the leadership of the Office of the Presidential Human Rights Advisor, state and private sector compliance should be monitored in light of the United Nations Guiding Principles on Business and Human Rights to ensure not only protection and respect of the right to the defense of human rights, but also the right to a healthy environment with full guarantee of the rights of access to information, participation, and environmental justice. In this sense, UN Human Rights calls for strengthening and harmonizing regulatory frameworks for the environment and the development of economic activities with a human rights perspective, to ensure transparency mechanisms, human rights due diligence, accountability of all actors involved, meaningful participation, access to environmental justice, and effective reparations.
10. Under the leadership of the Office of the Vice President, an inter-institutional mechanism

should be established to monitor and promote the implementation of rulings as precedents for environmental cases. The institutions involved should include the ministries of the Environment, Mining, Agriculture, the Interior, and Equality, as well as the Department of National Planning, the Presidential Human Rights Advisor, and other ministries and departmental governments whose participation is essential for implementation of the rulings.

11. Under the leadership of the Ministry of the Interior and the National Protection Unit, the category of environmental defender should be included in the list of persons entitled to protection, considering the specific risks they face for their defense of the environment. Efforts should also continue to reform the protection model to privilege collective protection by indigenous peoples, Afro-descendants, and peasant communities.
12. The Attorney General's Office should continue to strengthen the investigative methodology of the Special Investigation Unit in cases of killings of environmental defenders, promoting contextual investigations that seek to dismantle the criminal structures and non-state armed actors responsible for the deaths of environmental defenders.
13. The Attorney General's Office should strengthen its strategy to investigate threats and attacks against defenders by linking cases and understanding patterns of violence against movements, organizations, and communities that defend the environment.
14. Within the framework of the negotiations and dialogues for total peace, the Office of the High Commissioner for Peace should take the lead in promoting and establishing clear and measurable commitments by non-state armed groups to curb deforestation, allow unrestricted access by environmental authorities, and promote conservation and reforestation programs.