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# Message Press conference

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In loco visit Colombia

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April 19, 2024

## ***IN LOCO VISIT COLOMBIA***

### *Message Press Release*

*April 19, 2024*

*Remarks by IACHR President, Commissioner **Roberta Clarke***

Good afternoon to all the people present.

The Inter-American Commission on Human Rights culminated today the on-site visit to Colombia with the objective of verifying the different forms of violence that impact human rights, with an ethnic-racial and gender approach.

The delegation was composed of the Second Vice-Chair and Rapporteur for Colombia, José Luis Caballero; Commissioners Stuardo Ralón and Arif Bulkan; Commissioners Andrea Pochak and Gloria De Mees; and Roberta Clarke, current Chair of the IACHR. The Executive Secretary, Tania Reneaum, the Deputy Executive Secretary, María Claudia Pulido, the Chief of Staff, Patricia Colchero and specialists from the Executive Secretariat, as well as the Special Rapporteurs for Freedom of Expression, Pedro Vaca, and on Economic, Social, Cultural and Environmental Rights, Javier Palummo.

From April 15 to 19, we were in Bogotá and in the departments of Antioquia, Cauca, Chocó, La Guajira, Magdalena, Nariño, Putumayo and Valle del Cauca. We held more than 50 meetings with different authorities of the public authorities and control agencies. We highlight the open and constructive dialogue held with high-level government authorities.

There were five days with more than 45 spaces for listening to representatives of civil society, activists, social and community leaders, academia, trade unions and business associations, and leaders of various political parties. We also had the opportunity to listen to victims of the different forms of violence that prevail in Colombia, who shared with us their pain, their yearning for justice and reparation, as well as the impact of insecurity on their daily lives.

During the visit we toured the Territorial Training and Reincorporation Area "Pondores", visited the prisons of Riohacha, Modelo and Buen Pastor, and learned about the reality of the Puente Nayero Humanitarian Area in Buenaventura and the Agua Blanca district in Cali, as well as the Necoclí Pier in the Darién region.

We welcome the Colombian State's openness to international scrutiny and its commitment to human rights. We thank the Office of the United Nations High Commissioner for Human Rights in Colombia, the Office of the High Commissioner for Refugee Rights, the Externado University of Colombia, the Ombudsman's Office and, especially, MAPP/OAS for their support in carrying out this visit. We also acknowledge civil society, victims and all those who provided valuable information.

## **Background**

The IACHR's last on-site visit to Colombia took place in 2012, focusing on the human rights situation during the armed conflict. Since then, there have been several working visits to the country, highlighting the 2018 visit to address the situation of defenders and people with social leadership, as well as the 2021 visit in the framework of the National Strike.

## **Inequalities and discrimination**

Colombia is a country characterized by extreme inequality and poverty, with a weak or non-existent state presence in territories where there is a strong presence of non-state armed groups.

The Commission emphasizes that Colombian society is immersed in a complex process of social, political and economic transformation in which historical practices rooted in a culture of structural, racist, patriarchal and class discrimination are being reviewed.

From a holistic view of human rights, the 2016 Peace Agreement marked a path towards this transformation, centered on the abandonment of weapons, an agenda of access to land, transitional justice and the substitution of illegal economies. The

Commission values efforts that seek to ensure human security through effective access to rights and progress towards a more just and inclusive society.

I now give the floor to my colleague José Luis Caballero, rapporteur for Colombia, to continue with the presentation.

### ***Remarks by Commissioner José Luis Caballero***

Historically, discrimination has manifested itself in the denial of the existence of various communities. Structural racism has excluded indigenous and Roma peoples, as well as black, Afro-Colombian, Raizal and Palenquero communities. At the same time, patriarchy has created a gender hierarchy that subordinates women, adolescents, girls and LGBTI people. These forms of discrimination are intensified at their intersection with economic dimensions, which have strengthened the process of social and political exclusion. Access to water, food and other economic, social, cultural and environmental rights continues to be a debt owed to the poorest people and communities in remote areas.

Inequality and discrimination lie at the roots of the armed conflict in Colombia and, more recently, in the massive demonstrations that took place in 2019, 2020 and 2021. The state has only a marginal presence in many rural territories, which continue to lack adequate security, social services, access to education or basic infrastructure. Without access to productive land or economic resources, many people are condemned to unemployment or to accept precarious wages in order to subsist, a circumstance that armed groups take advantage of to recruit mainly children and adolescents.

The combination of these factors, together with the insufficient implementation of the Peace Agreement, has facilitated the emergence and persistence of non-state armed groups, criminal groups and the development of illicit economies, particularly illegal mining, drug and human trafficking.

## **Continued violence in Colombia**

The reconfiguration of the armed conflict continues to undermine security, development and the enjoyment of human rights in the country. This is reflected in the alarming number of murders, threats, harassment and stigmatization, among others, against signatories of the Peace Accord, social and community defenders and leaders, especially those actively involved in land claims and environmental protection. Serious acts of violence against journalists were also documented.

The Commission has observed that gender-based violence continues to be a critical problem, especially for women, girls and adolescents. Women and LGBTI persons, and in particular indigenous, Afro-descendant, peasant, disabled, and mobile women continue to suffer sexual and reproductive violence in rural areas and areas controlled by armed groups. Despite the disproportionate impact of conflicts on indigenous and Afro-descendant women, they continue to be excluded from equal participation in peace and governance processes, and have less access to education, land and productive resources.

In the territories inhabited mainly by ethnic populations, phenomena such as assassinations, threats to leaders, recruitment of children and adolescents, as well as an increase in extortion and kidnapping persist. In addition, territorial control by armed groups has generated situations of populations in resistance, confinement and internal displacement, the magnitude of which constitutes a humanitarian crisis that results in the loss of their cultural identity and puts their survival at risk.

In addition to the above, there is the humanitarian crisis resulting from the massive flow of Venezuelan, Haitian, Ecuadorian and non-regional migrants, increasing the already existing risk of human trafficking, sexual exploitation and other contemporary forms of slavery. The State has made progress with some policies to protect and guarantee the rights of people in mobility. However, the protection deficit is enormous, and there are urgent humanitarian needs that must be addressed by public institutions.

These facts are perpetuated by a systematic impunity that implies that investigations are not carried out with due diligence and that when there are convictions, the persons intellectually responsible are not identified and punished.

The IACHR also visited detention centers, where it observed that, despite the will to humanize the treatment of the prison population, unacceptable conditions of detention persist. The State must address urgent problems such as overcrowding caused, among other factors, by judicial delays in granting early releases, inadequate infrastructure, lack of drinking water and energy, poor quality and insufficient food, and poor health care.

The people interviewed in different regions of the country spoke of their anguish, anxiety and pain in the face of this climate of violence, the territorial control and the forced coexistence with armed groups in the face of the historical abandonment by the State.

The current government's response to the reconfiguration of the conflict has been characterized by an express willingness to implement the Peace Agreement. The Commission highlights some advances, including the creation of an Agrarian Jurisdiction and the Ministry of Equality and Equity, the issuance of the National Development Plan 2022-2026 and a national drug policy, as well as the openness of the State to advance in the comprehensive policy of guarantees for defenders.

In addition to the above, the adoption of the Total Peace policy, which seeks to dismantle criminal structures through dialogue, cease-fire, submission to justice and increased social investment with environmental safeguards.

The various voices heard by the IACHR agree on the need to consolidate peace in order to achieve a transformation of the country. The pandemic, the delay in the implementation of the Peace Agreement, the weak presence or total absence of the State, the expansion of armed groups and the control over communities and illegal economies are some of the factors that explain the continued violence.

The institutional design for the implementation of the Peace Agreement has been fragmented in different national government entities. There is a lack of coordination at three levels: between national institutions with specific action plans that do not dialogue with each other; between national agencies and departmental and municipal authorities,

which do not receive resources; and between the latter and the communities, which demand effective participation. The Commission encourages that the construction of territorial action plans prioritize this dialogue, in line with the Peace Agreement, and that what is agreed upon is effectively implemented.

In the area of transitional justice, the incorporation of Inter-American standards in the Comprehensive System of Truth, Justice, Reparation and Non-Repetition stands out. The Truth Commission addressed the causes and consequences of the conflict and made recommendations for social and institutional transformation, which were included in the National Development Plan 2022-2026. And the Special Jurisdiction for Peace, although it has made efforts to place victims at the center of the proceedings, challenges persist for the construction of a dialogic truth, effective participation of victims and implementation of appropriate territorial approaches.

On the other hand, the country continues to be politically polarized, with opposing views on the origins of the conflict, the means to eradicate it, the economic model and the approach to citizen security, as well as the risk of instrumentalization of justice and control entities for political purposes. This phenomenon can only be overcome with a broad public debate and the search for consensus.

The purpose of achieving peace and democracy requires guarantees for open and plural public deliberation, including the voices of the territories and the different political and social expressions. However, the Commission warns of a public debate degraded by factors such as disinformation and a sustained climate of violence against journalists. In addition, there is hostility towards the press from official spokespersons at the national, departmental and local levels. On the other hand, journalists in the territories reported being pressured by armed groups participating in the peace talks.

The long armed conflict has consolidated a culture that normalizes violence. It is necessary to seek lasting and concrete solutions, from a territorial approach that allows for rapid progress in the effective access to rights, based on the recognition of a multicultural, ethnic, equitable and diverse society.

Finally, the Commission reaffirms its support for any State policy aimed at achieving peace based on participatory dialogue and respect for human rights. In this regard, the Inter-American Commission on Human Rights:

First, it calls on the State to develop redistributive policies that guarantee full access to rights and reduce inequality, as well as to strengthen its comprehensive presence throughout the territory.

Second, it urges the Executive to comply with its international obligation to protect the life and integrity of people throughout the national territory; to guarantee the security of communities, especially in those territories where bilateral ceasefires have been decreed; and to align new negotiations with armed groups to the route established in the 2016 Peace Agreement.

Third, it calls on Congress to prioritize constructive debate and consensus building that will allow for the approval of laws necessary for the implementation of the Peace Agreement, particularly the reform of the victims' law.

Fourth, it urges the Attorney General's Office and the Judiciary to comply with their obligation to investigate, prosecute and punish the material and intellectual authors responsible for serious human rights violations.

Fifth, it urges the strengthening of coordination between national, departmental and municipal authorities, guaranteeing the effective participation of the communities. In particular, ensure the viability of productive projects, the development of infrastructure, access to water, the construction of communication routes, as well as the offer of real alternatives for all people, especially for youth.

Finally, the Commission trusts that the State and society as a whole can reach the social and political agreements that will promote the transformations necessary to achieve peace and guarantee human rights in Colombia.