

CHAPTER V

FOLLOW-UP TO RECOMMENDATIONS MADE BY THE IACHR IN ITS COUNTRY OR THEMATIC REPORTS

FOLLOW-UP ON RECOMMENDATIONS MADE BY THE IACHR IN THE REPORT TRUTH, JUSTICE AND REPARATION: FIFTH REPORT ON THE HUMAN RIGHTS SITUATION IN COLOMBIA

I. INTRODUCTION

1. The objective of this report is to follow up on the recommendations made in the report Truth, Justice and Reparation: Fifth Report on the Human Rights Situation in Colombia (hereinafter also referred to as “the Report Truth, Justice and Reparation” or “the IACHR Report”), approved by the Inter-American Commission on Human Rights (hereinafter “the IACHR” or “the Commission”) on December 31, 2013, as the result of the IACHR on-site visit to Colombia in December 2012. In this framework, the IACHR also monitors implementation of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace between the Government and the Revolutionary Armed Forces of Colombia [*Fuerzas Revolucionarias Armadas de Colombia*] (FARC) of November 2016 (hereinafter “the Peace Agreement”).

2. In Chapter V of its Annual Report from 2014 to 2018 the Commission followed up on compliance with the recommendations made by the IACHR in its Report. Over the last two years, the Commission has also taken into consideration the efforts undertaken by the State after signing the Peace Agreement—the progress made, as well as the challenges that persist. The Commission avails itself of this space to conduct said monitoring in the understanding that implementation of the Agreement goes hand in hand with the Colombian State’s fulfillment of its international obligations in the area of human rights. Accordingly, the IACHR reiterates its commitment to achieving peace in Colombia, and thus, with this report and the other mechanisms available to it, offers the State and Colombian society as a whole its cooperation in this effort, which will take years to complete.

3. The Commission notes that in 2019 there continued to be a series of challenges in Colombia related to: citizen security—particularly in areas like the Department of Cauca, the marked risks faced by indigenous peoples and human rights defenders, forced displacements, among other issues that will be addressed throughout this report. On top of this is the difficulty of continuing forward with the activities of the Integral System of Truth, Justice, Reparation, and Non-Repetition (SIVJRNR), which in turn has brought about its own challenges.

4. On September 20, 2019, the Commission informed the State that it planned to publish a follow-up report to the recommendations provided for in the Report Truth, Justice and Reparation, in which it had decided to focus on the recommendations that are the subject of this report. Therefore, the Commission requested information on compliance with the recommendations, without prejudice to continuing follow up on all the recommendations contained in its Report Truth, Justice and Reparation. Likewise, on the same date, the IACHR requested information from the Office of the Ombudsperson of Colombia in the same terms, and announced to Colombian civil society organizations preparation of this report to follow up on recommendations, asking for information they deemed relevant to present on compliance in the sectors where they have experience. The State presented its response on October 30, 2019. Civil society organizations also heeded the request for information. The Commission thanks both the State and civil society organizations for the detailed and in-depth information provided, which has allowed it to have current data for its analysis.

5. In the preparation of this report, the Commission also took into consideration information gathered from its monitoring of the general human rights situation in the country; information received during

public hearings; the semi-annual report of the OAS Mission to Support the Peace Process in Colombia (MAPP/OAS); inputs from the precautionary measures mechanism; and requests for information made in keeping with the competence provided for under Article 41 of the American Convention on Human Rights (hereinafter “the American Convention”); as well as information available from public sources, and the decisions and recommendations of specialized international organizations, among others.

6. On December 10, 2019, the Commission sent the State a copy of the preliminary draft of this report, in keeping with Article 59(10) of its Rules of Procedure and requested that the State provide its comments. On January 17, 2019, the Commission received the State’s observations and comments, which, where pertinent, were included in this version. The complete document is annexed to this report. The final report was approved by the Commission on February 24, 2020.

7. The IACHR recalls that for this report it decided to continue emphasizing some recommendations made to the State, with a general focus on implementation of the Peace Agreement, as it has been doing in its Chapter V reports since 2017. It reiterates the importance of Colombia complying with the recommendations made. It further reiterates its willingness to collaborate with the State within the remit of its mandate and functions of ensuring effective enjoyment of human rights.

8. In its comments on the draft of this report, the State noted the following:

The State receives with great satisfaction that the IACHR recognizes the difficulties that entities face to effectively guarantee rights; difficulties associated with the complexity of regional problems and contexts and not to the lack of will on part of the State to fulfill with its international obligations. The proactive language that the IACHR maintains in this version of the Report is also appreciated¹.

9. This report is divided into four sections: (I) Introduction, (II) Peace Agreement Implementation Process, (III) Follow-Up on Recommendations, and (IV) Conclusions. Section III is devoted to considering the current situation in relation to the Commission’s recommendations and the measures adopted by the State to fulfill such recommendations. The section is divided into eight thematic subsections that analyze the State’s key achievements and challenges as regards its compliance. The last subsection on particularly vulnerable groups is, in turn, divided into eight segments. Finally, in Section IV the Commission presents its conclusions and reiterates the importance of the Colombian State fully complying with the recommendations made in its report.

II. IMPLEMENTATION PROCESS OF THE PEACE AGREEMENT

10. The Commission has reaffirmed on several occasions that it is committed to monitoring the Peace Agreement’s implementation and that said implementation must be done pursuant to inter-American human rights provisions and standards.

11. The Commission notes that in 2019 there was an array of advances and challenges in the framework of the Peace Agreement’s implementation. The Commission heard the reports of the public statements made by a group of former FARC-EP leaders on August 29, 2019, announcing they were taking up arms again and would therefore not comply with the provisions of the Final Peace Agreement.² The Revolutionary Alternative Forces of the Common (FARC) party issued a press release rejecting these statements and demanding full compliance with the Agreements in support of peace-building in Colombia.³ For

¹ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 1.

² *El Espectador*, Iván Márquez, “Santrich”, “El Paisa” y “Romaña” vuelven a la guerra, August 29, 2019; *El Mundo*, El ex líder de las FARC Iván Márquez anuncia que retoma las armas, August 29, 2018.

³ FARC, [Public Statement](#) (in Spanish), August 29, 2019.

its part, the Colombian State reaffirmed its commitment to peace in the framework of the law and in keeping with the principles of truth, justice, reparation, and non-repetition.⁴

12. Cuba and Norway, the guarantor countries of the peace process, made an appeal to continue implementing the Peace Agreement, reiterating their support and assuring that they will continue to stand behind transitional justice.⁵ In October 2019 members of the UN Security Council greeted the Government's, the FARC and other political parties', and civil society's rejection of this action. Furthermore, the Security Council members reaffirmed their full and unanimous support for the peace process, expressing their concern over the increase in attacks on candidates in the framework of local and departmental elections, as well as the slew of murders of community and social leaders and former members of the FARC-EP.⁶

13. In its comments on the draft of this report, the State noted that the Presidential Council on Stabilization and Consolidation ordered the establishment of an interagency roundtable that included the participation of the Ministry of the Interior (Office of Electoral Matters), the Ministry of National Defense, the National Police (UNIPPEP and the Elite Force); the National Army (Strategic Transition Command—CCOET); UNP leadership, the Special Investigation Unit of the Office of the Attorney General of the Nation, delegates from the National Comprehensive Replacement Plan (PNIS), and the Agency on Reincorporation and Normalization (ARN) with the aim of coordinating measures of protection for FARC party candidates during the October 2019 elections.⁷

14. In general terms, the Commission notes that one of the key achievements under the Peace Agreement has been the transformation of the FARC-EP in a democratic political party and its first-time participation in local and regional elections, which were held on October 27, 2019.

15. In its comments on the draft of this report, the State indicated the following as other measures taken to implement the Peace Agreement: the renewal of the UN Verification Mission's mandate; the full operation of the institutions established to implement the Final Agreement; and the elements of the Integral Truth, Justice, Reparation, and Non-Repetition System provided for under the Agreement are active and involve the participation of representatives of the FARC political party and representatives of various political and social sectors, where required.⁸

16. The Kroc Institute for International Peace Studies of the University of Notre Dame, invited by the signatories to the Peace Agreement to undertake technical oversight and verification as well as an evaluation of implementation, has underscored some progress and obstacles with respect to implementation. The Institute indicated that as of February 2019, 69% of the Final Agreement's commitments were in the process of being implemented. Among the obstacles identified, it pointed to the delays in socio-economic reintegration of former members of the FARC-EP and the absence of guarantees for their security, the growing number of murders of social leaders and the need to protect and further transitional justice mechanisms, including the Special Jurisdiction for Peace.⁹

⁴ Office of the President of the Republic, [Declaración del Presidente Iván Duque sobre el video de alias 'Iván Márquez'](#), August 29, 2019.

⁵ *El Espectador*, [Tras rearme de Márquez, Noruega y Cuba piden proteger la JEP](#), August 31, 2019, EFE, [Cuba y Noruega expresan su "profunda preocupación" por el rearme de exjefes de las FARC](#), August 31, 2019.

⁶ United Nations, [Security Council Press Statement on Colombia](#), SC/13988, October 15, 2019.

⁷ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 2.

⁸ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 4.

⁹ Kroc Institute for International Peace Studies, [State of Implementation of the Colombian Final Accord December 2016-April 2019](#), April 2019.

17. In its comments on the draft of this report, the State noted that the aforementioned report of the Kroc Institute refers to the progress made until February 2019, without taking into consideration the subsequent months of 2019, in which the State indicates having worked tirelessly in favor of peace in Colombia¹⁰.

18. The Commission notes that implementation of the Peace Agreement encompasses multiple issues. Accordingly, the report will initially discuss the security situation, legislative measures, reintegration processes, and the Integral Truth, Justice, Reparation, and Non-Repetition System, the issue of land and the ethnic chapter, without prejudice to addressing these issues in greater detail in later sections.

19. In relation to **security** issues, the Commission notes that thanks to the signing of the Peace Agreement homicides have decreased since the ceasefire. According to the State, the homicide rate per 100,000 inhabitants has gone down considerably during the last eight years.¹¹ This, however, is in contrast to the increase in violence in regions like the Cauca—in particular, against indigenous people—or the uptick in violence related to regional elections.

20. After the uptick in the homicide rate in 2018, the State reported that in the first six months of 2019 the rate decreased 2.7%.¹² Civil society organizations reported that in the first four months of 2019 there were 253 fewer homicides as compared to the same period the year before. This decrease in homicides in the first four months of 2019 meant that the rate was 24.4 per 100,000 inhabitants versus 24.9 per 100,000 inhabitants in 2018.¹³

21. Despite this positive development, the Commission is concerned about the ongoing violence in the framework of the Peace Agreement. The Commission also expressed its concern about the increase in violence in the context of the local elections held on October 27.¹⁴ Although the country's 2018 legislative and presidential elections were one of the most peaceful ever, in 2019 electoral violence again raised its ugly head. According to the organization *Misión de Observación Electoral* (MOE), as from July 27—when official candidacies for local elections were announced—until September 2019, a total of 69 candidates for office were victims of some kind of violence.¹⁵ The Office of the Ombudsman issued an Early Warning indicating that 402 *municipios* and 16 unincorporated areas of Colombia faced election-related risks.¹⁶ It is worrisome that levels of political violence have intensified again, with 20 deaths reported as of 2019. The main victims of these acts have been candidates for regional elections, members of Communal Action Boards, indigenous leaders, and human rights activists.¹⁷

22. In its comments on the draft of this report, the State indicated that on July 8, 2019, the "Plan on Transparency and Security for the 2019 Territorial Elections" was presented. The plan established the implementation of the Rapid Electoral Response Group (GRIE) to ensure the vote would go smoothly, the Special Route for Candidate Protection through the UNP, and the establishment of the Integrated Center for Electoral Information and Intelligence (CIE), led by the National Police and the Electoral Observation Mission.

¹⁰ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg 4.

¹¹ Government of Colombia, Diplomatic Note No. S-GAIID-19-045379, Colombian State contributions to Chapter IV A, October 24, 2019, paragraph 127.

¹² Government of Colombia, Diplomatic Note No. S-GAIID-19-045379, Colombian State contributions to Chapter IV A, October 24, 2019, paragraph 127.

¹³ Fundación Ideas para la Paz, [¿Cómo están los homicidios en Colombia?](#), June 2019.

¹⁴ IACHR, Press release 221/19, [IACHR expresses its concern about violence during the Colombian elections](#) (in Spanish) September 10, 2019.

¹⁵ MOE, [Informe sobre violencia política desde el inicio del calendario electoral](#), September 27, 2019; p. 2.

¹⁶ Office of the Ombudsperson, [Alerta Temprana No. 035-19 Riesgo Electoral](#), August 31, 2019, p. 16

¹⁷ CERAC, [Monitor de violencia política en Colombia](#), October 8, 2019.

It highlighted that Plan Ágora promoted the leadership, inclusion, and political participation of women in the framework of the regional elections, and the Rapid Response Unit on Electoral Transparency was activated.¹⁸

23. As for the reconfiguration of armed actors in areas abandoned by the FARC, the Commission notes ongoing conflict and new dynamics of violence continue to be one of the main issues of concern. In the last three years there has been a reconfiguration and territorial expansion of armed groups such as the *Autodefensas Gaitanistas de Colombia* (also known as the “*Clan del Golfo*”) and the *Caparrapos*, in addition to expansion of the National Liberation Army [*Ejército de Liberación Nacional*] (ELN) and the *Ejército Popular de Liberación* (EPL), as well as strengthening of the FARC-EP dissident groups.¹⁹

24. The State recognized that the main security threat to the country’s security and stability are the geographical areas where there is an institutional vacuum or weak institutional presence.²⁰ Nevertheless, the State has reported to the Commission that between 2018 and October 2019 there was a 19% increase in the number of members of organized armed and criminal groups who had been neutralized.²¹ It noted that as a result of the measures implemented to address acts of violence, the Elite Corps of the National Police, together with the Office of the Attorney General of the Republic, arrested 10 members of the “cartel of the most wanted.”²²

25. In keeping with the information obtained by the OAS Mission to Support the Peace Process in Colombia (MAPP/OAS), in the first half of 2019 different dynamics related to the presence and actions of illegal armed groups continued to be identified. The MAPP/OAS observed that the ELN engaged in hostile high-impact actions mostly against public security forces. It also noted an increase in turf fights between armed groups like the *Autodefensas Gaitanistas de Colombia* or the *Clan del Golfo* and *los Pelusos* or EPL over areas where there are illegal economic activities.²³

26. The Office of the Ombudsperson issued a considerable number of early warnings about the continued violence, underscoring the persistent structural causes associated with the strengthening and expansion of illegal armed groups and criminal organizations. This heightened security risks for communities and individuals, including for sexual violence, forced recruitment, and forced displacement.²⁴

27. An increase in levels of collective risk for communities has been noted, especially indigenous and Afro-descendant communities, as well as social organizations. This is due in part to the presence and actions of illegal armed groups fighting over turf and the profits of illegal economic activity—which in turn has a massive impact on the civilian population—as well as to [organizations’ and communities’] demands for rights and their high-profile engagement with the national government.²⁵ The Commission expressed its concern about the violence experienced in 2019 in the Department of Cauca, particularly against indigenous authorities and members of the indigenous guard. The IACHR was informed about the high risk faced by

¹⁸ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 11; Government of Colombia, Diplomatic Note No. S-GAIIID-19-045379, contributions of the Colombian State to Chapter IV A, October 24, 2019, para. 11-14.

¹⁹ COALICO, [Boletín De Monitoreo No. 21 Niñez y Conflicto Armado En Colombia Enero - June 2019](#), October 23, 2019.

²⁰ Government of Colombia, Diplomatic Note No. S-GAIIID-19-045912, October 30, 2019, paragraph 32.

²¹ Government of Colombia, Diplomatic Note No. S-GAIIID-19-045912, October 30, 2019, paragraph 35.

²² Government of Colombia, Diplomatic Note No. S-GAIIID-19-045912, October 30, 2019, p. 126.

²³ OAS, [Twenty-Seventh Report of the Secretary General to the Permanent Council on the Organization of American States’ Mission to Support the Peace Process in Colombia \(MAPP/OAS\)](#), pp. 5-6.

²⁴ United Nations Verification Mission in Colombia, [Report of the Secretary-General](#), S/2019/780, October 1, 2019, paragraph

²⁵ OAS, [Twenty-Seventh Report of the Secretary General to the Permanent Council on the Organization of American States’ Mission to Support the Peace Process in Colombia \(MAPP/OAS\)](#), p. 8.

indigenous communities from activities conducted by armed actors present in those areas, as discussed in detail herein in the section on the situation of indigenous peoples.²⁶

28. The Commission also notes with concern that violence against human rights defenders and social leaders in Colombia has remained constant in 2019. The IACHR continued to receive pressing information on dangerous situations faced by those who uphold human rights and the Peace Agreement's implementation as a result of illegal armed groups' reconfiguration. Specifically, the Commission received reports about an uptick in threats against these collectives, just as is highlighted in the section on the situation of human rights defenders.

29. In light of all of the above, the Commission underscores that the effects of the Peace Agreement's implementation are seen as positive three years out from its signing, with the involvement of the FARC in local and regional elections. The Commission likewise appreciates that the State has reaffirmed its commitment to peace. Nevertheless, the IACHR expresses its concern regarding the widespread presence of illegal armed groups nationwide, as well as new dynamics of violence and the expansion and strengthening of other armed groups in areas where the now defunct guerilla forces of the FARC used to operate. It therefore appeals to the Colombian State to adopt measures in the framework of the Agreement to ensure the presence of the State—in particular, in the areas most affected by the armed conflict and to dismantle and bring to justice all illegal armed groups. The Commission urges the State to strengthen violence prevention measures to stymie the expansion and creation of armed groups that jeopardize the historic results achieved in the process of building and consolidating peace.

30. The Commission notes that with respect to **legislative and administrative measures** in 2019, public policies relevant to the Peace Agreement were issued and went into effect. The State reported it was implementing the policy “Peace with legality” which has a long-term vision targeting victims' rights.²⁷

31. The Commission also learned that the National Development Plan (PND) was launched. The PND, approved by Congress on May 3, 2019, includes a “Stabilization Road Map” that provides for peace-related activities through different public investments in the regions affected by conflict.²⁸ The Road Map provides for Rural Development Programs (PDETs), which seek to scale up the presence of the State in the zones hardest hit by the conflict.²⁹ Nevertheless, of the provisions set forth to implement the Final Agreement, as of August 2019, only 53 of the 121 provisions had been published. This means that 57% of the provisions needed to implement the Agreement are still pending.³⁰

32. The Commission acknowledges the efforts undertaken by the State to issue an array of policies with a view to continuing the Peace Agreement's roll out. The Commission notes however that there are pending provisions yet to be approved. Thus, it urges the States to finish approving the provisions and laws for the proper implementation of the Agreement in order to ensure political participation of the populations who suffered the most from the armed conflict's violence.

33. With respect to the **process for reintegration** of former FARC members into civilian life, the State reported that the “Peace with legality” policy and the “2018-2022 National Development Plan” constitute the comprehensive, coordinated road map over the long term to fulfill the needs of those who are in the

²⁶ IACHR, Press release 292/2019, “[IACHR strongly condemns attacks and murders of individuals, authorities, and members of the Indigenous Guard in Colombia](#),” (available in Spanish), November 12, 2019; Office of the Ombudsperson, [Comunicado de prensa sobre situación de indígenas en el Cauca](#), August 12, 2019; UN, [Llamamos al Estado a concertar con el Pueblo Nasa del Norte del Cauca medidas de prevención y protección para garantizar su pervivencia física y cultural](#), August 10, 2019.

²⁷ Government of Colombia, Diplomatic Note No. S-GAIIID-19-045379, Colombian State contributions to Chapter IV A, October 24, 2019, paragraph 19.

²⁸ United Nations Verification Mission in Colombia, [Report of the Secretary-General](#), S/2019/530, June 27, 2019, paragraph 4.

²⁹ United Nations Verification Mission in Colombia, [Report of the Secretary-General](#), S/2019/530, June 27, 2019, paragraph 17.

³⁰ Congress of the Republic of Colombia, [¿En qué va el Acuerdo de Paz a un año del gobierno de Duque? Retos y Recomendaciones](#), August 2019, p. 40.

reintegration process.³¹ The State indicated that the PND provides for a path to social, economic, and community reintegration.³² It indicated that with the aim of understanding the situation and the expectations of the population targeted by the assistance, it created the National Reintegration Registry (RNR), to which 11,352 individuals had applied as of August 31, 2019. Of these, 2,827 are registered in one of the former Territorial Spaces for Training and Reinsertion (ETCR).³³ In its comments on the draft of this report, the State reported that as of November 30, 2019, the RNR had been applied to 11,657 people, of which 2,742 were registered with the former ETCRs.³⁴

34. For its part, the State referred to CONPES 3931 of July 22, 2018, "National Policy for the Social and Economic Reincorporation of Former FARC-EP Members," the objective of which is to ensure the reincorporation of these groups into civilian life in the framework of the Final Agreement. The policy was allocated a budget of 265.27 billion pesos (2018 and 2026). It stated that CONPES 3931 is the result of a participatory process of negotiation in the National Reincorporation Council (CNR) whose membership includes representatives of the FARC.³⁵

35. The Commission underscores that the commitment set forth under point 2.2 of the Peace Agreement, which refers to the participation of the FARC-EP in the political life of the country, had particular relevance in 2019, as for the first time the FARC party participated in local and regional elections, which took place on October 27. The UN Mission highlighted the active participation of the FARC party in the local and departmental election campaigns and 308 candidates were endorsed for municipal councils, departmental assemblies, and city halls. Of these candidates, a third are former combatants and 38% are women. The UN Mission also noted the active participation of FARC congressional representatives this year.³⁶

36. Additionally, the Commission knows that August 15, 2019 marked the end of the provisional legal construct of the 24 ETCRs, which means that these areas are to be transformed into small towns or extensions of townships and hamlets, depending on the legal framework of where they are located.³⁷ The State reported it was looking to devise a permanent construct in the framework of land-use planning to leverage reintegration. To this end, it conducted an analysis, thereby identifying 13 ETCRs that wanted to consolidate and 11 that might be moved because of potential obstacles of a legal nature or obstacles to accessing State social services.³⁸

37. In its comments on the draft of this report, the State noted that it had issued Decree 1629 of 2019, with the aim of continuing to offer access to institutional resources aimed at reincorporation in those territories. Specifically, this decree gives the ARN authority to administer the goods, services, and supplies to move forward in the process of reintegrating former ETCR members, as well as manage the facilities needed by Security Forces to provide security and protection in those areas.³⁹

³¹ Government of Colombia, Diplomatic Note No. S-GAIID-19-045379, Colombian State contributions to Chapter IV A, October 24, 2019, paragraphs 82-83.

³² Government of Colombia, Diplomatic Note No. S-GAIID-19-045379, Colombian State contributions to Chapter IV A, October 24, 2019, p. 89.

³³ Government of Colombia, Diplomatic Note No. S-GAIID-19-045379, Colombian State contributions to Chapter IV A, October 24, 2019, p. 86.

³⁴ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 11.

³⁵ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 11; Government of Colombia, Diplomatic Note No. S-GAIID-19-045379, contributions of the Colombian State to Chapter IV A, October 24, 2019, para. 11-14.

³⁶ United Nations Verification Mission in Colombia, [Report of the Secretary-General](#), S/2019/780, October 1, 2019, paragraph 47.

³⁷ IOM, [Gaceta de la paz](#), August 7-13, 2019, p. 1.

³⁸ Government of Colombia, Diplomatic Note No. S-GAIID-19-045379, Colombian State contributions to Chapter IV A, October 24, 2019, paragraph 85.

³⁹ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 12.

38. The UN Verification Mission highlighted that the State faces different challenges with regard to the ETCRs' transition, to wit: sufficient, timely financing to implement all aspects of the transition; full roll out of a clear communications strategy and a wholehearted commitment of public security forces; inclusion of appropriate security provisions; and assurances that all those living in these areas are taken into account.⁴⁰ The UN Mission also indicated that it has identified approximately 70 new areas in which former combatants are carrying out collective reintegration and highlighted the need to redouble efforts related to communication, provision of services and productive opportunities for these areas.⁴¹ For its part, the MAPP/OAS expressed the need to determine the status of those former combatants who are not in the ETCRs in order to tailor alternatives and opportunities for those groups.⁴²

39. In its comments, the State said it had adopted a communications strategy prepared jointly with the UN Verification Mission in Colombia; the former members of the FARC-EP; and the ARN. Its objective is to implement informational processes aimed at publicizing the transformation of the legal status of the former ETCRs and access to economic and social benefits. It indicated that on November 26, 2019, the CNR approved the general guidelines for the Reincorporation Route, along with the criteria to enable compliance therewith. For the first half of 2020, the communications strategy will include actions contributing to knowledge and use of the Reincorporation Route among former FARC-EP members and promoting their active participation in defining individual and collective roadmaps to orient the process in the medium and long term.⁴³

40. As regards the reincorporation of ex-combatants who are not in the former ETCRs, the State indicated that the socioeconomic benefits provided for under the Peace Agreement do not require former FARC-EP members to be located in a specific part of the national territory. It stated that the location of the areas for reincorporation and the number of individuals located therein were identified in order to guarantee the process of economically and socially re-incorporating the former FARC-EP members. It stated that the institutional reincorporation resources have been provided and would continue to be provided not only in the locations of the former ETCRs but also in all geographic locations throughout the country.⁴⁴

41. With respect to **economic and social reintegration** of former FARC members, the State reported that as of March 2019, the National Reintegration Council (CNR) had approved 23 projects, which concern 1,154 individuals in the reintegration process.⁴⁵ The UN Mission pointed to a positive development, which is the approval of 35 collective projects that benefit 2,204 former combatants. The Mission also indicated that funds had been disbursed for 22 of the initiatives, which benefit 1,433 former combatants (including 426 women) and 16 participants from the communities. To date, 431 individual projects have been approved, out of which 424 projects benefiting 483 former combatants have been disbursed funds. The Mission pointed out that in order to achieve long-term sustainability of these projects it is vital to have a community, territorial, and gender-based strategy, along with market access and technical assistance during project execution.⁴⁶ It also indicated that the pace of approval and disbursement of funds for productive activities had not picked up and this continues to be a tangible source of uncertainty for the former combatants.⁴⁷ In its comments on the draft of this report, the State updated these figures, reporting that as of November 30, 2019, a total of 38 productive

⁴⁰ United Nations Verification Mission in Colombia, [Report of the Secretary-General](#), S/2019/530, June 27, 2019, paragraph 17.

⁴¹ United Nations Verification Mission in Colombia, [Report of the Secretary-General](#), S/2019/780, October 1, 2019, paragraphs 43-44.

⁴² OAS, [Twenty-Seventh Report of the Secretary General to the Permanent Council on the Organization of American States' Mission to Support the Peace Process in Colombia \(MAPP/OAS\)](#), p. 2.

⁴³ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 16.

⁴⁴ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 17-19.

⁴⁵ Government of Colombia, Diplomatic Note No. S-GAIID-19-045379, Colombian State contributions to Chapter IV A, October 24, 2019, paragraph 77.

⁴⁶ United Nations Verification Mission in Colombia, [Report of the Secretary-General](#), S/2019/780, October 1, 2019, paragraphs 29-30.

⁴⁷ United Nations Verification Mission in Colombia, [Report of the Secretary-General](#), S/2019/530, June 27, 2019, paragraph 67.

projects had been approved, benefiting 2,290 people. Also, 831 individual productive projects had been approved, benefiting 979 people undergoing the reincorporation process.⁴⁸

42. The IACHR also became aware that the State had extended former combatants' monthly benefit until December 31, 2019—originally scheduled to end on August 15, 2019—on the condition they continue to participate in reintegration activities.⁴⁹ The State reported that Resolution 2536 of August 6, 2019 set forth the requirements and conditions for providing a monthly allocation of economic benefits.⁵⁰ Nevertheless, at the public hearing held during the 173rd Period of Sessions of the IACHR, civil society stated that although the State had extended the date for providing the monthly benefit, institutional conditions did not exist to develop reintegration components for former members of the FARC-EP over the long term.⁵¹ In its comments on the draft of this report, the State highlighted the "National Policy on the Social and Economic Reincorporation of Former FARC EP Members (PNRSE)," as provided for in CONPES 3931 of 2018; institutional policy "Peace with Legality;" and the National Development Plan. These instruments are indications of the State's interest in establishing the conditions for reincorporating former members of the FARC-EP based on medium- and long-term strategies that are complemented with the adoption of targets and objectives that are binding for the public entities and agencies committed to the reincorporation.⁵²

43. As concerns protection of former combatants, the State reported that as of October 2019 it had implemented 233 individual and group protection arrangements in former ETCRs. It indicated that of the 199 individual arrangements, 37 were for former FARC members registered with the National Illicit Crop Substitution Program (PNIS) follow-up program, and that as of August, 36 protection arrangements were being implemented.⁵³ At the public hearings held during the IACHR's 173rd Period of Sessions, the State indicated it had assigned a military battalion to each of the 24 ETCRs to protect its inhabitants⁵⁴. In its comments on the draft of this report, the State reported that as of November 30, 2019, the National Protection Unit had registered and taken over 533 cases of at-risk individuals undergoing the reincorporation process. Likewise, it indicated that the ARN had established a protocol for handling cases of risk to persons undergoing the reincorporation process. The tool gathers requests from these individuals and transfers them to the competent authorities for a risk assessment and implementation of measures of protection. Likewise, pending the results of the risk evaluation and with the authorization of the petitioner, the ARN forwards the request to implement preventative security measures to the National Police⁵⁵.

44. Nevertheless, the Commission notes the need to bolster security guarantees for former combatants. The IACHR is aware that the UN Mission has confirmed the murders of 52 former members of the FARC-EP from the beginning of 2019 to the month of October.⁵⁶ In October it was reported that a former

⁴⁸ Gobierno de Colombia, Nota Diplomática MPC/OEA No. 075/2020, 17 de enero de 2020, p. 19-20.

⁴⁹ United Nations Verification Mission in Colombia, [Report of the Secretary-General](#), S/2019/780, October 1, 2019, paragraph 27.

⁵⁰ Government of Colombia, Diplomatic Note No. S-GAIID-19-045379, Colombian State contributions to Chapter IV A, October 24, 2019, paragraph 88.

⁵¹ IACHR, Public hearing, 173rd Period of Sessions, [Collective Reincorporation Processes in the Peace Accords in Colombia](#), September 26, 2019.

⁵² Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 22-25.

⁵³ Government of Colombia, Diplomatic Note No. S-GAIID-19-045379, Colombian State contributions to Chapter IV A, October 24, 2019, p. 102.

⁵⁴ IACHR, Public hearing, 173rd Period of Sessions, [Collective Reincorporation Processes in the Peace Accords in Colombia](#), September 26, 2019.

⁵⁵ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 26.

⁵⁶ United Nations Verification Mission in Colombia, [Report of the Secretary-General](#), S/2019/780, October 1, 2019, paragraph 51.

member of the FARC had been murdered in one of the reintegration areas.⁵⁷ Regarding this, the State said it was moving forward with a State arrangement to provide protection to the population undergoing the reincorporation process, including the involvement of a variety of public agencies, such as the Presidential Council for Stabilization and Consolidation, the UNP, the Ministry of Defense, the FGN, the ARN, and others.⁵⁸

45. The IACHR acknowledges and welcomes the efforts undertaken by the State with international support to continue making headway in the process of reintegrating former FARC-EP combatants in political and civilian life. Nonetheless, it notes that challenges to implement the Agreement persist on several fronts, such as providing more robust security guarantees and promptly rolling out economic reintegration programs with differentiated gender and ethnic-racial approaches.

46. With respect to the **Comprehensive System for Truth, Justice, Reparation, and Non-repetition** (“SIVJRNR” or “the Comprehensive System”), the Commission takes note of the fact that, in keeping with Point 5 of the Peace Agreement, the SIVJRNR is based on recognition of victims as citizens, the importance of telling the truth about what happened, acknowledgement of responsibility by those who participated in the conflict directly or indirectly, the principle of fulfilling victims’ rights to the truth, justice, reparation, and non-repetition, and the premise of not exchanging one act of impunity for another.⁵⁹

47. The Commission has monitored the progress made in the implementation and operation of the Special Jurisdiction for Peace (JEP), the Special Missing Persons Unit for finding people disappeared in the context of and due to the armed conflict (UBPD) and the Truth, Coexistence and Non-Repetition Commission (CEV). Nonetheless, the IACHR notes that the budget approved in 2019 is only a fraction of the resources that the institutions that are part of the Comprehensive System had requested for their operations.⁶⁰ The JEP has received close to 80% of the resources that it projected as necessary, the UBPD 32%, and the CEV 60%.⁶¹

48. With respect to the JEP, on March 10, the President of the Republic objected to 6 of the 159 Articles of the [JEP’s] Statutory Enabling Law, sending the Law back to Congress for debate.⁶² After the Chamber of Deputies rejected these objections and a dispute arose about the voting quorum in the Senate, the matter was taken to the Constitutional Court for its opinion.⁶³ The Court’s decision rejected the Executive’s objections, with which the President ratified the Law (Law 1957) on June 6, 2019.⁶⁴

49. The IACHR welcomes the ratification of the JEP’s Statutory Enabling Law, as it was the piece that was lacking to complete its legal framework. The Law will provide greater legal certainty to the JEP’s

⁵⁷ United Nations Verification Mission in Colombia, [UN Verification Mission in Colombia Condemns Assassination of Former FARC Combatant in Reintegration Area](#), October 25, 2019; *El Espectador*, [Se registra el primer asesinato de un exguerrillero dentro de un espacio de reincorporación](#), October 24, 2019.

⁵⁸ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 28 and 29.

⁵⁹ Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace. Point 5.1., November 24, 2016.

⁶⁰ International Commission of Jurists (ICJ), [Colombia: Special Jurisdiction for Peace. Analysis One Year and a Half after its Entry into Operation](#), [in Spanish] June 2019, p. 70; *El Espectador*, [Las consecuencias territoriales del recorte al sistema de justicia transicional](#), March 31, 2019.

⁶¹ International Commission of Jurists (ICJ), [Colombia: Special Jurisdiction for Peace. Analysis One Year and a Half after its Entry into Operation](#), [in Spanish] June 2019, p. 70; *El Espectador*, [Las consecuencias territoriales del recorte al sistema de justicia transicional](#), March 31, 2019.

⁶² *El Espectador*, [Presidente Duque objetó seis artículos de la ley estatutaria de la JEP](#), March 10, 2019.

⁶³ *Semana*, [Con 110 votos, la Cámara rechaza las objeciones de Duque a la JEP](#), April 8, 2019; *El Tiempo*, [Por qué las objeciones a la JEP terminan en manos de la Corte](#), May 2, 2019; CNN, [Constitutional Court de Colombia rechaza objeciones de Duque sobre la ley estatutaria de la JEP, ¿qué significa?](#), May 30, 2019.

⁶⁴ CNN, [Constitutional Court de Colombia rechaza objeciones de Duque sobre la ley estatutaria de la JEP, ¿qué significa?](#), May 30, 2019; *El Herald*, [Presidente sanciona Ley Estatutaria de la JEP](#), June 7, 2019; Telesur, [Duque sanciona ley estatutaria de la JEP en Colombia](#), June 6, 2019; *El Herald*, [Presidente sanciona Ley Estatutaria de la JEP](#), June 7, 2019.

actions and enable it to give prompt and appropriate responses to victims and others who turn to it.⁶⁵ It is a key tool for the restorative model of transitional justice that is indispensable for implementing the Agreement and ensuring victims' rights.

50. At the IACHR's 172nd Period of Sessions a private hearing was held in which the Special Jurisdiction for Peace reported on the results of its first year of operations.⁶⁶ In this respect, the Commission has learned that seven macro cases have been instituted which are considered representative of the armed conflict.⁶⁷

51. The Commission was informed that 11,748 individuals signed plea bargains [*actas de compromiso*], in which they agree to be subject to the jurisdiction of the transitional justice system. Furthermore, it received 180 reports from victims' organization and state authorities regarding violations of human rights and international humanitarian law (IHL) that occurred during the conflict. Furthermore, in May 2019, the JEP presented to the IACHR the activities conducted by the Chambers and Sections that make it up, including the following: the Chamber on Recognition has taken 78 voluntary statements from former members of the FARC-EP and agents of the State and has prioritized seven cases; in 2018, the Chamber on Amnesty and Pardon issued 29 resolutions granting release and 162 denying release; the Chamber on Definition of Legal Situations held 13 hearings; the Peace Tribunal's Review Section had at least 501 matters brought before it, among others.⁶⁸

52. In its comments on the draft of this report, the State indicated that on December 11, 2019, a total of 12,234 individuals signed commitments. Of them, 9,721 were former combatants with the defunct FARC-EP guerrilla group; 2,429 were public security officers, 72 were State agents not belonging to security forces; and 12 were individuals involved in incidents related to social protest. It reported that as of December 11, the Chamber on Recognition of Truth, Responsibility, and Determination of the Facts and Conduct had received 239 reports from victims' organizations and State agencies, as well as 225 volunteer versions from former FARC-EP members and State agents.⁶⁹

53. The CEV began its 3-year mandate on November 28, 2018. The State did not present information, however, on its progress made since it began its work a year ago. Nevertheless, the Commission is aware that 940 individuals and communities presented statements. Furthermore, in 2019, the CEV inaugurated 22 of the 27 Truth Centers that are scheduled to be opened in different regions of the country.⁷⁰ The Commission is likewise aware of the agreement entered into between the CEV and the FARC to establish normal communication channels to contribute to the CEV's work.⁷¹

⁶⁵ IACHR, Press release 130/19, [IACHR Monitors Progress and Challenges Concerning Colombia's One-Year-Old Special Jurisdiction for Peace](#), May 29, 2019.

⁶⁶ IACHR, Press release 130/19, [IACHR Monitors Progress and Challenges Concerning Colombia's One-Year-Old Special Jurisdiction for Peace](#), May 29, 2019.

⁶⁷ International Commission of Jurists (ICJ), [Colombia: Special Jurisdiction for Peace. Analysis One Year and a Half after its Entry into Operation](#), [in Spanish] June 2019, p. 88; Special Jurisdiction for Peace (JEP), JEP opens case 007: Recruiting and use of children in the Colombian armed conflict, March 6, 2019. These cases have been identified as 001, regarding the illegal abduction of individuals by the now-defunct FARC-EP, 002 regarding the serious human rights situation in the Department of Nariño, case 003 on deaths spuriously alleged to be casualties by agents of the State, case 004 on the serious human rights situation in the Departments of Antioquia and el Chocó, case 005 regarding the serious human rights situation in the Departments of Cauca and Valle del Cauca, case 006 regarding the victimization of members of the Unión Patriótica by agents of the State, and finally, case 007 regarding recruiting and use of children in the armed conflict.

⁶⁸ IACHR, Press release 130/19, [IACHR Monitors Progress and Challenges Concerning Colombia's One-Year-Old Special Jurisdiction for Peace](#), May 29, 2019.

⁶⁹ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 33 and 34.

⁷⁰ United Nations Verification Mission in Colombia, [Report of the Secretary-General](#), S/2019/780, October 1, 2019, October 1, 2019, paragraph 17

⁷¹ United Nations Verification Mission in Colombia, [Report of the Secretary-General](#), S/2019/530, June 27, 2019, June 27, 2019, paragraph 14

54. With respect to the UBDP, it has been reported that it defined its procedures and methodologies in consultation with victims, their relatives, and civil society organizations.⁷² The State reported on the progress in defining the universe of persons gone missing in the context of and due to the armed conflict.⁷³ The UN Mission pointed out that the UBDP currently has information to go forward with searches for 1,082 personas, including data on 276 cases presented by the FARC and 806 cases presented by seven social organizations.⁷⁴ The IACHR takes note of the creation of the specialized directorate, mechanisms, and adoption of a protocol in order to ensure participation, victim-informed decision-making, and a differentiated approach during the searches.⁷⁵

55. The Commission appreciates the efforts undertaken by the State to continue with operations of the different components of the Comprehensive System. In this regard, the Commission welcomes the different regulatory and institutional advances made in implementing the Peace Agreement. In particular, the IACHR recognizes the approval of the JEP Statutory Enabling Law, which constitutes a key tool for the restorative model of transitional justice in Colombia, and efforts to coordinate among entities of the System.⁷⁶ The Commission also takes note of the importance of the advances in the operation of the entities created in the framework of the Peace Agreement and will continue following-up on their implementation.

56. Nevertheless, the Commission notes the budget challenges that have arisen in 2019 for the SIVJRNR bodies. In this regard, the Commission appeals to the State to provide the necessary financial and human resources to ensure the full functioning of these institutions in order to ensure access to justice. The Commission will continue to follow up on these institutions' continuity and consolidation within the justice system, with adequate resources to comply with their constitutional and legal mandate.

57. As for the **land issue**, the State reported at the public hearing "Complaints of noncompliance with reparation to victims of dispossession and forced abandonment of land in Colombia," held during the 172nd Period of Sessions, that in 2019, a total of 34,704 hectares had been restituted.⁷⁷ Nevertheless, civil society reported a high level of non-compliance with satisfaction and reparation measures ordered by restitution judges and the ongoing absence of coordination among entities, which was making it difficult to implement measures to assist and redress victims.⁷⁸

58. As for illicit crop substitution, the State reiterated its commitment to reduce illicit crops and stated it had the options of manual eradication and aspersions groups, as well as voluntary substitution. It reported that the National Illicit Crop Substitution Program (PNIS) will be executed in keeping with the security and anti-narcotics policy⁷⁹. According to the United Nations Office on Drugs and Crime (UNODC), it is estimated that under the PNIS, 37,629 hectares of coca of the 60,070 hectares registered by 99,097 families have been voluntarily eradicated. According to the UNODC's numbers, 94 % of the families are complying with the voluntary eradication commitments. Nonetheless, one of the difficulties identified in order to execute the Program's next critical phases is the roll out of sustainable alternative development projects for the families.⁸⁰

⁷² United Nations Verification Mission in Colombia, [Report of the Secretary-General](#), S/2019/265, March 26 2019, paragraph 22

⁷³ Government of Colombia, Diplomatic Note No. S-GAIIID-19-045912, October 30, 2019, paragraph 88.

⁷⁴ United Nations Verification Mission in Colombia, [Report of the Secretary-General](#), S/2019/780, October 1, 2019, paragraph 16

⁷⁵ Government of Colombia, Diplomatic Note No. S-GAIIID-19-045912, October 30, 2019, paragraphs 95-97, 99-100.

⁷⁶ Government of Colombia, Diplomatic Note No. S-GAIIID-19-045912, October 30, 2019, paragraph 98.

⁷⁷ IACHR, Public hearing, 172nd Period of Sessions, [Complaints of noncompliance with reparation to victims of dispossession and forced abandonment of land in Colombia](#), May 9, 2019.

⁷⁸ IACHR, Public hearing, 172nd Period of Sessions, [Complaints of noncompliance with reparation to victims of dispossession and forced abandonment of land in Colombia](#), May 9, 2019

⁷⁹ Government of Colombia, Diplomatic Note No. S-GAIIID-19-045912, October 30, 2019, p. 37

⁸⁰ United Nations Verification Mission in Colombia, [Report of the Secretary-General](#), S/2019/780, October 1, 2019, October 1, 2019, paragraph 19

59. The MAPP/OAS underlined the progress made by the State in implementing the PNIS, such as the enactment of the Comprehensive Policy to Address the Drug Problem (*Ruta Futuro*), which provides for actions to eradicate illicit crops and design a road map for stabilization as a planning and coordination instrument between strategies, programs, and plans inherent to the Final Agreement's implementation.⁸¹ Nevertheless, the MAPP/OAS pointed to the need to clarify the situation of families who are suspended from the PNIS for different reasons. It also highlighted the presence and actions of illegal groups in some regions who have contributed to the resumption of anti-personnel mine planting and use, as well as delays in deploying the PNIS road map.⁸² The increase in violence against [human rights] defenders who are part of the PNIS or land restitution program concerns the IACHR.⁸³

60. In relation to points 6.1.12 of the Peace Agreement, called the **Ethnic Chapter**, the State reported that the Special High Level Instance for Ethnic Peoples (IEANPE) presented its work plan⁸⁴ to the Commission for Monitoring, Promoting, and Verifying Implementation of the Final Agreement (CSIVI). For its part, the UN Verification Mission pointed out that the Agency for Reincorporation and Normalization cooperated with IEANPE on a proposed harmonization plan for the reintegration of former combatants who are ethnic minorities.⁸⁵ The Mission also indicated that the CSIVI had approved the IEANPE's work plan, which aims to bolster its role as a key interlocutor of the Commission for implementation of the Ethnic Chapter of the Peace Agreement.⁸⁶

61. Nevertheless, at the public hearing "Violence and the human rights situation of the indigenous peoples in the Department of Cauca," held during the 174th Period of Sessions of the IACHR, civil society organizations told the Commission that the State had not complied with the provisions set forth in the framework plan for the ethnic chapter's implementation, which entails ensuring intercultural dialogue, as well as participation and free, prior, and informed consent of the communities.⁸⁷

62. In its comments on the draft of this report, the State highlighted that the ARN met with IEANPE delegates on a number of occasions with the objective of socializing the work it carried out, disseminating its mission and the pathways of the reintegration and reincorporation work. It also gathered perceptions of the process and potential guidelines, largely with regard to the Special Harmonization Program's component on black, Afro-descendant, raizal, and palenquera communities⁸⁸.

63. In 2019, the Commission continued closely monitoring the process to implement the Peace Agreement and acknowledges the efforts undertaken by the State to consolidate peace. Nevertheless, the upsurge in violence and realignment of different kinds of illegal actors continue to represent a risk to proper implementation thereof. The Commission thus reminds the State that concomitant to its efforts to put into operation and consolidate the System of Peace, it has the obligation to structure effective responses with regard to citizen security and the fight against criminal organizations. These organizations are unleashing grave

⁸¹ OAS, [Twenty-Seventh Report of the Secretary General to the Permanent Council on the Organization of American States' Mission to Support the Peace Process in Colombia \(MAPP/OAS\)](#), p. 12.

⁸² OAS, [Twenty-Seventh Report of the Secretary General to the Permanent Council on the Organization of American States' Mission to Support the Peace Process in Colombia \(MAPP/OAS\)](#), p. 12.

⁸³ United Nations, [Situation of human rights in Colombia. Report of the United Nations High Commissioner for Human Rights](#), A/HRC/40/3/Add.3, February 4, 2019, paragraph 21.

⁸⁴ Government of Colombia, Diplomatic Note No. S-GAIIID-19-045912, Colombian State contributions to Chapter V, October 30, 2019, p. 47.

⁸⁵ United Nations Verification Mission in Colombia, [Report of the Secretary-General](#), S/2019/530, June 27, 2019, paragraph 77.

⁸⁶ United Nations Verification Mission in Colombia, [Report of the Secretary-General](#), S/2019/780, October 1, 2019, paragraph 78

⁸⁷ IACHR, Public hearing, 174th Period of Sessions, [Violence and situation of human rights of indigenous peoples in Cauca State, Colombia](#), November 12, 2019.

⁸⁸ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 34.

violence in the territories, jeopardizing in particular the lives of defenders, social leaders, and populations that have historically suffered violence at the hands of armed groups in their territory.

64. In light of the foregoing, the Commission acknowledges the measures adopted by the Colombian State to implement the Peace Agreement, especially those related to the operation of the Comprehensive System of Truth, Justice, Reparation, and Non-Repetition's institutions, and takes note of the measures that said system requires to achieve effective compliance of the other points of the Agreement.

III. FOLLOW-UP TO RECOMMENDATIONS

A. Life, humane treatment, and personal liberty

1. The right to life, humane treatment, and liberty

- Adopt, as soon as possible, the measures necessary to prevent State agents from committing violations of human rights and international humanitarian law (IHL). Those measures should include: (a) a serious, impartial, and effective investigation into all cases that involve alleged violations of human rights and IHL, as well as of all those persons who have planned, ordered, and/or perpetrated such acts; and (b) intensive training in human rights law and IHL.
- Adopt the appropriate measures for the members of the security forces who are allegedly involved in cases of violations of human rights or IHL to be suspended from active duty until a final decision is issued in the disciplinary or criminal proceedings in such cases.
- Adopt, as soon as possible, the measures necessary to dismantle the United Self-Defenses (*Autodefensas*) who did not participate in the collective demobilizations from 2003 to 2006, and to dismantle the armed groups that emerged after the demobilization of the paramilitary organizations or that continue to pursue the same objectives [In the current context, additional specific information is requested on measures adopted to dismantle and bring to justice illegal armed groups].
- Adopt the corresponding measures to ensure that extrajudicial executions are investigated in the competent jurisdiction, i.e. the regular jurisdiction. In addition, the Commission urges the State to give impetus to proceedings underway in cases of extrajudicial executions, and conclude them within a reasonable time, in keeping with the standards of due diligence in investigations.

65. Regarding the recommendation **to adopt the measures necessary to prevent State agents from committing violations of human rights and of international humanitarian law**, which includes investigations into the facts as well as human rights training, the State reported that the Office of the Attorney General of the Nation's Specialized Directorate on Human Rights Violations, is working on a total of 1,268 cases related to deaths spuriously alleged to be casualties, known as "false positives."⁸⁹

66. In its response, the State did not provide information on the progress or challenges regarding investigations of serious human rights and international humanitarian law violations that took place in the context and due to the armed conflict that are under the jurisdiction of the JEP. The JEP informed the IACHR, however, that based on the criteria proposed to prioritize cases and situations, the Chamber on the Recognition of Truth, Responsibility, and Determination of the Facts decided to investigate facts grouped into seven macro cases.⁹⁰

67. The Commission welcomes the extension of the deadline until March 2021 for victims and civil society organizations to present their report on cases to the JEP, providing more opportunity for their active

⁸⁹ Government of Colombia, Diplomatic Note No. S-GAIIID-19-045912, Colombian State contributions to Chapter V, October 30, 2019, p. 2.

⁹⁰ International Commission of Jurists (ICJ), [Colombia: Special Jurisdiction for Peace. Analysis One Year and a Half after its Entry into Operation](#), (in Spanish) June 2019, p. 88; Special Jurisdiction for Peace (JEP), JEP opens case 007: Recruiting and use of children in the Colombian armed conflict, March 6, 2019.

involvement in the judicial proceedings.⁹¹ The IACHR sees this decision as positive given that it is needed to ensure effective participation of the victims in proceedings, as well as their right to justice and integral reparation. Furthermore, the IACHR is aware that in Case No 003, a victim was allowed for the first time to be present during the statement of a declarant.⁹² For its part, civil society indicated the need to make changes to the criteria and procedures to ensure full participation of victims at all stages of the proceedings and the due application of the dialogical principle.⁹³ In particular, they demand that the procedures be clear and pre-established and that victims be considered in the processes of selecting and prioritizing declarants, that they have access to all documents provided by the declarants and can intervene appropriately and for a proportional amount of time in the voluntary statement proceedings—as was permitted in Case No. 003, among others.⁹⁴

68. The Commission takes note of the initial progress in this case and will continue to pay close attention to further developments therein and the decisions of JEP judges. Furthermore, the Commission underscores the importance of ensuring victims or their relatives the ample opportunities to be heard and act in the respective proceedings, both to shed light on the facts and punish the perpetrators, as well as in seeking due reparations.⁹⁵

69. As to **intensive human rights training**, the State indicated that it issued Ministerial Directive on Current and Extracurricular Training for the Armed Forces on Human Rights and International Humanitarian Law No. 11 of 2019 in order to strengthen programs for Human Rights and International Humanitarian Law education, training, instruction, and professional development.⁹⁶ The State highlighted the courses on human rights and international humanitarian law that took place at State agencies, in which over 1,000 individuals, both civil servants and the public-at-large, were trained. It particularly emphasized the ongoing training of the Custody and Surveillance Corps of the National Institute of Prisons and Jails.⁹⁷

70. In its comments to the draft of this report, the State noted that on June 20, 2019 the Ministry of National Defense issued Circular 423 “Issuance of the 50 maximum respect, protection and guarantee of rights, as a legacy of military and police honor in commemoration of the Bicentennial of Independence.”⁹⁸

71. The Commission notes that in the ordinary jurisdiction, the State continues making headway in the investigations into these crimes. It further notes the investigations initiated under the Special Jurisdiction for Peace into crimes committed in the context of the armed conflict. The Commission welcomes these steps and highlights the significance of the investigations to find out the truth about what happened. To this end, the Commission will continue to pay special attention to the unfolding investigations and hopes that these are conducted in a serious, impartial, and effective way pursuant to inter-American standards thereon. It also reiterates to the State the need to continue investigating those complaints of human rights violations by agents

⁹¹ Special Jurisdiction for Peace (JEP), Press Statement, [La JEP amplía el plazo para que las organizaciones de víctimas entreguen informes](#), October 11, 2019.

⁹² Special Jurisdiction for Peace (JEP), Press Statement, [13 familiares de las víctimas de Soacha tuvieron la palabra en la JEP](#), October 18, 2019; Sputnik, [El Tribunal de paz de Colombia escucha a familiares de jóvenes víctimas de “falsos positivos”](#), October 17, 2019.

⁹³ Comisión Colombiana de Juristas, et al., Presentación de Análisis sobre la participación de las víctimas y la aplicación del Principio Dialógico en la Jurisdicción Especial para la Paz. -JEP-. Colombia, September 25, 2019, pages 1-2 (in IACHR archives); International Commission of Jurists (ICJ), [Colombia: Special Jurisdiction for Peace. Analysis One Year and a Half after its Entry into Operation](#), [in Spanish] June 2019, p. 78.

⁹⁴ Comisión Colombiana de Juristas, et al., Presentación de Análisis sobre la participación de las víctimas y la aplicación del Principio Dialógico en la Jurisdicción Especial para la Paz. -JEP-. Colombia, September 25, 2019, pages 3-4 (in IACHR archives).

⁹⁵ I/A Court H.R., Case of Gomes Lund et al. (“Guerrilha do Araguaia”) v. Brazil, Preliminary Objections, Merits, Reparations and Costs, Judgment of November 24, 2010, Series C No. 219, paragraph 139

⁹⁶ Government of Colombia, Diplomatic Note No. S-GAII-19-045912, October 30, 2019, p. 5.

⁹⁷ Government of Colombia, Diplomatic Note No. S-GAII-19-045912, October 30, 2019, p. 6.

⁹⁸ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 35.

of the State that are outside the JEP's remit. In this regard, there has been **partial compliance** with the recommendation and the Commission will continue to monitor the measures taken by the State on this matter.

72. Regarding the recommendation that the State **adopt the appropriate measures for the members of the security forces who are allegedly involved in cases of violations of human rights or IHL to be suspended from active duty until a final decision is issued in the disciplinary or criminal proceedings in such cases**, the State held that it "respects the decisions of legal and administrative authorities and has created the necessary communication mechanisms to cooperate with the proper administration of justice."⁹⁹

73. In relation to instituting disciplinary proceedings, the State did not provide information. For its part, civil society organizations stated to the Commission that members of security forces under criminal investigation for the Tandil massacre case were still on duty and had not been punished.¹⁰⁰ Although the State's information is insufficient, the Commission considers that along the same lines as the previous recommendation, the JEP is addressing situations of potential violations of human rights and IHL and it will follow up on the decisions that are adopted in this jurisdiction. Thus, the Commission holds that **compliance with this recommendation remains pending**.

74. Regarding the recommendation that the State **take measures to dismantle the self-defense groups who did not participate in the collective demobilization efforts carried out between 2003 and 2006**, the State pointed out that under the Security and Defense Policy (PSD) of 2019 a transformation strategy had been designed. One of the pillars of said strategy is to coordinate and definitively neutralize internal threats to democracy, the legal order, and inhabitants' rights.¹⁰¹ It indicated that thanks to the commitment of the Armed Forces and the National Police, from 2018 up to that point in 2019, there had been a 19% increase in neutralizations of organized armed groups and criminal groups.¹⁰² The State reported that it now has on the books Law 1908 of 2018, "which strengthens investigations and prosecution of criminal organizations, adopts measures bring them to justice, and sets forth other provisions."¹⁰³

75. The Commission recognizes the State's efforts and the actions taken to dismantle organized armed groups that have restructured following the signing of the Peace Agreement. Nevertheless, the Commission is mindful of the statements by the Office of the Ombudsperson and the MAPP/OAS, who have pointed to the existence of new violent groups and illegal activities in the areas in which the FARC-EP used to operate.¹⁰⁴ On top of this, the IACHR has expressed its concern regarding the increase in violence in the Department of Cauca, which stems from these illegal groups' disputes over turf and illegal economic activities such as mining and illicit crops.¹⁰⁵ The IACHR therefore considers that there has been **partial compliance** with this recommendation.

76. In its comments on the draft of this report, the State noted the issuance of the Defense and Security Policy for Legality, Entrepreneurship, and Equity, which establishes, among other things, the guidelines, objectives, and strategies for the Security Forces to work jointly with the other State entities toward achieving these priorities. It stated that achievements have included 8,190 members of criminal organizations

⁹⁹ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, p. 7.

¹⁰⁰ Communiqué from the organization Corporación Jurídica Yira Castro to the IACHR in response to the request for an opinion for follow-up on compliance with the recommendations-Report Truth, Justice, and Reparation, November 5, 2019.

¹⁰¹ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, p. 8.

¹⁰² Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, p. 9.

¹⁰³ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, p. 8.

¹⁰⁴ OAS, [Twenty-Seventh Report of the Secretary General to the Permanent Council on the Organization of American States' Mission to Support the Peace Process in Colombia \(MAPP/OAS\)](#), pp. 5-6; United Nations Verification Mission in Colombia, [Report of the Secretary-General](#), S/2019/780, October 1, 2019, paragraph 67(a)

¹⁰⁵ IACHR, Press release 292/19, "[IACHR strongly condemns attacks against and murders of individuals, authorities, and members of the Indigenous Guard in Colombia.](#)" (in Spanish), November 12, 2019

neutralized, including 14 national leaders and 38 regional ones, as well as 480 demobilized. With regard to the security situation in the Cauca department, the State reported that the violence has been addressed at the national, regional, and local levels. Among the actions implemented, the State underscored the implementation of a Ministerial and Presidential Security Council, as well as preventative actions like urban and rule security services in the form of patrols. It also highlighted the progress made toward solving seven homicides.¹⁰⁶

77. Regarding the recommendation **to adopt the corresponding measures to ensure that extrajudicial executions are investigated in the competent jurisdiction, i.e. the regular jurisdiction**, the State reported that conducts contrary to the constitutional and legal duty of security forces are excluded from being heard in the specialized jurisdiction; rather, they are investigated and prosecuted by the Office of the Attorney General and judges of the ordinary jurisdiction. The State asserted that officials of Military Criminal Justice and the Ministry of National Defense do not adopt any measures to stop the ordinary justice system from exercising its competence over cases of alleged human rights violations.¹⁰⁷ The State did not present information about legal proceedings that have been instituted in 2019 in the framework of this recommendation.

78. In its comments on the draft of this report, the State informed the IACHR that as of September 30, 2019, the Specialized Office on Human Rights Violations of the Office of the Attorney General of the Nation was handling a total of 2,268 cases related to deaths illegally classified as combat deaths, known as the “false positives.” The cases cover conduct allegedly attributable to members of 7 divisions, 25 brigades, and 72 battalions of the National Army, involving 4,337 victims, 13,904 investigated individuals, and 1,740 individuals convicted.¹⁰⁸

79. Furthermore, the Commission has monitored the progress made in Case No. 003 before the JEP, known as “Deaths spuriously alleged by agents of the State to be casualties.” In this respect, on October 17, the first public hearing was held in which relatives of individuals from Soacha, whose deaths were spuriously alleged to be casualties, commented on the statements provided by the declarants from Mobile Brigade 15 and the Infantry Battalion “Francisco de Paula Santander.”¹⁰⁹ Furthermore, the JEP has stated that several declarants in this case acknowledged to the JEP facts that have never been investigated by the ordinary justice system.¹¹⁰

80. In its comments, the State noted that on December 9, 2019, the JEP began searching for and exhuming bodies in the Las Mercedes Catholic cemetery in Dabeiba, Antioquia. In this framework, information is being compared on extrajudicial executions followed by forced disappearances in Dabeiba. It stated that to date, seven bodies have been exhumed. In the framework of this process, the JEP issued a precautionary protective measure for some of the bodies held in the Anthropological Osteological Laboratory of the Universidad de Antioquia. It stated that three public hearings have been held: on July 17 and 18, on Comuna 13 in Medellín; on October 8 and 9, on the zone of influence of the Hidroituango hydroelectric project; and on November 20 and 21, on the remains of the disappeared in San Onofre, Sucre.¹¹¹

81. The Commission considers there has been **partial compliance** with the recommendation and will continue monitoring the efforts to fight impunity in the cases of extrajudicial executions both in the ordinary courts as well as in the cases before the Special Jurisdiction for Peace.

¹⁰⁶ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 38.

¹⁰⁷ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, p. 11.

¹⁰⁸ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 40.

¹⁰⁹ Special Jurisdiction for Peace (JEP), Press Statement, [13 familiares de las víctimas de Soacha tuvieron la palabra en la JEP](#), October 18, 2019; Sputnik, [El Tribunal de paz de Colombia escucha a familiares de jóvenes víctimas de “falsos positivos”](#), October 17, 2019.

¹¹⁰ International Commission of Jurists (ICJ), [Colombia: Special Jurisdiction for Peace. Analysis One Year and a Half after its Entry into Operation](#), [in Spanish] June 2019, p. 84.

¹¹¹ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 42 and 43.

2. Forced disappearance, disappearance, and the Missing Persons Search Unit (UBPD)

- Adopt the measures necessary to have a registry with public access that is updated, unified, and vetted concerning persons who have been forcibly disappeared in Colombia, with information broken down by age, gender, ethnicity, and people, among others.
- Adopt the relevant measures to guarantee the effectiveness of the Urgent Search Mechanism or any other mechanism that makes it possible to immediately recover disappeared persons.
- Continue making progress in recovering the bodies of the disappeared, identifying them correctly, and appropriately turning them over to their next of kin. [Report on this in the current context of progress made by the UBPD]

82. Regarding the recommendation **to adopt the measures necessary to have a registry with public access that is updated, unified, and vetted concerning persons who have been forcibly disappeared in Colombia, with information broken down by age, gender, ethnicity, and people, among others**, the State referred to the National Missing Persons Registry (RND) created in 2000 and the public queries' section implemented in 2008 that allows consultation of reports on missing persons, bodies autopsied by medical examiners, and unidentified bodies that have not been claimed, by name and ID number with disaggregated information.¹¹² The State also reported that it is implementing different measures to update and vet the RDN.¹¹³ In keeping with the figures reported by the RDN, as of November 6, 2019, there were 2,214 missing men and 1,425 women, without specifying the total number of disappeared persons.¹¹⁴ For its part, the Observatory on Violence of the National Institute of Legal Medicine and Forensic Sciences reported that between January and July 2019, 3,811 persons were reported missing, among them 2,228 men and 1,562 women.¹¹⁵

83. In its comments on the draft of this report, the State reiterated that the RND has three publicly accessible platforms providing information disaggregated by: case status; categorization of the disappearance; and place of disappearance. It stated that in order to desegregate the data by age, gender, ethnicity, and people, the National Forensic Science and Medicine Institute must be asked to perform the corresponding technical work on the platforms already available to the public.¹¹⁶

84. The IACHR urges the State to redouble its efforts to identify the number of disappeared persons in keeping with the conditions and standards stipulated, recalling the importance of having a sole registry for victims that is publically accessible, updated, unified, and vetted with information disaggregated not only in terms of age and gender, but also ethnicity, people, among other relevant demographic data. The Commission deems that there has been **partial compliance** with the recommendation.

85. Regarding the recommendation **to guarantee the effectiveness of the Urgent Search Mechanism or any other mechanism that makes it possible to immediately recover disappeared persons**, the State reported that the Urgent Search Mechanism immediately takes all necessary steps to locate individuals. It also reported that in the first half of 2019, a total of 155 search mechanisms were activated in different departments in the country.¹¹⁷

86. The State reported that from the outset of the UBPD's operations it began creating the "universe of persons disappeared in the context and due to the internal conflict, contrasting existing

¹¹² Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 50.

¹¹³ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 55.

¹¹⁴ National Missing Persons Registry (RND), "Consultas públicas, desaparecidos por año/género," October 15, 2019

¹¹⁵ RCN Radio, [Según Medicina Legal, en el 2019 han desaparecido más de 3.800 personas en Colombia](#), August 30, 2019

¹¹⁶ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 43.

¹¹⁷ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 67 and table 4.

information from official and unofficial sources.”¹¹⁸ The Commission notes that 80 people were hired for the UBPD. The UBPD then began to define its procedures and methodologies in consultations with victims, relatives, and civil society organizations¹¹⁹ and deployed in 10 cities around the country with its territorial teams.¹²⁰ Among the steps taken by the UBPD, the IACHR notes that during the first quarter of 2019 it made headway in systematizing information and establishing search processes, in addition to entering the information provided by civil society organizations on 463 cases.¹²¹ Furthermore, it was reported that the initial design of the National Search Plan (PNB) is underway. The PNB will be the general, strategic, comprehensive action framework to search for and locate individuals. It will be designed with the involvement of victims and civil society through six national meetings.¹²²

87. According to information provided by the State and its comments on the draft of this report, the Commission on the Search for Disappeared Persons has since 2005 been conducting training of public officials in all the capital cities in the country on the application of the Emergency Search Mechanism as a measure to prevent the continuation of the crime.¹²³

88. The Commission considers that there has been **partial compliance** with the recommendation inasmuch as the UBPD has kicked off its activities and defined procedures and methodologies to search for missing persons. Nevertheless, the Commission also underscores the need to provide the UBPD with all the human and financial resources it needs to continue with its work on the ground. The IACHR appeals for measures to be taken that lead to the expedient adoption of the National Search Plan. The Plan is to be coordinated at an inter-agency level, particularly among different entities created by the Agreement and the Office of the Attorney General, with the collaboration of neighboring countries, and the ongoing involvement of victims. The State reported that a National Plan for the Search for Disappeared Persons had been prepared by the CBPD and presented as a mandatory compliance document on February 15, 2007.¹²⁴

89. Regarding the recommendation **to recover the bodies of disappeared persons, identify them, and turn them over to relatives**, the State indicated that the Ministry of the Interior through the Human Rights Directorate is still providing support to search for disappeared persons via the implementation of the project “Search for Unidentified Persons in Cemeteries.” The State pointed out that this project has evaluated 516 cemeteries and located 31,707 records, of which 27,321 correspond to unidentified individuals.¹²⁵ The State also made reference to efforts undertaken in the framework of the cemetery intervention project. It reported that to date, the project has intervened in seven cemeteries, in the *municipios* of Bocas de Satinga, Cimitarra, La Plata, Florencia, Puente Nacional, Yarumal, and Bojayá. 577 bodies have been exhumed, 84 of which have been positively identified out of the 499 cases addressed.¹²⁶

90. During the public hearing on forced disappearances reported in Colombia, civil society organizations stated that exhumations have continued without forensic teams or the necessary personnel to positively identify the bodies. They stated that there are 5,000 unidentified bone fragments that have been exhumed. They mentioned that the participation of the relatives of missing persons is limited to providing

¹¹⁸ Government of Colombia, Diplomatic Note No. S-GAIIID-19-045912, October 30, 2019, p. 21.

¹¹⁹ United Nations Verification Mission in Colombia, [Report of the Secretary-General](#), S/2019/265, March 26 2019, paragraph 22

¹²⁰ MAPP Report p. 20; *El Tiempo*, [En Sucre y Bolívar buscan a más de 3.400 desaparecidos por conflicto](#), June 21, 2019

¹²¹ Missing Persons Search Unit (UBPD), [Actualización del Informe de Gestión y Rendición de Cuentas 2018. A primer trimestre de 2019](#), May 16, 2019

¹²² UBPD, [La UBPD inicia el diseño del Plan Nacional de Búsqueda de Personas Desaparecidas](#), September 30, 2019

¹²³ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 43.

¹²⁴ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 43.

¹²⁵ Government of Colombia, Diplomatic Note No. S-GAIIID-19-045912, October 30, 2019, p. 18.

¹²⁶ Government of Colombia, Diplomatic Note No. S-GAIIID-19-045912, October 30, 2019, p. 19.

information on the search plans and they underscored the need to establish greater clarity about the families' participation in complex cases, with the Hidroitungo case as the best example of this issue.¹²⁷

91. The IACHR appreciates the efforts the State has deployed to recover, identify, and turn over the bodies of disappeared persons to their relatives. Furthermore, the IACHR highlights the need to provide for a coordinated policy among the different institutions involved in the search, exhumation, and turning over the bodies. It is especially important that the different agencies coordinate with UBPD. In its comments on the draft of this report, the State indicated that it had moved forward on a variety of mechanisms, including agreements of understanding, cooperation agreements, and working groups.¹²⁸ Given the magnitude of the phenomenon, it urges the State to redouble its efforts and bolster its forensic capacities. In the regard, the IACHR deems that there has been **partial compliance** with this recommendation.

B. Protection mechanisms

- The Commission urges the State to implement the measures necessary to guarantee, in the processes of risk assessment, assignment of protection schemes, and review of their suitability, the adequate participation, communication and coordination with the persons protected by the protection program, as well as the beneficiaries of precautionary measures requested by the IACHR and provisional measures ordered by the Inter-American Court.
- It encourages the National Protection Unit and competent authorities to actually apply the different differentiated approaches in all their procedures at this time. To that end, ongoing training of all the staff involved will be necessary, along with a periodic review of the processes implemented.
- It urges the State to redouble its efforts to investigate the facts that compel persons to enter and remain in the protection programs for the purpose of establishing as matter of State policy that investigations will be pursued as a preventive measure.

92. Regarding the recommendation urging the State **to implement the measures necessary to guarantee adequate participation, communication, and coordination with the beneficiaries in the protection processes**, the State reported that when assessing risk and providing protection arrangements it ensures the participation, communication, and coordination with the groups subject to special protection.¹²⁹ With respect to the precautionary measures requested by the IACHR and the provisional measures ordered by the Inter-American Court, the State referred to the Risk Evaluation and Measures Recommendation Committee [*Comité de Evaluación de Riesgo y Recomendación de Medidas*] (CERREM) as a priority procedure.¹³⁰

93. The State also referred to the participatory nature provided for in the collective protection arrangements of the National Protection Unit (UNP). The State reported that the collectives and the UNP jointly identify the risks, vulnerabilities, and threats that affect them. The State pointed out that this participation means measures can be adjusted based on the regional, cultural, and social particularities of afro-descendant and indigenous communities.¹³¹ In its comments on the draft of this report, the State indicated that for 2019, measures of protection had been implemented for 2,897 individual beneficiaries, members of the various populations targeted by the program.¹³² In light of the foregoing, the Commission deems that there has been **partial compliance** with this recommendation and it will continue to follow up on it.

94. Regarding **the recommendation that the National Protection Unit (UNP) and the competent authorities implement differentiated approaches**, the State reported that the UNP has a differentiated approach and takes into consideration the set of criteria, characteristics, conditions, and

¹²⁷ IACHR, Public hearing, 171st Period of Sessions, [Reports of forced disappearance in Colombia](#), February 15, 2019

¹²⁸ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 44.

¹²⁹ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, p. 24.

¹³⁰ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, p. 25.

¹³¹ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, p. 25.

¹³² Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 45.

vulnerabilities that are noted when conducting the risk assessment and adopting the protection measures.¹³³ The State indicated that it has an ethnic-based differentiated approach that aims to include ethnic and cultural diversity through types of risk analysis and assessment that entail understanding collective subjects of rights, the disproportionate harms they have suffered throughout history, the imperative of consulting and coordinating institutional actions, and the duty to develop an appropriate institutional framework that is appropriate for their needs.¹³⁴

95. During the public hearing “Implementation of Precautionary Measures with a Differential and Collective Ethnic Approach in Colombia,” held during the 172nd Period of Sessions, civil society organizations pointed out that one of the main obstacles to implementing the precautionary measures granted by the IACHR is the emphasis on the individual scope of the measures. They pointed out that there was little negotiation and agreement with indigenous authorities for their implementation and that the protection arrangements provided by the State consisted of individual measures without an ethnic approach and unclear on the collective scope thereof.¹³⁵

96. In its comments, the State reiterated the existence of a collective protection route establishing processes to protect the rights to the life, integrity, liberty, and personal security of indigenous Afro-descendant, raizal, and palenquera communities through participatory and negotiated procedures aimed at implementing collective measures of protection together with the communities or organizations. It described three general spaces: 1) rapprochement meetings with the groups; 2) workshops to assess collective risk; and 3) the Collective CERREM, where measures of protection are defined.¹³⁶

97. Civil society organizations also told the IACHR that sometimes the protection arrangements provided to indigenous communities were not aligned with the practices of these communities. For example, they indicated that the bulletproof vests and armed bodyguards are inconsistent with the commitment to non-violence of many indigenous communities that simply seek to have official recognition of the role the indigenous guard plays in protecting their communities.¹³⁷ They consider it imperative that protection measures maintain their ethnic approach, especially through collective protection with urgent measures that facilitate access to means of communication given that to a large extent in the region there is no cellphone signal or internet, or, alternatively, to provide protection with bodyguards who belong to the communities they are protecting.¹³⁸ In its comments on the draft of this report, the State said it respected the commitment to nonviolence of indigenous communities and would therefore provide alternatives to armed men, including by strengthening the indigenous guard. It said the UNP would also sign agreements with a number of regional indigenous councils with the aim of adapting measures to incorporate their own self-defense systems¹³⁹.

98. In relation to a gender-based approach, the State indicated that women risk analysts are assigned at the time of individual risk assessments. The State pointed out that it is working on designing and purchasing ergonomic bulletproof vests for women and that the protection measures granted by the UNP are extended to the beneficiaries’ family members.¹⁴⁰ Nevertheless, civil society organizations informed the Commission about the absence of mechanisms to identify the risk of sexual violence inasmuch as the lion’s

¹³³ Government of Colombia, Diplomatic Note No. S-GAIIID-19-045912, October 30, 2019, p. 25.

¹³⁴ Government of Colombia, Diplomatic Note No. S-GAIIID-19-045912, October 30, 2019, p. 27.

¹³⁵ IACHR, Public hearing, 172nd Period of Sessions, [Implementation of Precautionary Measures with a Differential and Collective Ethnic Approach in Colombia](#), May 9, 2019.

¹³⁶ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 50. Government of Colombia, Diplomatic Note No. S-GAIIID-19-045912, October 30, 2019, p. 25.

¹³⁷ Information received from the organization Colombia Caravana on May 21, 2019, in the archives of the IACHR.

¹³⁸ Information received from the organization Colectivo FB, May 21, 2019, in the archives of the IACHR.

¹³⁹ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 46.

¹⁴⁰ Government of Colombia, Diplomatic Note No. S-GAIIID-19-045912, Colombian State contributions to Chapter V, October 30, 2019, p. 29.

share of methodologies assess risks that are associated with issues that have the greatest impact on men.¹⁴¹ They also reported on violence against women who are defenders and beneficiaries of protection arrangements by agents that are bodyguards who made sexual comments to them.¹⁴² In its comments, the State reaffirmed the special protection provided to women in the framework of the protection route with a gender approach, which has taken the form of implementation of the "Specific Protocol with a Gender Approach and on the Rights of Women," as described previously in this report. Also, the State noted that the Risk Evaluation and Measures Recommendation Committee for the protection of women pays special attention to gender-related risk situations, such as sexual violence, aggression against children and extensive threats to family members.¹⁴³

99. The State also reiterated the UNP's commitment to implementing the differentiated approach in its procedures, from the risk assessment through to the implementation of the measures of protection.¹⁴⁴

100. Regarding **the recommendation that the State redouble its efforts to investigate the facts that compel people to enter and remain in the protection programs**, the State did not provide information, thus it is not possible to analyze any progress towards compliance.

101. The Commission appreciates the progress made by the State regarding protection mechanisms. In this respect, it values the State's effort through the UNP to implement protection measures with differentiated approaches. Nevertheless, the Commission notes that there are still important challenges that persist in order to fully comply with these recommendations, such as the disagreement on the part of indigenous and afro-descendant communities due to the lack of participation and coordination on the measures. The Commission urges the State to implement investigative measures to determine the reasons that compel people to enter and remain in the protection programs. In light of the above, the Commission deems that there has been **partial compliance** with the recommendations and it will continue monitoring them with a view to their effective execution.

CONSTITUCIONAL FRAMEWORK

C. Impunity and obstacles to justice

- Redouble efforts to overcome the grave situation of impunity in cases of serious human rights violations and breaches of international humanitarian law.
- Foster the articulation, coordination, and reciprocal feedback of the various judicial mechanisms entrusted with investigating cases of serious human rights violations and breaches of international humanitarian law.
- Clarify the human rights violations perpetrated by State agents and persons who have demobilized from the United Self-Defenses (*Autodefensas*), and determine on a case-by-case basis and in detail the nature and action of the illegal armed groups that came about after the demobilization of paramilitary organizations and their possible connections to State authorities.

102. Regarding the recommendation **to redouble efforts to overcome the grave situation of impunity**, the State noted that Office of the Attorney General's Policy and Strategy Directorate, together with the Assistant Attorney General's Office are promoting a project with the support of the Embassy of the United States to address the so-called "cold cases" (those prior to December 2016) of serious human rights violations, with particular emphasis on homicide cases.¹⁴⁵ Nevertheless, the Commission notes that the State did not present information on headway made in 2019 in the investigations of these crimes. On the other hand, the Commission is aware of the high levels of impunity, and notes that Colombia has the 5th highest impunity rate

¹⁴¹ Information received from the organizations SISMA Mujer and Colectivo de Abogados José Alvear Restrepo on May 21, 2019, in the archives of the IACHR.

¹⁴² Information received from the organization Colombia Caravana on May 21, 2019, in the archives of the IACHR.

¹⁴³ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 51.

¹⁴⁴ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 50.

¹⁴⁵ Government of Colombia, Diplomatic Note No. S-GAIIID-19-045912, October 30, 2019, paragraph 145.

in Latin America.¹⁴⁶ The IACHR considers that the actions reported have not yet led to resolving the situation of impunity, and therefore the Commission deems that **compliance is partial**.

103. Regarding the recommendation to **foster the articulation, coordination, and reciprocal feedback of the various judicial mechanisms entrusted with investigating cases of serious human rights violations and breaches of international humanitarian law**, the State made reference to Resolution No. 0-2903 of 2016, which created the Special Investigation Unit to Dismantle Criminal Organizations Responsible for Homicides and Massacres or that Attack Human Rights Defenders, or Social or Political Movements (UEI).¹⁴⁷ It mentioned the work coordinated by the Office of the Attorney General in the framework of the UEI with different state institutions like the Delegation for Citizen Security, and the Delegation against Organized Crime, the Specialized Anti-Money Laundering Directorate, and the National Police's Elite Corps, among others.¹⁴⁸

104. The State presented no information on the coordinated work it is undertaking to investigate cases of serious human rights and IHL violations, specifically as regards justice institutions in the transitional justice process. The Commission, however, is aware of the coordination between the JEP and the Office of the Inspector General (PGR). In this regard, it knows that the PGR has instituted proceedings under the JEP, including: calling hearings to sign plea agreements [*actas de sometimiento*], presenting statements provided by declarants in the macrocases of the Chamber on Recognition and Truth, verifying compliance with conditional release programs, processing nonextradition guarantees, among others. The Office of the Inspector General also provided a report on the disciplinary proceedings conducted in the framework of the armed conflict, and has provided its opinion on granting legal benefits and plea agreements under SIVJRRN¹⁴⁹.

105. Nevertheless, civil society organizations reported that there were difficulties in the coordination between the JEP and the Office of the Attorney General. They pointed out that given the Constitutional Court's ruling that the Office of the Prosecutor would lose its competence to make decisions on the merits in the cases being heard by the JEP, the Office of the Prosecutor was expanding this rule to all cases that involved actors from the armed conflict. This meant that many cases were not being investigated either by the JEP or the ordinary justice system.¹⁵⁰

106. Based on the information received, the Commission deems that there has been **partial compliance** with this recommendation and will continue providing follow-up given the great importance of coordinating justice institutions in the framework of the transitional justice process. The Commission recalls the importance of seamless coordination and cooperation between institutions of the ordinary justice system—which for decades have investigated and meted out punishment for serious human rights violations—and the Special Jurisdiction for Peace (JEP)¹⁵¹ The Commission appeals to the State to take the necessary measures so that coordination between these judicial bodies is efficient and complies with the constitutional mandate of each.

¹⁴⁶ Universidad de las Américas Puebla, [Impunidad subnacional en Colombia y sus dimensiones IGI-COL-2019](#), 2019; Fundación Paz y Reconciliación, [La impunidad en Colombia, una realidad alarmante](#), October 15, 2019; Semana, [Así quedó el preocupante 'ranking' de la impunidad por regiones en Colombia](#), October 16, 2019.

¹⁴⁷ Government of Colombia, Diplomatic Note No. S-GAIIID-19-045912, October 30, 2019, paragraph 147.

¹⁴⁸ Government of Colombia, Diplomatic Note No. S-GAIIID-19-045912, October 30, 2019, p. 33

¹⁴⁹ International Commission of Jurists (ICJ), [Colombia: Special Jurisdiction for Peace, Analysis One Year and a Half after its Entry into Operation](#), [in Spanish] June 2019, p. 7.

¹⁵⁰ Information provided by the Asociación Minga, Comisión Colombiana de Juristas, Colectivo de Abogados José Alvear Restrepo, Corporación Jurídica Libertad, Comité de Solidaridad y Presos Políticos, Colectivo Sociojurídico Orlando Fals Borda, Coordinación Colombia Europa Estados Unidos, Corporación Jurídica Yira Castro, Consultoría para los Derechos Humanos y el Desplazamiento, Corporación Reiniciar, Fundación Nidia Erika Bautista, Humanidad Vigente Corporación Jurídica, Corporación Sisma Mujer, Comisión Intereclesial de Justicia y Paz, request for a hearing in the framework of the 174th Period of Session of the IACHR.

¹⁵¹ IACHR, 2018 Annual Report, [Chapter V: Follow-up to Recommendations Made by the IACHR in its Report on Truth, Justice, and Reparation: Fourth Report on the Situation of Human Rights in Colombia](#), paragraph 131.

107. Regarding the recommendation **to clarify the human rights violations perpetrated by State agents and the demobilized members of self-defense militias and determine the actions of illegal armed groups**, the State reported that during the period between January and September 30, 2019, demobilized members of self-defense militias were accused of 8,484 new crimes—2,819 homicides, 642 forced disappearances, 64 cases of gender-based violence, 22 cases of torture, 95 cases of illicit recruitment, and 3,323 cases of forced displacement.¹⁵² The Commission appreciates this progress and urges the State to redouble its efforts in order to reduce the impunity that surrounds these offenses.

108. The Commission understands that the State is likewise addressing this situation through the JEP. As provided for in paragraphs above, the JEP, through 7 macrocases, is investigating acts committed by state authorities in the framework of the armed conflict. The IACHR takes a positive view of the duties the JEP is performing as an effort to overcome the serious impunity that affects cases of grave violations of human rights and violations of IHL and will continue to monitor the progress and outcomes of its activities. In light of the foregoing, the IACHR deems that there has been **partial compliance** with this recommendation.

D. Transitional justice applied to an armed conflict

- Adapt the Legal Framework for Peace and the statutory enabling laws (*leyes estatutarias*) that derive from them to the international human rights standards noted in this report. [In the current context, information is requested on the laws governing implementation of the mechanisms provided for in the Peace Agreements under inter-American standards.]
- Adopt the corresponding measures so that serious human rights violations and breaches of international humanitarian law, such as forced disappearances, torture, sexual violence, and recruitment of children and adolescents are prioritized by the Committee on Prioritization or other measures aimed at ensuring the application of due diligence to investigate, clarify, prosecute, and punish them.

109. Regarding the recommendation **to adapt the Legal Framework for Peace and statutory laws to international standards**, the State did not provide information to the IACHR in its response.

110. Nevertheless the Commission notes the approval of the JEP Statutory Enabling Law, as was pointed out in prior paragraphs. The IACHR is also aware of the constitutional review of this Law the Constitutional Court conducted pursuant to judgment C-080 of 2018.¹⁵³ Furthermore, the executive branch presented objections to 6 of the provisions contained in the Law, which were subject to debate in Congress.¹⁵⁴ With no consensus on the quorum need to approve the Law in the Senate, the matter was subject to the ruling of the Constitutional Court, which in May 2019 exhorted the President of the Republic to ratify the JEP Statutory Enabling Law.¹⁵⁵

111. The Commission is also aware of Judgment C-112 of March 13, 2019, handed down by the Constitutional Court in a case brought by the Comisión Colombiana de Juristas and Dejusticia against four articles of the JEP's Procedural Law – Law 1.922¹⁵⁶. The decision reiterated the JEP's competence to investigate and punish crimes committed by police and the armed forces, as well as the authority to evaluate evidence to decide whether a former combatant is covered by a non-extradition guarantee. This reaffirmed that the decision to extradite former combatants must consider victims' rights and the sustainability of the peace

¹⁵² Government of Colombia, Diplomatic Note No. S-GAIIID-19-045912, October 30, 2019, paragraph 146.

¹⁵³ International Commission of Jurists (ICJ), [Colombia: Special Jurisdiction for Peace, Analysis One Year and a Half after its Entry into Operation](#), [in Spanish] June 2019, p. 14

¹⁵⁴ *Semana*, [Con 110 votos, la Cámara rechaza las objeciones de Duque a la JEP](#), April 8, 2019; *El Tiempo*, [Por qué las objeciones a la JEP terminan en manos de la Corte](#), May 2, 2019; CNN, [Constitutional Court de Colombia rechaza objeciones de Duque sobre la ley estatutaria de la JEP, ¿qué significa?](#), May 30, 2019.

¹⁵⁵ CNN, [Constitutional Court de Colombia rechaza objeciones de Duque sobre la ley estatutaria de la JEP, ¿qué significa?](#) May 30, 2019; RCN Radio, [Constitutional Court tumbó las objeciones a la JEP](#), May 29, 2019.

¹⁵⁶ Constitutional Court de Colombia, [Judgment C-112/19](#) [available in Spanish], March 13, 2019.

process.¹⁵⁷ The Commission is pleased with the steps forward that the State has taken through the JEP and deems that there has been **partial compliance** with the recommendation. It urges the State to continue to make headway in aligning the Legal Framework for Peace with international standards. .

112. Regarding the recommendation **to adopt the corresponding measures so the Prioritization Committee attends to grave human rights violations**, the State did not provide information in its response to the IACHR. Nevertheless, the Commission notes that in March the Chamber on Recognition of Truth, Responsibility and Determination of the Facts and Conduct decided to open Case No. 007, “Recruitment and use of children in the armed conflict,” which refers to acts that occurred between January 1, 1971 and December 1, 2016.¹⁵⁸ The Commission is likewise aware of the progress made in Case 004 with respect to the serious human rights situation in the Departments of Antioquia and el Chocó. In this respect the JEP’s Chamber on Recognition of Truth, Responsibility and Determination of the Facts and Conduct instituted dialogical proceedings to reconstruct the truth in that case.¹⁵⁹ In light of the foregoing, the Commission deems that there has been **partial compliance** of the recommendation.¹⁶⁰

E. Mechanisms of reparation

- Continue moving forward in the implementation of Law 1,448 and take the necessary measures to adequately address the challenges, which have been identified. [In the current context, present progress made in implementing the Comprehensive National Illicit Crop Substitution Program (PNIS) and the security guarantees being provided to protect the lives and personal safety of those who promote and participate in the Program.]
- Ensure, in practice, implementation of a differentiated approach for women, children and adolescents, persons with disabilities, indigenous peoples, Afro-descendants, lesbian, gay, bisexual, trans and intersex persons, human rights defenders, among others.
- Ensure effective participation for victims in the bodies provided for under Law 1,448, and take into account their expectations, in determining appropriate measures of reparation.

113. Regarding **the progress made in implementing Law 1,448** on Victims and Land Restitution with a differentiated approach and ensuring victims’ participation, the IACHR notes that the Unified Victims Registry (RUV) had as of October 1, 2019, 8,910,526 victims of which, 8,524,910 are victims of the armed conflict, while the rest are victims of violence—i.e., those that are included in compliance with Judgment C-280/2013 and Court Order 119 of 2013, which order the registration of the population who is forcibly displaced due to generalized violence not sufficiently connected to the armed conflict.¹⁶¹ Of the total number of people included as victims in terms of Article 3 of the Victims Act, 7,181,215 are eligible for assistance and reparation.¹⁶² In its comments on the draft of this report, the State added that as of October 1, 2019, 8,910,526 victims had been added to the Registry. Of these, 8,524,910 are victims included as a result of a variety of victimizing events that took place during the armed conflict, while 385,616 were included to comply with Sentence C-280 of 2013 and Order 119 of 2013. Also indicated that as of October 1, 2019, 73,070 victims had been added as a result of a variety of victimizing events that took place during 2019; 10,109 of them were included to comply with Sentence C-280 of 2013 and Order 119 of 2013.¹⁶³

¹⁵⁷ *Dejusticia*, [Fallo de la Constitutional Court confirma la competencia de la JEP](#), March 13, 2019; International Commission of Jurists (ICJ), [Colombia: Special Jurisdiction for Peace. Analysis One Year and a Half after its Entry into Operation](#) [in Spanish], June 2019, p. 14

¹⁵⁸ Special Jurisdiction for Peace (JEP), JEP opens case 007: Recruiting and use of children in the Colombian armed conflict, March 6, 2019.

¹⁵⁹ JEP, [Comienza la construcción de verdad por el caso 04 \(“Situación Territorial de la Región Urabá”\)](#), October 29, 2019.

¹⁶⁰ International Commission of Jurists (ICJ), [Colombia: Special Jurisdiction for Peace. Analysis One Year and a Half after its Entry into Operation](#) [in Spanish], June 2019, p. 14

¹⁶¹ Unit for Comprehensive Victim Response and Reparation, [Unified Victims Registry](#), October 1, 2019.

¹⁶² Unit for Comprehensive Victim Response and Reparation, [Unified Victims Registry](#), October 1, 2019.

¹⁶³ Gobierno de Colombia, Nota Diplomática MPC/OEA No. 075/2020, 17 de enero de 2020, p. 57-58.

114. In 2018, civil society organizations pointed out the need to extend the expiration date of the Unified Victims Registry provided for under the Victims Act, which was to lapse in 2021.¹⁶⁴ They noted that victims' reparations had only reached 12% of the 8 million victims registered.¹⁶⁵ In that respect, the MAPP/OAS underscored the importance of extending the expiration date of Law 1448/2011 in order to ensure comprehensive reparation of victims.¹⁶⁶ In the month of October, the Commission became aware of the statement made by the executive announcing that a request would be made to extend the Victims Act until 2031.¹⁶⁷ For its part, the State reported that through Sentence C-588 of 2019, the Constitutional Court declared the phrase "will be valid for 10 years" unenforceable and urged the National Government and the Congress of the Republic to adopt decisions related to the extension of this law.¹⁶⁸ The Commission will be closely following its possible extension.

115. In relation to individual reparations, the State reported having provided compensation to 78,640 victims beneficiaries of the Support Program [*Programa de Acompañamiento*], 51,614 victims accessed psychosocial rehabilitation measures, and 60,670 victims accessed satisfaction measures (compensation notifications, support for a dignified turning over of bodies of persons who were disappeared, among other actions).¹⁶⁹ Furthermore, the Commission is aware that members of the National Task Force for Effective Victims Participation have been elected for the 2019-2021 period.¹⁷⁰

116. In its comments on the draft of this report, the State reported that as of November 30, 2019, of the amount allocated for individual administrative indemnity, 1,024,171 indemnity transfers had been made, corresponding to financial compensation to 978,109 victims with the delivery of 6,294,658,992,662 pesos.¹⁷¹

117. With respect to the land restitution process, the State indicated that administrative paperwork was finalized for 2,601,734 hectares that were registered by the Land Restitution Unit in the Registry of Dispossessed and Forcibly Abandoned Lands.¹⁷² For its part, civil society organizations informed the IACHR about several obstacles identified in land restitution processes. They expressed their concern about the expiration of the administrative stage, noncompliance with orders issued by judicial authorities, as well as challenges that leaders of land restitution processes face.¹⁷³

118. With respect to the PNIS, the State reported that the "Plan to coordinate security actions for the target population of the National Illegal Crop Substitution Program - PNIS" has been established, which set

¹⁶⁴ IACHR, 2018 Annual Report, [Chapter V: Follow-up to Recommendations Made by the IACHR in its Report on Truth, Justice, and Reparation: Fourth Report on the Situation of Human Rights in Colombia](#), paragraph 131.

¹⁶⁵ *El Nuevo Siglo*, [Víctimas: debilidades del proceso de reparación](#), April 7, 2019.

¹⁶⁶ OAS, [Twenty-Seventh Report of the Secretary General to the Permanent Council on the Organization of American States' Mission to Support the Peace Process in Colombia \(MAPP/OAS\)](#), p. 4.

¹⁶⁷ *El Colombiano*, [Gobierno radicará proyecto de ley para prorrogar la ley de víctimas](#), October 11, 2019; *El Tiempo*, [Gobierno busca prorrogar la ley de víctimas por 10 años más](#), October 11, 2019.

¹⁶⁸ Gobierno de Colombia, Nota Diplomática MPC/OEA No. 075/2020, 17 de enero de 2020, p. 59.

¹⁶⁹ Government of Colombia, Diplomatic Note No. S-GAIID-19-045379, Colombian State contributions to Chapter IV A, October 24, 2019, p. 15.

¹⁷⁰ Victims Unit, [Elegida nueva Mesa Nacional de Participación Efectiva de Víctimas](#), November 6, 2019.

¹⁷¹ Gobierno de Colombia, Nota Diplomática MPC/OEA No. 075/2020, 17 de enero de 2020, p. 59.

¹⁷² Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, Colombian State contributions to Chapter V, October 30, 2019, p. 29.

¹⁷³ Information provided by the Asociación de Mujeres Desplazadas del Meta, Mesa de Participación efectiva de Víctimas del Conflicto Armado, Asociación de Desplazados del Dorado de Meta, Asociación Nacional de Usuarios Campesinos Unidad y Reconstrucción, Comisión Intereclesial Justicia y Paz, Comité de Solidaridad y Presos Políticos, Corporación Jurídica Yira Castro, Humanidad Vigente Corporación Jurídica, request for a hearing in the framework of the IACHR 174th Period of Sessions.

forth actions to go forward with the program.¹⁷⁴ According to the MAPP/OAS, in the first half of 2019, the Government made changes through institutional reengineering and budget allocation, which were needed to keep its commitment to the 99,097 families participating in the program as farmers, non-farmers, and gatherers of coca leaf in 56 *municipios* in 14 departments.¹⁷⁵ The MAPP/OAS also pointed out that the presence and actions of illegal armed groups in regions such as Sur de Córdoba and Bajo Cauca, departments like Guaviare, and *municipios* like Tumaco (Nariño) have contributed to delays in the PNIS roadmap.¹⁷⁶

119. As was indicated in the “Infra-implementation of the Peace Agreement,” although progress in the Program has been confirmed, particularly with regard to the number of families registered and the hectares eradicated voluntarily in the territories, there are still difficulties in actually rolling out technical assistance and guaranteeing the safety of territorial leaders. The Commission is also concerned about the situation of persons involved in illicit crop substitution, who are exposed to great risks, such as threats and murder.¹⁷⁷

120. In light of the foregoing, the Commission deems that there has been **partial compliance** with the recommendations and urges the State to continue forward in implementing Law 1.448, ensuring the effective participation of victims when defining the relevant reparation measures. The Commission likewise urges the State to ensure the safety of those leading up the PNIS implementation as well as alternative livelihoods for those who participate in this program.

F. Internal Forced Displacement

- Adopt the necessary measures to prevent forced displacement, including instances attributed to illegal armed groups that arose subsequent to the demobilization of paramilitary organizations.
- Implement the appropriate measures to ensure the protection and security of persons returning to the territories from which they were displaced, including demining of territories. Additionally, apply a differentiated approach in displaced person prevention and protection policies.
- Move forward in the prosecution of cases of forced disappearance, in order to help to raise awareness about them.

121. Colombia has one of the highest number of people displaced due to conflict and each year there are new displacements related to conflict or disasters.¹⁷⁸ In 2019, the IACHR continued to receive reports of forced displacement of indigenous peoples, Afro-descendant communities, social leaders, human rights defenders and LGTBI individuals as a consequence of the violence that still exist.

122. Regarding the recommendation **to adopt the necessary measures to prevent forced displacement, including instances attributed to illegal armed groups that arose subsequent to the demobilization of paramilitary organizations**, the State did not provide information about the measures adopted in 2019. Nevertheless, it reported that the Constitutional Court, in order to resolve the situation of forced displacement of some indigenous peoples, issued Judgment T-025 of 2004 in which it ordered the execution of the Ethnic Safeguard Plans (PSEs). It also pointed out that the Court, pursuant to Court Order 004 of 2009, instructed that 34 PSEs be established, and under Court Orders 173 and 174 of 2011, that 2 PSEs be established to protect the Hitnú and Makaguán Peoples.¹⁷⁹

¹⁷⁴ Government of Colombia, Diplomatic Note No. S-GAIIID-19-045912, Colombian State contributions to Chapter V, October 30, 2019, p. 38.

¹⁷⁵ OAS, [Twenty-Seventh Report of the Secretary General to the Permanent Council on the Organization of American States' Mission to Support the Peace Process in Colombia \(MAPP/OAS\)](#), p. 13.

¹⁷⁶ OAS, [Twenty-Seventh Report of the Secretary General to the Permanent Council on the Organization of American States' Mission to Support the Peace Process in Colombia \(MAPP/OAS\)](#), p. 14.

¹⁷⁷ IACHR, Press release 08/19, [IACHR Completes Working Visit to Colombia to Assess Alarming Issue of Murders of Social Leaders and Human Rights Defenders](#), January 15, 2019.

¹⁷⁸ Internal Displacement Monitoring Centre (IDMC) – Norwegian Refugee Council (NRC), [Global Report on Internal Displacement](#), May 2019, p. 97.

¹⁷⁹ Government of Colombia, Diplomatic Note No. S-GAIIID-19-045912, October 30, 2019, p. 84.

123. In keeping with the figures published by the United Nations High Commissioner for Refugees (UNHCR), Colombia stands out as one of the countries with the most new internally displaced persons.¹⁸⁰ By the end of 2018, there were a total of 7,816,472 forcibly displaced persons, most of whom (98%) were in the country; Colombia therefore it is in second place, just after Syria.¹⁸¹ Of these numbers reported, in 2018 there were a total of 118,200 new displacements.¹⁸²

124. Furthermore, current data from the Internal Displacement Monitoring Centre (IDMC) report that in the first half of 2019, a total of 53,000 people had been displaced. Of these displacements, 39,000 were associated with the conflict and 14,000 with disasters.¹⁸³ In a similar vein, the Office of the Ombudsman of Colombia reported that as of October 8, 2019, there had been 58 massive displacement occurrences in Colombia, affecting 15,140 people (5,123 families).¹⁸⁴ It also indicated that over 16,500 indigenous people and Afro-descendants have been affected by forced confinement (restricted movement) during the same period;¹⁸⁵ the hardest hit departments were Nariño, Chocó, Antioquia, Córdoba, Norte de Santander, Valle del Cauca, Magdalena, and Cauca.¹⁸⁶

125. In keeping with the latest figures reported by the Unified Victims Registry (RUV), as of October 1, 2019, nationwide there were a total of 8.910.526 victims, 8.524.910 of whom are victims of the conflict.¹⁸⁷ RUV data also reports that in 2019 there were a total of 72,443 victims of internal displacement,¹⁸⁸ in keeping with Articles 155 and 156 of Law 1448 of 2011.¹⁸⁹

126. In 2019, the UN Office for the Coordination of Humanitarian Affairs (OCHA) in Colombia documented cases of internal forced displacement related to violence caused by different organized armed groups, as well as forced confinement (restricted mobility) of communities.¹⁹⁰ This mainly, and disproportionately, affected Afro-descendant, indigenous, and campesino communities.¹⁹¹ Among the factors that exacerbate even more forced displacement and confinement are: (i) planting of explosive devices, such as anti-personnel mines and unexploded ordnance, in water sources, subsistence crops, and areas close to schools

¹⁸⁰ UNHCR, [Global Trends: Forced Displacement in 2018](#), June 12, 2019, p. 39.

¹⁸¹ UNHCR, [Global Trends: Forced Displacement in 2018](#), June 12, 2019, p. 6.

¹⁸² UNHCR, [Global Trends: Forced Displacement in 2018](#), June 12, 2019, p. 35.

¹⁸³ IDMC, [Country Information - Colombia](#), 2018 - 2019

¹⁸⁴ Office of the Ombudsman, [Dynamics of displacement, risk of displacement and confinement. Informative Newsletter January-October 2019](#), [in Spanish] October 9, 2019, p. 1.

¹⁸⁵ Office of the Ombudsman, [Dynamics of displacement, risk of displacement and confinement. Informative Newsletter January-October 2019](#), [in Spanish] October 9, 2019, p. 3.

¹⁸⁶ Office of the Ombudsman, [Dynamics of displacement, risk of displacement and confinement. Informative Newsletter January-October 2019](#), [in Spanish] October 9, 2019, p. 1.

¹⁸⁷ Unit for Comprehensive Victim Response and Reparation, [National Total](#) [in Spanish], October 1, 2019.

¹⁸⁸ Unit for Comprehensive Victim Response and Reparation, [Displacement – Persons](#) [in Spanish], October 1, 2019.

¹⁸⁹ Unit for Comprehensive Victim Response and Reparation, [Application for registration in the sole registry of victims](#) [in Spanish].

¹⁹⁰ UN Office for the Coordination of Humanitarian Affairs (OCHA), [Colombia – Flash Update No. 1: Desplazamiento Masivo Tarazá \(Antioquia\)](#), January 18, 2019. OCHA, [Colombia: Confinamiento en Riosucio, Carmen del Darién y Juradó \(Chocó\)](#), March 22, 2019. OCHA, [Colombia: Confinamiento en el municipio de Bojayá \(Chocó\)](#), April 16, 2019. OCHA, [Colombia: Desplazamiento masivo en Mosquera \(Nariño\)](#), May 9, 2019. OCHA, [Colombia: Desplazamiento masivo en los municipios Hacarí y la Playa de Belén \(Norte de Santander\)](#), June 14, 2019. OCHA, [Colombia: Confinamiento en el municipio de Bahía Solano \(Chocó\)](#), July 13, 2019. OCHA, [Colombia: Confinamiento en el municipio de Puerto Asís \(Putumayo\)](#), August 26, 2019. OCHA, [Colombia: Confinamiento y desplazamiento masivo en el municipio de Suárez \(Cauca\)](#), August 19, 2019. OCHA, [Colombia: Confinamiento y desplazamientos en el municipio de Medio San Juan \(Chocó\)](#), September 13, 2019. OCHA, [Colombia: Desplazamiento Masivo desde Solano \(Caquetá\) hasta Leguízamo \(Putumayo\)](#), Flash Update No. 1, October 9, 2019.

¹⁹¹ OCHA, [Colombia: Desplazamientos masivos en Puerto Libertador \(Córdoba\) e Ituango \(Antioquia\)](#), March 24, 2019. OCHA, [Colombia: Confinamiento y desplazamiento en comunidades indígenas de Murindó, Frontino, Urrao y Dabeiba \(Antioquia\)](#), September 6, 2019. OCHA, [Colombia – Desplazamiento masivo en Tumaco \(Nariño\)](#), March 5, 2019.

and paths that are in the environs of communities or used by the communities to move about; (ii) ongoing fighting in the area and direct exposure to hostilities in different zones;¹⁹² (iii) presence of illicit crops;¹⁹³ (iv) absence of suitable housing; (v) increase in illnesses related to the living conditions of those who are forcibly displaced; (vi) closing of schools that affect children;¹⁹⁴ among others.

127. The Commission notes that despite the measures adopted by the State, the number of forcibly displaced persons continues to grow and over the years there have been numerous occurrences of massive displacements. Given the situation, the IACHR deems that there has been **partial compliance** with its recommendation. It therefore calls on the State to bolster measures implemented to prevent the causes that lead to forced displacement.

128. With respect to the recommendation aimed at: **(i) implementing the appropriate measures to ensure the protection and safety of persons returning to the territories from which they were displaced, including demining of territories; and (ii) applying a differentiated approach in displaced person prevention and protection policies**, the State furnished partial information on the second part of the recommendation—i.e., applying a differentiated approach in displaced person prevention and protection policies. The State informed the IACHR about Phase II of the Free Housing Program under which housing solutions are built and/or provided through a-100% in-kind family housing benefit to persons who are victims of forced displacement. The State indicated that between 2014 and October 2019 the program assisted through this in-kind family housing benefit a total of 66,782 households who were displaced; 4,498 Afro-descendant households, and 525 indigenous households.¹⁹⁵

129. The State likewise reported that the program *Casa Digna – Vida Digna*, created pursuant to Decree 867 of May 17, 2019, provides a benefit aimed at improving sanitary conditions, public services, and the quality of the structure of homes via structural interventions that may include works to mitigate vulnerability or rental enhancements. It also noted that Resolution No. 0406 of June 25, 2019, ordered a minimum quota of 10% for victims of forced displacement.¹⁹⁶ It further noted that as part of the [low-income rental] program *Semillero de Propietarios* a minimum quota of 20% will be established for forcibly displaced persons, using differentiated approach criteria.¹⁹⁷

130. Regarding the protection and safety of persons returning to territories from which they were displaced, current IDMC figures highlight that as of December 31, 2018, 1,902,000 internally displaced persons in Colombia had made some partial progress towards resolving their situation. This datapoint includes 1,089,000 individuals who had overcome challenges linked to housing, family reunification, documentation, nutrition, health, education, and income.¹⁹⁸ The IDMC points out that the estimate of the number of partial solutions is based on the analysis of RUV data on social and economic indicators of the persons registered therein.¹⁹⁹ This is tantamount to having provided some kind of solution to 24.33% of the total number of victims of forced displacement reported by UNHCR.²⁰⁰

131. With regard to the obstacles for formal and material restitution of lands under judicial proceedings, civil society organizations highlight, *inter alia*, the following: (i) the impossibility of registering or

¹⁹² OCHA, [Colombia – Restricciones de acceso en San Calixto - Catatumbo \(Norte de Santander\)](#), March 12, 2019.

¹⁹³ OCHA, [Colombia: Confinamiento en Iguamiandó - Carmen del Darién \(Chocó\)](#), March 7, 2019.

¹⁹⁴ OCHA, [Desplazamiento masivo en Tierralta \(Córdoba\)](#), April 13, 2019.

¹⁹⁵ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, p. 56.

¹⁹⁶ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, p. 58.

¹⁹⁷ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, pp. 57-58.

¹⁹⁸ IDMC – NRC, [Global Report on Internal Displacement](#), May 2019, p. 127.

¹⁹⁹ IDMC – NRC, [Global Report on Internal Displacement](#), May 2019, p. 127.

²⁰⁰ UNHCR, [Global Trends: Forced Displacement in 2018](#), June 12, 2019, p. 6.

awarding lands that are in protected areas;²⁰¹ (ii) an apparent contradiction between the conservation of protected areas in general and restitution rights;²⁰² (iii) the impossibility of restituting lands when there are agribusiness projects.²⁰³ In the same vein, *Human Rights Watch* points out that among the human rights issues that persist in Colombia are the obstacles to restitute land to displaced persons.²⁰⁴

132. With respect to land restitution, the numbers presented by civil society organizations to the Commission indicate that 8,087 families have had land restituted out of the 360,000 that were estimated to be potential beneficiaries. Furthermore, in keeping with civil society's estimates, of the 6 million hectares of land persons were dispossessed of or forced to abandon due to the conflict, only 300,040 hectares have been restituted. They also reported that in the administrative phase, 45,749 applications for land restitution were denied, which is 64% of the applications presented.²⁰⁵

133. Of progress made in the investigations of human rights violations, organizations stated that 44 businesses have been ordered to return lands pursuant to a judgment and 135 copies of records have been issued to the Office of the Prosecutor to initiate investigations for alleged offenses and criminal acts of dispossession of land. Despite this, they indicate that as of the date of this report's publication no investigations have borne any fruit.²⁰⁶ They further indicate that solely 17% of land restitution cases are sent to criminal investigation bodies. In other words, 83% of the cases go unpunished, unless those responsible admit having committed this crime to criminal justice authorities. This is despite the fact that 29% of the judgments not only identify a specific armed group, but also the sub-unit or sub-structure of said group that is responsible, which would facilitate the identification process in criminal justice proceedings.²⁰⁷

134. Additionally, in keeping with the report of the *Comisión Colombiana de Juristas* (CCJ) presented this year, among the measures implemented by the State in land restitution processes is Decree 1167 of July 11, 2018, by the President of the Republic and the Minister of Agriculture. This Decree provides that the individuals who seek to be included in the Registry of Dispossessed and Forcibly Abandoned Lands will have three months to present their application as from the dates set forth by law.²⁰⁸ Civil society organizations told the IACHR that this measure is aimed at stopping people from presenting new applications.²⁰⁹

135. Indeed, the Commission notes that during the occurrences of forced confinement and displacement reported in 2019 by the OCHA in Colombia anti-personnel mines and unexploded ordnance continued to be laid (MAP/MUSE)²¹⁰ in different indigenous, campesino, and afro-descendant communities in the country; additionally, there is the ongoing presence, threats, and harassment by organized criminal groups.²¹¹ The Commission takes note of the measures implemented by the State to institute policies and

²⁰¹ Comisión Colombiana de Juristas, [Radiografía de la restitución de tierras en Colombia](#). May 9, 2019, p. 24.

²⁰² Comisión Colombiana de Juristas, [Radiografía de la restitución de tierras en Colombia](#). May 9, 2019, p. 30.

²⁰³ Comisión Colombiana de Juristas, [Radiografía de la restitución de tierras en Colombia](#). May 9, 2019, p. 36.

²⁰⁴ Human Rights Watch, [World Report 2019: Colombia](#).

²⁰⁵ IACHR, Public hearing, 172nd Period of Sessions, [Complaints of noncompliance with reparation to victims of dispossession and forced abandonment of land in Colombia](#), May 9, 2019.

²⁰⁶ IACHR, Thematic Hearing, 172nd Period of Sessions, [Complaints of noncompliance with reparation to victims of dispossession and forced abandonment of land in Colombia](#), May 9, 2019.

²⁰⁷ Comisión Colombiana de Juristas, [Radiografía de la restitución de tierras en Colombia](#). May 9, 2019, p. 48-49.

²⁰⁸ Comisión Colombiana de Juristas, [Radiografía de la restitución de tierras en Colombia](#). May 9, 2019, p. 16-17.

²⁰⁹ IACHR, Thematic Hearing, 172nd Period of Sessions, [Complaints of noncompliance with reparation to victims of dispossession and forced abandonment of land in Colombia](#), May 9, 2019.

²¹⁰ OCHA, [Colombia: Desplazamiento masivo en los municipios Hacarí y la Playa de Belén \(Norte de Santander\)](#), June 14, 2019. OCHA, [Colombia: Confinamiento y desplazamiento en comunidades indígenas de Murindó, Frontino, Urrao y Dabeiba \(Antioquia\)](#), September 6, 2019.

²¹¹ OCHA, [Colombia: Desplazamientos masivos en Puerto Libertador \(Córdoba\)](#), April 17, 2019. OCHA, [Desplazamientos masivos en Tumaco \(Nariño\)](#), April 12, 2019. OCHA, [Colombia: Desplazamiento masivo en Mosquera \(Nariño\)](#), May 9, 2019.

programs with a differentiated approach for internally displaced persons. Despite this, the Commission further notes that the risks to the life and personal safety of forced displacement victims persist, as well as the effects of anti-personnel mines and unexploded ordnance affecting indigenous, campesino, and Afro-descendant communities in Colombia.

136. The Commission considers that there has been **partial compliance** with its recommendation and it urges the State to strengthen measures geared toward protecting displaced persons who return to their territories. It recommends that participatory processes be launched in order to fashion long-lasting solutions and implement actions to demine affected territories.

137. Finally, as for the recommendation **to move forward in the prosecution of cases of forced disappearance, in order to help to raise awareness about them**, the State reported that as part of the “Peace Strategy” of the Office of the Attorney General, in March 2019, the JEP was provided two reports related to the crime of forced displacement—(i) Report No. 12. Forced mobilization by the FARC-EP; and (ii) Report No. 13. Forced mobilization by agents of the State—in order to ensure the rights to truth, justice, reparation, and non-repetition of victims of the armed conflict in the framework of transitional justice. The State pointed out that in keeping with information from the Oral Adversarial Criminal System and the Judicial Information System of the Office of the Prosecutor, as of October 9, 2019, 3,814 proceedings for the crime of forced displacement had been reported.²¹²

138. With respect to the crimes alleged against the demobilized self-defense forces, the State informed the Commission that from January 1 to September 30, 2019, 8,484 new crimes have been alleged, of which a total of 3,323 are for forced displacement.²¹³

139. For its part, IACHR acknowledges approval of Law 1957 of 2019, the Statutory Law for the Administration of Justice under the Special Jurisdiction for Peace, which enables its full functioning,²¹⁴ as well as the provisions of Article 42, which state that forced displacement, among other offenses, will not be eligible for amnesty, pardon, or equivalent benefits.²¹⁵

140. The Commission notes the information provided by the State on its progress in prosecuting cases of forced displacement in Colombia. In light of the foregoing, the IACHR deems that there has been **partial compliance** with its recommendation and urges the State to continue with its efforts to go forward with the investigation, prosecution, and punishment of the crime of forced displacement and its consequences, and ensure comprehensive reparations for violations that victims have suffered.

G. Economic, Social, Cultural, and Environmental Rights (ESCER)

- Continue to adopt measures for the reduction of poverty and extreme poverty

141. In relation to the recommendations aimed at **continuing to adopt measures for the reduction of poverty and extreme poverty in order to ensure economic, social, cultural and environmental rights (ESCER)**, the Commission notes that in Colombia disturbing rates of poverty and inequality persist, hindering peace-building and resolution of social conflicts that dog the country. The State has implemented in this regard a series of social programs geared towards reducing the marked differences in Colombian society.

142. The State reported on five programs aimed at reducing poverty in the country. The first, the “Free Housing Program,” consists of providing housing solutions by furnishing a 100% in-kind housing benefit for families who are victims of forced displacement. Currently, the program is in the second stage and is slated

²¹² Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, p. 53-55.

²¹³ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, p. 31.

²¹⁴ IACHR, [Annual Report Colombia](#), 2018, paragraph 216.

²¹⁵ Colombian Congress, [Statutory Enabling Law 1957 of 2019](#) [in Spanish], June 6, 2019.

to provide 30,000 subsidized housing units to vulnerable persons, particularly in “*municipios* from categories 3, 4, 5, and 6 that are not part of the legal constituted metropolitan areas.”²¹⁶ Furthermore, from 2014 to 2019, assistance was provided to 66,782 households who were displaced, 4,498 afro-descendant households, and 525 indigenous households.²¹⁷

143. The programs “*Programa de Vivienda de Interés Prioritario para Ahorradores*” and “*Mi Casa Ya*” allow access to subsidized housing for households that fulfill several low-income requirements to obtain a benefit. Furthermore, the [low-income rental] program “*Semillero de Propietarios*” facilitates access to decent housing for vulnerable people whose income is equal to or less than 2 times the current legal monthly minimum wage through a social welfare rental policy with an option to buy.²¹⁸

144. The program “*Casa Digna- Vida Digna*,” provided for in Decree 867 of May 17, 2019, provides for the conditions to apply a benefit to improve sanitary conditions of the home, public services, and the quality of housing infrastructure “through structural interventions that can complete works to mitigate vulnerability or make rental enhancements.”²¹⁹ Resolution N° 0406 sets forth the conditions for territorial distribution and the application of benefits with a differentiated approach so that 10% of the benefits go to people forcibly displaced and another 10% for vulnerable persons, such as persons with disabilities, women heads of household living in poverty, older persons, among others.²²⁰

145. With respect to the right to water and sanitation, the State reported on the National Development Plan 2018-2022 to provide solutions to furnish safe drinking water for the Colombian population, manage wastewater, and ensure quality of services in rural areas. Pursuant to Resolution No. 844 of 2018, technical requirements were established to design the operations and maintenance plan of the infrastructure to furnish and treat residential water.²²¹

146. The program “*Programa Guajira Azul*” was also implemented, whose objective is to increase coverage of safe drinking water services in the Department of La Guajira by investing 4 billion to expand the water supply from 26% *municipios* with access to safe drinking water to 86%.²²² Furthermore, 19 different public fountains for areas where indigenous communities live to foster community management during the implementation process until their functioning is guaranteed. Currently, the Casa Azul module has been installed in the *municipio* of Manaure, where it benefits 131 communities.²²³

147. Finally, the State reported on the program “*Programa Agua para el Campo*” whose objective is to “close the existing gaps in coverage, continuity, and quality of water,” by upping aqueduct and sewer services’ coverage—from 24 to 40% for aqueduct services and 10% to 22% for sewer services by 2022.²²⁴ Furthermore, there will be territorial round tables with civil society, organized communities, the private sector, and government entities, among others, to conduct an assessment for implementing appropriate solutions.

148. At the same that the Commission and the Special Rapporteurship on Economic, Social, and Cultural Rights (ESCR) recognize that the State has implemented a series of social programs aimed at reducing inequality gaps in the Colombian population, they also call attention to the rate of multidimensional poverty reported in public data and by international organizations about Colombia. In 2018, Colombia was ranked 90

²¹⁶ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 238.

²¹⁷ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 241.

²¹⁸ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 248.

²¹⁹ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 250.

²²⁰ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 252.

²²¹ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 254.

²²² Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 256.

²²³ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 259.

²²⁴ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 261.

out of 189 countries in the Human Development Index, presented by the United Nations Development Programme (UNDP). Furthermore, Colombia was in 4th place in the region in the UNDP Multidimensional Poverty Index, with 4.8 % of the population suffering multidimensional poverty and 0.8% suffering extreme multidimensional poverty, which involves indicators of education, health, and standard of living.²²⁵ Furthermore, according to data in the public domain, the population in a situation of multidimensional poverty increased from 17.8% in 2016 to 19.6% in 2018.²²⁶

149. In its comments on the draft of this report, the State indicated that on December 9, the United Nations Development Program (UNDP) published its 2019 human development report, in which Colombia climbed 16 ranks from its previous rank to 79th place after adding 15 points to its score.²²⁷

150. The Commission and its Special Rapporteurship on ESCER note that the social policies in the region reflect a growing understanding of the multidimensional nature of poverty by progressively including comprehensive satisfaction of ESCER.²²⁸ Furthermore, they recall the public policies and social programs implemented to fight poverty should include a human rights focus in all its stages of development.²²⁹

151. With respect to the right to adequate food, the IACHR and its Special Rapporteurship on ESCER are concerned about the number of cases of chronic malnutrition in the Colombian population in 2019. There were 560,000 cases reported of extreme childhood hunger—i.e., children between the ages of 0 and 5.²³⁰ At the same time, according to the National Institute of Health, there is a downward trend in the number of confirmed deaths from chronic malnutrition. In epidemiological week number 12 of 2018, there were 88 deaths, 13 of which were minors; during the same week in 2019, 58 deaths were reported.²³¹ For this reason, it is indispensable to implement programs and social policies that guarantee access to adequate food, without which the enjoyment of remaining rights are seriously limited.

152. The IACHR and its Special Rapporteurship on ESCER also note that challenges remain as to the quality of education and the high rate of drop-outs. According to information in the public domain, “only 38 of every 100 students that enter higher education attend high-quality accredited institutions and programs.”²³² What is more, the high drop-out rate persists inasmuch as 45.1% of university students drop out, 53.2% of technical education students do, and only 44 of every 100 students who begin the first year of education graduate from secondary school.²³³ Furthermore, approximately 86% of public schools do not perform well enough to provide quality education.

153. According to General Comment 13 of the Committee on Economic, Social, and Cultural Rights (CESCR), the right to education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities.²³⁴ Therefore, the IACHR reiterates its call to Colombia to use as many resources as possible in social programs with a human rights and gender-based perspective to enable access to education and eradicate

²²⁵ United Nations Development Programme (UNDP), [Global Multidimensional Poverty Index 2019: Illuminating Inequalities](#), 2019.

²²⁶ National Statistics Directorate (DANE), [Multidimensional Poverty in Colombia in 2018](#) (in Spanish), May 3, 2019.

²²⁷ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 59.

²²⁸ IACHR, [Report on Poverty and Human Rights in the Americas](#), September 7, 2017, paragraph 481.

²²⁹ IACHR, [Report on Poverty and Human Rights in the Americas](#), September 7, 2017, paragraph 485.

²³⁰ TeleSur, [Colombia reconoce más de 560.000 casos de desnutrición infantil](#), March 6, 2019.

²³¹ National Administrative Department of Statistics (DANE), [Boletín Técnico. Pobreza Multidimensional en Colombia](#), May 3, 2019.

²³² *El Espectador*, [Una hoja de ruta para mejorar la calidad y reducir la deserción en la educación en Colombia](#), April 24, 2019.

²³³ *El Espectador*, [Una hoja de ruta para mejorar la calidad y reducir la deserción en la educación en Colombia](#), April 24, 2019.

²³⁴ Committee on Economic, Social and Cultural Rights (CESCR), General Comment 13, [The Right to Education](#) E/C.12/1999/10, December 8, 1999.

poverty and extreme poverty. In light of the foregoing, the IACHR and its Special Rapporteurship on ESCER deem that there has been **partial compliance** with the recommendation.

H. Groups acutely affected in contexts of armed conflict.

1. The invisibility of people of African descent, *raizales*, and *palenqueras*

- Adopt urgent measures to overcome the structural discrimination that the Afro-Colombian population endures, as well as affirmative measures to eliminate racial discrimination and guarantee that people of African descent are able to exercise their rights on an equal footing with the rest of the population.
- Have specialized personnel and financial resources for the forthcoming population census, and make certain that appropriate channels are in place to enable civil society to participate and thereby ensure that the categories used in the self-identification questions are properly drafted. The question on self-identification should be among the first questions asked on the basic questionnaires.
- Adopt programs to compile disaggregated statistics on the Afro-descendant population, distinguishing men from women, girls from boys.
- Urgently adopt positive measures with a gender approach to address the multiple forms of discrimination facing women of African descent and their specific needs
- Implement adequate mechanisms for prior consultation on all measures affecting people of African descent and guarantee that communities can enjoy and make use of their territories, free from interference.
- Move forward in the effective implementation of multiple policies and programs created to guarantee the rights of the Afro-descendant population by guaranteeing adequate mechanisms for participation and representation.

154. The Commission notes the increase in violence and murders of human rights defenders, social leaders, and the marked impact on those who are in positions of authority in campesino, rural, Afro-descendant, and indigenous communities. It further notes the worsening violence due to armed actors in areas historically affected by the conflict where there are indigenous and Afro-descendant communities.²³⁵ In its comments on the draft of this report, the State indicated that 5.1% of campesino leadership was affected between January and November 2019, with a total of four homicides.²³⁶

155. In keeping with civil society organizations and the Office of the Ombudsperson, the recent acts of violence have led to a disturbing number of victims of forced displacement due to armed confrontations, recruiting children, forced confinement, threats, among other acts.²³⁷ The foregoing was confirmed by the Unified Victims Registry (RUV), which reports that throughout 2019 over 5,000 Afro-Colombians have been displaced from black, *raizal*, and *palenquera* communities due to the reconfiguration of the armed conflict in their regions.²³⁸

156. In relation to the **recommendation to adopt urgent measures to overcome the structural discrimination that the Afro-Colombian population endures, as well as affirmative measures to eliminate racial discrimination**, the State underscored affirmative actions implemented during the year for this population, among them the formulation of the “public policy against racial discrimination and racism,” carried out by the Observatory against Racial Discrimination and Racism (OCDR) of the Ministry of the Interior and the International Organization for Migration (IOM).²³⁹ The IACHR looks favorably on this initiative and invites the State to work together with grassroots organizations and community councils to strengthen

²³⁵ IACHR, Press release 288/19, [IACHR and UN Human Rights Presences Once Again Call for the Creation of a Safe, Favorable Environment for Human Rights Defenders in the Americas](#), May 30, 2019.

²³⁶ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 62.

²³⁷ Unit for Comprehensive Victim Response and Reparation (UARIV), [Red Nacional de Información \(RNI\) Desplazamiento – Enfoque diferencial pertenencia étnica](#), date of cohort October 1, 2019.

²³⁸ RCN Radio, [Más de 2.200 habitantes de Bojayá \(Chocó\) están confinados: Defensoría del Pueblo](#), October 18, 2019.

²³⁹ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, Colombian State contributions to Chapter V, October 30, 2019, paragraph 265.

communication channels with civil society and ensure rights of participation and representation in matters under their remit.

157. The OCDR is also implementing strategies with the Colombian Confederation of Consumers to foster equal treatment and the fight against discrimination in all public arenas. Furthermore, it is making headway in launching the “stamp of inclusion” as an anti-racist symbol, an emblem that can be used by those commercial establishments identified as being free of discrimination and promoting equality and multiculturalism.²⁴⁰

158. Furthermore, the Commission welcomes the Office of the Attorney General’s strategy with a comprehensive ethnic-racial approach to strengthen and follow-up on investigations into crimes that violate the right of peoples of African descent. The IACHR recognizes the headway made by this administrative measure and makes an appeal to include international protocol guidelines to prevent and counter racial profiling in keeping with the standards of the inter-American human rights system and the universal system of the United Nations.²⁴¹

159. The State underscored that the Delegated Office of the Inspector General for Citizen Security (DSC) participated in the workshop for hammering out specific plans for the Community Council of the *municipios* of Guapi (Cauca) and la Tola (Nariño), as well as the Committee to follow-up on protection measures for the people of African descent of la Toma (Cauca). DSC also supported the working group to follow-up on the Jiguamiandó and Curvaradó restitution and return plan, as well as the mixed working group under Court order 073 of 2014 for the Pacific Coast of Nariño.²⁴²

160. The Commission welcomes the assessment plan on the advances, limitations, and perspectives of the “Afro-Colombian studies lecture series” by the Ministry of the Interior.²⁴³ The lecture series is being imparted jointly with the Ministry of Education in 19,650 educational establishments (official and unofficial), 96 secretariats of education, and 289 higher education institutions.²⁴⁴ The IACHR underscores this initiative and invites the State to include a differentiated perspective for persons with disabilities in the educational establishments where this lecture series is imparted.

161. The Commission also is aware of the activities undertaken by the Director of Affairs for Black, Afro-Colombian, *Raizal*, and *Palenquera* Communities (DACNARP) of the Ministry of the Interior, along with the “*Misión al corazón del Atrato*” in Quibdó (Chocó), a brigade that provides medical care and donations;²⁴⁵ technical training on imparting the Afro-Colombian studies lecture series in the Department of Meta;²⁴⁶ the round table between the DACNARP and representatives of the Association of Community Councils of Norte del Cauca on self-protection measures;²⁴⁷ working visit to the Observatory of the Department of la Guajira;²⁴⁸ and the workshop on awareness raising on the phenomenon of racism in the city of Cali;²⁴⁹ as well as the forum led

²⁴⁰ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 267.

²⁴¹ United Nations, [Preventing and Countering Racial Profiling of People of African Descent: Good Practices and Challenges](#), 2019.

²⁴² Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 211.

²⁴³ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 292.

²⁴⁴ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 293.

²⁴⁵ Ministry of the Interior. [Misión al corazón del Atrato](#). September 11, 2019; Ministry of the Interior. [Mininterior llega a Quibdó para dar cierre a la Misión al Corazón del Atrato](#). September 27, 2019.

²⁴⁶ Ministry of the Interior. [El Grupo de seguimiento y monitoreo de la DACNARP realizó asistencia técnica a la comisión pedagógica departamental de comunidades NARP del departamento del Meta](#). August 14, 2019.

²⁴⁷ Ministry of the Interior. [Continúa la mesa de diálogo entre la ACONC y el Gobierno Nacional](#). October 2, 2019.

²⁴⁸ Ministry of the Interior. [Observatorio contra la Discriminación Racial y el Racismo en reunión visita el departamento de La Guajira](#). July 24, 2019.

²⁴⁹ Ministry of the Interior. [Observatorio contra la Discriminación Racial y el Racismo realiza el Taller de sensibilización “Una mirada al fenómeno de la discriminación en Colombia” en Cali](#). July 16, 2019.

up by the DACNARP on Racial Discrimination on the job in the framework of the month of Afro-Colombianism.²⁵⁰

162. The Commission highlights the measures adopted by the State to mitigate racial discrimination that affects the population of African descent; at the same time, it recommends implementation of comprehensive programs on socio-economic inclusion, affirmative action in the educational system, public institutions, and political electoral bodies, as well as review of laws and measures that lead to indirect discrimination, particularly in the justice system. The Commission takes favorable note of the efforts the State has undertaken to fulfill this recommendation and notes at the same time that several challenges still exist in this regard. It therefore deems that there has been **partial compliance** with the recommendation.

163. Regarding the recommendation **to have specialized personnel and financial resources for the forthcoming population census, and make certain that appropriate channels are in place to enable participation**, the State did not present specific information. Later on, in its comments on the draft version of this report, the State indicated that the results of the 2018 National Population and Housing Census were published. In this regard, it reported that 3,524 Afro-descendant individuals were hired as census takers and supervisors for the census to ensure their participation in accordance with the agreement, accounting for more than 11% of the total personnel hired. According to the State, the census found that the population identifying as Afro-descendant went from 4.3 million in the 2005 census to almost 3.0 million in the 2018 census, a reduction of 30.8%²⁵¹. The Commission appreciates the information provided and concludes that this recommendation has been **substantially complied with**.

164. Regarding the recommendation **to adopt programs to compile disaggregated statistics on the Afro-descendant population, distinguishing men from women, girls from boys**, the State indicated that the Ministry of the Interior had prepared a territorial diagnostic document with a differentiated approach for peoples of African descent whose aim is to include Afro-descendant communities in social, cultural, educational, and economic arenas in order to participate in decision making.²⁵² The IACHR underscores this initiative and reminds the State to involve civil society at all stages of design, implementation, monitoring, and evaluation of the program. The IACHR deems that there has been **partial compliance** with this recommendation.

165. In the framework of the recommendation **to urgently adopt positive measures with a gender approach to address the multiple forms of discrimination facing women of African descent and their specific needs**, the State underscores the implementation of different programs with an ethnic and gender-based approach, which have benefited Afro-Colombian women. For its part, the Risk Evaluation and Measures Recommendation Committee [*Comité de Evaluación de Riesgo y Recomendación de Medidas*] (CERREM) of the National Protection Unit (UNP) have created individual and collective participatory processes that include a gender-based approach.²⁵³ The IACHR suggests that current statistics be shared that account for the number of security arrangements provided with data that is disaggregated by gender, ethnic and racial origin, members of the LGBTI community, persons with disabilities, and membership in community councils. In its comments on the draft of this report, the State indicated that the UNP has assigned measures of protection to 1,986 women.²⁵⁴

166. In order to address the obstacles that rural, indigenous, and Afro-Colombian women face in accessing justice, the Presidential Council on Women's Equity (CPEM) has supported the design and implementation of a methodology to create advocacy plans and women's agendas for indigenous and Afro-

²⁵⁰ Ministry of the Interior. [En el marco del mes de la Afrocolombianidad, la DACNARP lidera foro sobre la Discriminación Racial en entornos laborales](#). May 20, 2019.

²⁵¹ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 61-63.

²⁵² Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 286.

²⁵³ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 102.

²⁵⁴ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 63.

descendant women with regard to preventing gender-based violence, as well as participation and leadership. The foregoing has arisen out of the design of 7 plans; the consolidation of an assessment on violence with the participation of 200 women leaders; 10 training and awareness raising workshops with 203 women, and the strengthening of ties between women's organizations and collectives and local and regional institutions.²⁵⁵

167. With respect to implementing the Peace Agreement, the State reported it is designing a psychosocial support program with a gender, women's rights, territorial, and ethnic approach that meets the needs of former members of the FARC-EP and their families.²⁵⁶ The IACHR is also aware that the Ministry of the Interior organized the "II Meeting of Afro-descendant, Black, *Palenquera*, and *Raizal* Women" in the *municipio* of Quibdó (Chocó). This Meeting discussed the contribution of Colombian women of African descent to the development of an ethnic, racial, and gender-based approach.²⁵⁷

168. Furthermore, civil society organizations reported that 76% of attacks on ethnic and racial-minority women leaders are against women of African descent.²⁵⁸ In this regard the IACHR recommends that the State strengthen individual and collective protection measures for women human rights defenders and social leaders of African descent, bearing in mind an ethnic-territorial approach that addresses the specific needs and risks in each particular context.

169. The Commission underscores the actions implemented by the State in 2019 for Afro-Colombian women. Nonetheless, it urges the State to promptly ensure the rights of justice, truth, reparation, and non-repetition to Afro-descendant women who are victims of the armed conflict, as well as reinsertion measures for former combatants of the FARC-EP. Priority should be given to cases of sexual violence and assurances for the effective enjoyment of economic, social, cultural, and environmental rights (ESCER). Therefore, the Commission considers there has been **partial compliance** with this recommendation. ,

170. With regard to the recommendation to **implement adequate mechanisms for prior consultation on all measures affecting people of African descent and guarantee that communities can enjoy and make use of their territories, free from interference**, the State reported that of the 10,085 consultation processes actively underway, 83.41% have been with indigenous communities, followed by 16.32% with communities of African descent, and 0.27% with other populations.²⁵⁹ To date, there are 1,646 consultation processes with Afro-descendant communities, 590 of which are in the legal formalization stage, 311 under follow-up, 74 suspended, and 671 in the pipeline.²⁶⁰

171. Specifically, it is noteworthy that the Ministry of the Interior's DACNARP has supported the National Forum for Prior Consultation on High Stakes Legislative Measures, in the legal formalization of the prior consultation for the "2018-2022 National Development Plan,"²⁶¹ as well as activities agreed to in the methodology for prior consultation of the chapter for black, Afro-descendant, *Raizal*, and *Palenquera* communities under the "2012-2021 Ten-Year Public Health Plan,"²⁶² continuation of the technical working groups of the Commission for Prior Consultation on the bill issuing by-laws for teacher professionalization of ethno-educators of black, Afro-Colombian, *Raizal*, and *Palenquera* populations;²⁶³ prior consultation meeting

²⁵⁵ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 425.

²⁵⁶ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 201.

²⁵⁷ Ministry of the Interior, [Mininterior promueve el II Encuentro de Mujeres NARP en el municipio de Quibdó](#), Department of Chocó, July 25, 2019.

²⁵⁸ Consultoría para los Derechos Humanos y el Desplazamiento (CODHES), [Lideresas sociales en Colombia: El relato invisible de la crueldad](#), March 29, 2019.

²⁵⁹ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 282.

²⁶⁰ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, p. 63, Table 10.

²⁶¹ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 284.

²⁶² Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 284.

²⁶³ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 284.

with the Community Council of los Cardonales from the Guacoeche township (César) to move forward with the formulation of agreements and legal formalization stages, in the framework of a project by the company Interconexión Eléctrica S.A - E.S.P.²⁶⁴

172. The State also indicated that, in the context of collective protection, 22 collectives have been presented to the CERREM *Colectivo*; these include Afro-descendant, *raizal*, and *palenquera* community councils and grassroots organizations from Bogota, Cauca, Chocó, Nariño, Putumayo, and Valle del Cauca. It is important to note that in addition to the above collectives, others are currently being organized for presentation to the CERREM *Colectivo*—these collectives number 13 and are spread throughout the nation as follows: Bogota (1); Chocó (3); Nariño (4); and Valle del Cauca (5).²⁶⁵

173. The Commission takes note of the information furnished by civil society organizations indicating that the prior, free, and informed consultation required for the different types of laws passed that have a significant impact on their communities was not done. The legislation in question includes Decree 2137 of 2018 on the Timely Action Plan for Prevention and Protection of Human Rights Defenders, Social Leaders, Collectives, and Journalists (PAO); and Decree 4635 of 2011 on assistance, support, land restitution, and comprehensive reparation (individual and collective) for Afro-descendant communities.²⁶⁶

174. The IACHR hails the progress the State has made to guarantee free, prior, and informed consent by and consultation with Afro-descendant communities when it comes to productive, tourism, mining, and economic development megaprojects and legislative and public policy initiatives that impact them. The Commission reminds the State to bear in mind the rights of tribal peoples to communal property and collective title to their territories, self-determination, interculturality, and ties to their ancestral lands, in keeping with inter-American standards. In view of the foregoing, the Commission finds there has been **partial compliance** with this recommendation.

175. As to the recommendation to **move forward in the effective implementation of the multiple policies and programs created to guarantee the rights of the Afro-descendant population by ensuring adequate mechanisms for participation and representation**, the State reported that the Agency for Reincorporation and Normalization (ARN) is currently providing assistance to approximately 1,949 individuals in the process of reintegration who have self-identified as members of indigenous, black, Afro-descendant, *raizal*, and *palenquera* communities in the National Reintegration Registry. In an effort to ensure an ethnic-racial approach, the ARN has endeavored to guarantee, as part of reincorporation processes, dialogue with and participation of local ethnic authorities, both for operation of the Rural Training and Reincorporation Areas [*Espacios Territoriales de Capacitación y Reincorporación*] (ETCRs) located in indigenous peoples' or communities' areas of influence and for supporting reincorporation processes in cases with significant numbers of ethnic participants.²⁶⁷

176. The State further reported that, as part of the pact the Colombian government made with Afro-descendant communities under the Final Agreement, the ARN is responsible for developing the "Special Harmonization Program for Social and Economic Reincorporation with an Ethnic and Gender Approach," which will enable, with the participation of and in concert with the ethnic groups, the guidelines to be established for differential attention for indigenous peoples and members of black, Afro-Colombian, *raizal*, and *palenquera* communities in both reintegration and reincorporation processes. Program development is scheduled to begin in 2020.²⁶⁸ The IACHR welcomes this initiative and invites the State to improve avenues of participation for

²⁶⁴ Ministry of the Interior, [Consulta Previa con el Consejo Comunitario los Cardonales del corregimiento de Guacoeche, Valledupar](#), August 30, 2019.

²⁶⁵ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 115.

²⁶⁶ *Proceso de Comunidades Negras* (PCN); *Asociación Nacional de Afrocolombianos Desplazados* (AFRODES); *Conferencia Nacional de Organizaciones Afrocolombianas* (CNOA). Request for a thematic hearing during the IACHR's 172nd Period of Sessions, March 2019 communication.

²⁶⁷ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 214.

²⁶⁸ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 216.

civil society in all stages of development, implementation, monitoring, and evaluation of public policies that affect them.

177. The Commission received information from civil society organizations regarding the need to enhance security guarantees for former FARC-EP combatants in the context of economic and social reincorporation processes insofar as these individuals have been attacked and assaulted, mainly out in the countryside in areas now known as ETCRs, where the humanitarian crisis has worsened due to the presence of criminal organizations. The IACHR encourages the State to take whatever measures necessary to ensure the safety of former FARC-EP combatants during this phase of reincorporation by including an ethnic-territorial focus.²⁶⁹ In its comments on the draft of this report, the State indicated that through Decree 2026 of 2017, the National Government ordered mechanisms to guarantee the security of the former FARC-EP members located in the former ETCRs and adjacent zones. It also mentioned the incorporation of the mechanism of “*Carpa Azul*,” whereby interagency coordination is facilitated to guarantee security and institutional State control with the aim of facilitating stability in the territory. The participants of this mechanism included the Office of the Ombudsperson, the Office of the Attorney General of the Nation, and delegates from mayors and governors.²⁷⁰

178. The Commission also welcomed the adoption of the Afro-Colombian, Black, *Palenquera*, and *Raizal* of Cali public policy passed by the District Council [of Cali], which created the Municipal Council for the Afro-Colombian, Black, *Raizal*, and *Palenquera* Public Policy. The Municipal Council will be responsible for monitoring implementation of the policy.²⁷¹ Bearing in mind the information provided by the State, the IACHR finds **partial compliance** with this recommendation.

2. Violence against children and adolescents

- Conduct the necessary investigations to obtain full and truthful information on the children and adolescents recruited by illegal armed groups and then informally separated.
- Ensure equal treatment of demobilized children and adolescents and adopt mechanisms for their full reintegration into civilian life, including specific measures for demobilized girls.

179. Regarding the recommendation **to investigate the recruitment of children and adolescents by illegal armed groups**, The State indicated in its comments on the draft of this report that to date, the Office of the Attorney General of the Nation was handling 4,219 investigations. It stated that the total number of investigations in the civilian system was 2,292 cases, divided between Law 600 of 2000 and Law 906 of 2004. Of the 724 investigations pursued under the procedures set forth by Law 600 of 2000, 510 are in the preliminary investigation stage. Meanwhile, 1,551 investigations opened under the procedures set forth in Law 906 of 2004 are in the inquiry stage. It also indicated that 10 convictions had been handed down through the ordinary justice system²⁷².

180. The Commission is nonetheless aware that the Special Jurisdiction for Peace (JEP) opened up case No. 007, entitled “Recruitment and use of children in the armed conflict.” The case reportedly addresses occurrences between January 1, 1971 and December 1, 2016. The Chamber for Recognition made this decision based on three reports submitted by the Office of the Attorney General, one report from the National Center for

²⁶⁹ Foundation for the Defense of Human Rights and International Humanitarian Law of East and Central Colombia (DHOC); Permanent Committee for the Defense of Human Rights; “*Lazos de Dignidad*” Foundation; and *Corporación Solidaridad Jurídica*. Request for a thematic hearing during the IACHR’s 172nd Period of Sessions, March 2019 communication.

²⁷⁰ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 65.

²⁷¹ Office of the Mayor of Santiago de Cali. Administrative Department for Legal Public Management, [Proyecto de acuerdo por el cual se adopta la política pública afrocolombiana, negra, palenquera y raizal de Santiago de Cali](#), March 4, 2019; *Noticiero 90 minutos*. [¿Qué significa la Política Pública Afro que llega a Cali tras 13 años de construcción?](#), May 13, 2019.

²⁷² Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 65.

Historical Memory, and another report presented by the *Coalición*.²⁷³ The JEP summoned 14 members of the former FARC-EP to testify so they could give their accounts of the recruitment policies, regulation of sexual and reproductive rights, and other violations of the human rights of the children and adolescents recruited by the former guerrilla.²⁷⁴ In its comments on the draft of this report, the State added that Order 226 of October 24, 2019, was issued, linking 37 former FARC-EP members as possibly responsible and calling on 14 of them to voluntarily give statements on the facts under investigation²⁷⁵.

181. Based on the information gathered by the MAPP-OAS, the ELN's practice of recruiting children and adolescents continues in areas like Catatumbo in Norte de Santander, and in *municipios* like Segovia in Antioquia, Santa Rosa del Sur and Simití in Bolívar, and Alto Baudó, Bajo Baudó, Bojayá, Riosucio, and Juradó in the department of Chocó. The information also underscored the existence of cases of children and adolescents recruited from the Embera Dóbida and Wounaan indigenous communities.²⁷⁶ In this connection, the Commission has knowledge of 53 cases of children and adolescents reportedly recruited by ELN guerrillas, and 44 children and adolescents reportedly recruited by FARC dissidents between January and August 31, 2019.²⁷⁷

182. The Office of the Ombudsperson indicated that it had issued 63 early warnings from 2018 through May 2019, identifying scenarios wherein children and adolescents were at risk of being illegally recruited and used by armed actors.²⁷⁸ The Children and Armed Conflict Observatory of the Coalition against the Conscription of Boys, Girls, and Youth in the Armed Conflict in Colombia (COALICO) indicated that 33 incidents involving the recruitment of children and adolescents by FARC-EP and ELN post-demobilization dissident groups were reported in the first half of 2019; this represents a 37.5% increase compared to the same period in 2018.²⁷⁹

183. The State acknowledged that violations of the rights of children and adolescents continue as a result of conscription by organized armed groups (GAOs) and organized criminal groups (GDOs),²⁸⁰ noting that most cases of alleged recruitment have reportedly occurred in Tumaco.²⁸¹ The IACHR became apprised of the bombardment of a GAO camp in August in the area of Aguas Claras II, department of Caquetá, during which eight minors died.²⁸² According to the OHCHR, children were present in this camp because they had been forcibly recruited by these armed groups.²⁸³ The agent of the municipal ombudsman's office [*personero municipal*] of Puerto Rico, Caquetá, and the Ombudsman himself had reportedly raised the alert months earlier regarding the forced recruitment that was said to be occurring in this department.²⁸⁴

²⁷³ Special Jurisdiction for Peace (JEP), "[Comunicado de prensa. JEP abre caso 007: Reclutamiento y utilización de niñas y niños en el conflicto armado colombiano](#)", March 6, 2019.

²⁷⁴ JEP, Communiqué 155, [La JEP llama a versiones a exmiembros de las FARC por reclutamiento y utilización de niñas y niños en el conflicto armado](#), October 28, 2019.

²⁷⁵ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 68.

²⁷⁶ OAS, [Twenty-seventh Report of the Secretary General to the Permanent Council on the Organization of American States Mission to Support the Peace Process in Colombia \(MAPP/OAS\)](#), p.8.

²⁷⁷ *Blu Radio*, [Antioquia y Nariño, entre las zonas de mayor riesgo por reclutamiento de menores](#), September 24, 2019.

²⁷⁸ Office of the Ombudsperson, "[Comunicado de prensa: Alerta por reclutamiento ilícito de menores de edad colombianos y venezolanos](#)," May 14, 2019.

²⁷⁹ COALICO, [Boletín De Monitoreo No. 21 Niñez y Conflicto Armado En Colombia Enero - junio 2019](#), October 23, 2019.

²⁸⁰ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, p. 67.

²⁸¹ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, p. 73.

²⁸² *RCN*, [Confirman que fueron 8 menores los que murieron en bombardeo en Caquetá](#), November 6, 2019; *Verdad Abierta*, [Niños bombardeados en Caquetá, otro caso fallido de prevención del riesgo](#), November 8, 2019; *El Tiempo*, [Muerte de niños reclutados en bombardeo, tema en debate contra Botero](#), November 6, 2019.

²⁸³ OHCHR, [Statement by Alberto Brunori](#) (in Spanish), November 8, 2019.

²⁸⁴ *RCN*, [Personero advirtió sobre reclutamiento de niños por las disidencias en el Caquetá](#), November 7, 2019; *El País*, [Personero de Puerto Rico, Caquetá, había alertado de presencia de niños en campamento bombardeado](#), November 6, 2019; *Vanguardia*, [Se acató la](#)

184. In its comments on the draft of this report, the State indicated that the FGN received official information on a military action carried out on an encampment of the GAO in the San Vicente del Caguán area. A specialized prosecutor on organized crime received the reports from the Armed Forces and the evidence collected at the site indicating the recovery of several dead bodies and the seizure of 15 firearms, including rifles, machine guns, and pistols, along with shells, magazines, and other items such as electronic devices. The investigation remains ongoing.²⁸⁵

185. The IACHR reminds the State of the need to take all feasible measures, as set forth in Article 4 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, to prevent the recruitment and use of children and adolescents by illegal armed groups.²⁸⁶ In this regard, the State reported to the IACHR on the activities it was implementing to prevent recruitment. The State indicated that the Intersectoral Commission to Prevent the Recruitment, Use, and Sexual Violence against Children and Adolescents by Illegal Armed Groups and Organized Criminal Groups (CIPRUNNA) had developed a “municipal prioritization” model for monitoring and supervising the risk dynamics associated with the recruitment of children and adolescents into GAOs and GDOs, and updated the “Public policy to prevent the recruitment, use, and sexual violence against children and adolescents.”²⁸⁷ The Commission values these measures and encourages the State to continue to take effective actions to prevent recruitment.

186. In its comments on the draft of this report, the State reported that CIPRUNNA’s structure was changed and updated through Decree 2,081 of November 18, 2019. It also mentioned other activities aimed at preventing the recruitment of children and adolescents, including the following: the establishment of a four-year action plan with the participation of the 22 entities comprising the CIPRUNNA that includes specific actions incorporating management and outcome targets and indicators; monitoring and following up on the risk dynamics associated with involving children and adolescents in the GAOs and GDOs; monitoring and following up on CIPRUNNA’s institutional actions; and the update of the “public policy guideline on preventing the recruitment, utilization of, use of, and sexual violence against children and adolescents by organized armed groups and organized criminal groups.”²⁸⁸

187. The IACHR recalls that the recommendation, beyond calling for the investigation and punishment of those who recruit children and adolescents for the armed conflict, also calls on the State to fulfill its obligation to take whatever measures necessary to identify the children and adolescents who have been informally separated, in order to include them in reintegration programs. The State reported that, according to figures provided by the Office of the High Commissioner for Peace (OACP), 142 children and adolescents have been separated, and, currently under review is the separation of more than 219 adults who were illegally recruited by the FARC-EP when they were minors.²⁸⁹

188. In its comments on the draft of this report, the State reported that during 2019, through operations carried out by the Security Forces, more than 170 children were rescued from the recruitment and have received integrated care from the State. It indicated that to date, the ICBF has 242 minors that were recovered from armed groups under its protection.²⁹⁰

189. The Commission takes note of the actions taken by the State to prevent the recruitment of children and adolescents in 2019 and regrets that no up-to-date information or qualitative data were provided

[alerta de la defensoría en Caquetá](#), November 9, 2019; *Diario del César*, [La alerta temprana de la defensoría que alertó sobre reclutamiento en Caquetá](#), November 6, 2019; *El Universal*, [La alerta temprana de la Defensoría que informó sobre reclutamiento en Caquetá](#), undated.

²⁸⁵ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 70.

²⁸⁶ See Article 4 of the [Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict](#), May 25, 2000.

²⁸⁷ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, p. 70.

²⁸⁸ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 71.

²⁸⁹ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, p. 65.

²⁹⁰ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 71.

regarding headway in the investigations, thus making it impossible to assess any progress made compared to 2018. The IACHR will, nevertheless, be keeping an eye on how the case unfolds before the JEP. In view of the foregoing, **compliance** with the recommendation has been **partial**.

190. In its country report, the Commission recommended that the State ensure **equal treatment of demobilized children and adolescents and adopt appropriate mechanisms for their full reintegration into civilian life, including specific measures for demobilized girls**. In this connection, the Commission continues to focus on the rollout of the specialized program to restore rights to children and adolescents who have been victims of illegal recruitment, coordinated by the Colombian Family Welfare Institute (ICBF) and the *Camino Diferencial de Vida* [A different life path] program, coordinated by the National Reintegration Council (CNR).

191. The State reported that the Colombian Institute on Family Welfare (ICBF) had reestablished the fundamental rights of 6,778 children and adolescents in 1999 and November 30, 2019.²⁹¹ As regards the program "Camino Diferencial de Vida" [a different walk of life], the State indicated that as of November 30, 2019, 124 young people had reached the age of majority, 118 had begun processes to reincorporate, and 117 were actively undergoing the reincorporation process.²⁹² The State also indicated that a total of 110 individuals had been registered in the Single Registry of Victims as having been victims of child and adolescent recruitment into the activities of armed groups. It reported that 77% of the program's participants had reached adulthood and were on the path to reincorporation in conjunction with the Agency for Reincorporation and Normalization (ARN).²⁹³

192. Data from the UN Verification Mission reveal that as of August 2019, 120 of the 123 children and adolescents included in the *Camino Diferencial de Vida* [A different life path] program had turned 18; 111 were in the integration phase of the program; and 110 were receiving monthly stipends.²⁹⁴ However, it highlighted the need to clarify 218 new cases of young people [identified by FARC] that could be included in the program.²⁹⁵ The IACHR highlights the ongoing efforts to release children and adolescents from armed groups and encourages the State to continue to include them in rights restoration and civilian life reintegration programs. The IACHR reiterates that reintegrating demobilized children and adolescents and preventing new recruitment must be a State priority; this includes providing programs with adequate funding and technical resources so they can meet their objectives.

193. While the IACHR does see significant progress in compliance with this recommendation with respect to the reintegration of demobilized children and adolescents into civilian life, it also reiterates that reintegration policies must be broad enough to include all demobilized children and adolescents, regardless of whether the demobilization process is formal or informal, and regardless of the armed group they were a part of. In its comments on the draft of this report, the State detailed the procedures that needed to be followed to access the benefits of any of the programs available for reintegrating children and adolescents.²⁹⁶ The IACHR finds **partial compliance** with this recommendation.

²⁹¹ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 75.

²⁹² Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 75.

²⁹³ Government of Colombia, Diplomatic Note No. S-GAIIID-19-045912, October 30, 2019, p. 66-80

²⁹⁴ United Nations Verification Mission in Colombia, [Report of the Secretary-General](#), S/2019/780, 1 October 2019, paragraph 80

²⁹⁵ United Nations Verification Mission in Colombia, [Report of the Secretary-General](#), S/2019/780, 1 October 2019, paragraph 81

²⁹⁶ Gobierno de Colombia, Nota Diplomática MPC/OEA No. 075/2020, 17 de enero de 2020, p. 77-79.

3. The armed conflict's differentiated impact and the danger of extinction looming over the indigenous peoples of Colombia

- Intensify efforts to protect the effective enjoyment of the territorial rights of indigenous peoples and their members as the first step toward safeguarding their fundamental rights in the context of the internal armed conflict, bearing in mind the singular importance that inter-American human rights law has attached to the territorial rights of indigenous peoples and because so many of the violations committed against them can be traced to the fact that much of the armed conflict is being fought on their ancestral territories, to economic interests, and to dispossession.
- Investigate human rights violations committed against indigenous peoples and their members, punish the material perpetrators and intellectual masterminds, make individual and collective reparations to victims [In the current context, report on measures adopted to protect members of the indigenous guards and on investigations into acts of violence committed against them].
- Prevent assaults and harassment against traditional indigenous authorities and leaders when the State has knowledge of a real and imminent risk; conduct a serious investigation of the facts brought to its attention; where appropriate, punish the parties responsible and provide adequate reparation to the victims, regardless of whether the acts were the work of State agents or private individuals.
- Take decisive measures to return displaced indigenous peoples, communities, and families through a process that ensures respect for traditional forms of participation and organization; security, and, especially, protection of traditional indigenous authorities and leaders; and legal and material possession of the land so that traditional use of the territory and management thereof by traditional authorities can be restored.
- Bring the process of forming, expanding, and clearing the indigenous reserves to a swift conclusion, bearing in mind inter-American standards on indigenous peoples' right to collective property.

194. Regarding the recommendation on **intensifying efforts to protect the effective enjoyment of the territorial rights of indigenous peoples and their members**, the State indicated that, as of October 2019, the Ministry of the Interior had provided assistance to 3,000 communities nationwide that are located in the areas of influence of projects, works, or activities. The State likewise reported that it had ensured ethnic communities' right to participation via 10,085 consultative processes, still underway, in the framework of 1,198 projects that include domestic and foreign investment in the environmental, infrastructure, mining, energy, telecommunications, oil and gas sectors, as well as administrative and legislative measures. Of the total number of active projects, 81% (967) are investment projects, works, or activities. The State also indicated that the Directorate for Prior Consultation had issued 856 certifications between October 1, 2018 and October 2019, 17% of which indicate the presence of indigenous communities.²⁹⁷

195. The IACHR has also received information indicating that, in certain cases, the Ministry of the Interior has not taken into account ethnic communities' territories beyond titled lands when certifying and ensuring the fundamental right to prior consultation.²⁹⁸ The IACHR reiterates that the bodies of the inter-American system have held that indigenous territorial property is a form of property that exists even without official State recognition, but rather derives from the traditional use and occupation of lands and resources.²⁹⁹ In this regard, it has affirmed that "traditional possession of their lands by indigenous peoples has equivalent effects to those of a state-granted full property title."³⁰⁰ In this connection, States have the duty to respect and

²⁹⁷ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraphs 273-276.

²⁹⁸ Office of the Ombudsperson. Note forwarded to the IACHR on November 13, 2019 – inputs for follow-up on compliance with the recommendations made in the report on Truth, Justice, and Reparation, p. 4

²⁹⁹ I/A Court H.R., Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua. Merits, Reparations, and Costs. Judgment of August 31, 2001. Series C No. 79, paragraph 140(a); I/A Court H.R., Case the Saramaka People v. Suriname. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 28, 2007. Series C No. 172, paragraph 96.

³⁰⁰ I/A Court H.R., Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua, Merits, Reparations, and Costs. Judgment of August 31, 2001. Series C No. 79, paragraph 151; Case of the Sawhoyamaya Indigenous Community v. Paraguay. Merits, Reparations, and Costs. Judgment of March 29, 2006. Series C No. 146, paragraph 128; and Case of the Xákmok Kásek Indigenous Community v. Paraguay. Merits, Reparations, and Costs. Judgment of August 24, 2010. Series C No. 214, paragraph 109.

ensure the right of indigenous peoples to free and informed prior consultation and consent as an essential guarantee to safeguard their territorial rights.

196. The IACHR finds there has been **partial compliance** with this recommendation and calls upon the State to observe the required prior consultation process. It further encourages the State to continue to take actions to protect indigenous peoples' and their members' effective enjoyment of the right to territory.

197. As to the recommendations regarding **investigating, punishing, and making reparations for attacks and harassment against traditional authorities and indigenous leaders**, in 2019, the State made reference to Law 1908 of 2018 "by means of which the investigation and prosecution of criminal organizations is strengthened;" in particular, "threats against human rights defenders and public servants" are criminalized thereunder. The Law also establishes tools for investigating and prosecuting members of armed groups.³⁰¹ The State further indicated that the National Protection Unit (UNP) employs a differential approach, with a route for collective protection, noting that one of the fundamental characteristics of this avenue, is its participatory nature insofar as collectives and the UNP jointly identify risks, vulnerabilities, and threats affecting these groups. The measures contained in the collective protection route are meant to be preventive and involve entities from the different levels of government, as well as other agencies like the Office of the Inspector General of the Nation [*Procuraduría General de la Nación*], Office of the Ombudsperson, and international organizations.³⁰²

198. As to the situation of risk facing indigenous leaders, civil society organizations informed the IACHR that the protection policy is lacking an ethnic-territorial focus that takes into account collective subjects of rights. Civil society and the Office of the Ombudsperson claim that the protection measures granted by the UNP are not effective in difficult-to-access rural contexts with limited connection. Moreover, there are reportedly cases of delays in terms of responses to risk situations and the implementation of a security systems.³⁰³ In its comments on the draft of this report, the State reiterated that the UNP has processes for analyzing and assessing risk through the individual and collective protection route³⁰⁴.

199. In addition to the issues described above, the IACHR continued to receive information about harassment, threats, and killings of indigenous leaders and authorities and members of the indigenous guard. According to the Office of the Ombudsperson, "threats, attacks, murders, and displacement of ethnic communities, authorities, and leaders persist because of their activities to defend human rights. The Office of the Ombudsperson has verified the grave situation that exists in departments like Chocó, Nariño, Valle del Cauca, Cauca, Putumayo, Norte de Santander, Guajira, and Magdalena for ethnic authorities and leaders. Involvement in crop-substitution, land-restoration, and victim-reparations processes, and defense of environmental rights are some of the main factors behind the threats, murders, and targeting."³⁰⁵ In its comments on the draft of this report, the State indicated that according to figures published by the Office of the High Commissioner for the United Nations, as of December 10, 2019 murders of social leaders and human rights defenders were reported in 56 municipalities, which represent 4.99% of the national territory³⁰⁶.

200. For its part, the IACHR has expressed concern on a number of occasions regarding the specific situation faced by indigenous communities located in the department of Cauca. In fact, the IACHR sent a request for information to the State in August 2019 in an attempt to learn more about actions taken to investigate

³⁰¹ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 4–44.

³⁰² Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraphs 106–109.

³⁰³ IACHR, Public Hearing, 172nd Period of Sessions, "[Implementation of Precautionary Measures with Differential and Collective Ethnic Approach in Colombia](#)," May 9, 2019; Office of the Ombudsperson, note forwarded to the IACHR on June 24, 2019, "Context of the human rights situation of indigenous peoples in Colombia," p. 3.

³⁰⁴ Gobierno de Colombia, Nota Diplomática MPC/OEA No. 075/2020, 17 de enero de 2020, p. 80.

³⁰⁵ Office of the Ombudsperson de Colombia, note forwarded to the IACHR on June 24, 2019, "Context of the human rights situation of indigenous peoples in Colombia," p. 1.

³⁰⁶ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 80.

attacks against the Indigenous Guard and the deaths of Gerasain Yatacue, Kevin Mestizo, Eugenio Teneorio, and Julio de Toribio, all in the department of Cauca.³⁰⁷

201. The IACHR has also strongly condemned attacks against and the killings of individuals, authorities, and members of the indigenous guard, as well as the increase in violence in the department of Cauca. In this connection, the IACHR was made aware of the murders of Cristina Bautista, a Nasa community authority, and guards José Gerardo Soto, James Wilfredo Soto, Eliodoro Uniscue, and Asdrual Cayapu, after being ambushed by a group of unknown assailants on October 29 in the department of Cauca. The IACHR was subsequently informed of the murder of indigenous leader Jesús Mestizo on November 3, 2019.³⁰⁸ Civil society organizations have also denounced the increase in acts of violence in the department of Cauca. Specifically, they have referred to the growing number of killings and threats against ancestral authorities and indigenous guards by organized armed groups in retaliation for efforts by the former to organize and demand their rights. Civil society organizations further emphasized the State's lack of compliance with different items set forth in the Peace Agreement, among them the ethnic chapter and the guarantees proposed in the framework of voluntary substitution of illicit crops.³⁰⁹

202. In its comments on the draft of this report, the State said it was making it a priority to address the situation in Cauca through the Cauca Social Plan, the aim of which was to have a positive impact on all communities. Among the actions taken, it highlights projects on entrepreneurship and income generation, care through the Familias en Acción cash transfer program, social infrastructure, and food security. Regarding security, the State reported on the creation of Rapid Response Force #4 as a special measure to strengthen its on-the-ground presence in the area. Likewise, it is considering tasks aimed at implementing and accelerating actions under the Havana Accord by strengthening the National Integrated Program to Substitute Illegal Crops, among other actions.³¹⁰ The State also informed that the President of the Republic ordered the acceleration of the Social Investment Plan for the Department of Cauca, which contains procedures related to infrastructure projects, productive projects and the promotion of Rural Development Programs (PDET) to the municipalities most affected by violence and poverty³¹¹.

203. Regarding indigenous women, the IACHR is aware of the specific impact the violence against traditional authorities and indigenous leaders has had on them. In this vein, the IACHR is aware that in 2019 the *Sütsuin Jieyuu Wayúu* or the *Fuerza de Mujeres Wayúu* organization denounced a series of human rights violations committed in La Guajira. On April 20, 2019 they reportedly received pamphlets containing threats and defamatory accusations against them. One of these was said to target other local movements like the *Movimiento Nación Wayúu*, the *Wayúu Araurayu* organization, and the National Indigenous Organization of Colombia, while the other exclusively targeted *Fuerza de Mujeres Wayúu* and included threats against six of its members: Karmen Ramírez, Miguel Ramírez, Jakeline Romero, Deris Paz, Luis Misael Socarras, and Dulcy Cotes.³¹² In its comments on the draft of this report, the State indicated that the organization *Fuerza de Mujeres Wayúu* has collective measures of protection in place, and some of its members also have individual measures, from the National Protection Unit.³¹³

204. During a promotional activity held by the IACHR in Colombia, indigenous women from the Embera Dóbida, Eyabida, Chamí, Guna Dule, Senú, Wayuu, Wiwa, and Nasa peoples expressed concern over the lack of acknowledgement of the systematic and structural violence they experience because of a failure to make

³⁰⁷ Request for information from the State pursuant to Article 41 of the American Convention on Human Rights.

³⁰⁸ IACHR, Press release 292/19, "[IACHR strongly condemns attacks against and murders of individuals, authorities, and members of the Indigenous Guard in Colombia.](#)" (in Spanish), November 12, 2019.

³⁰⁹ IACHR, Public hearing, 174th Period of Sessions, "Violence and Situation of Human Rights of Indigenous Peoples in Cauca State in Colombia," November 12, 2019.

³¹⁰ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 80-81.

³¹¹ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 80-81.

³¹² Frontline Defenders, [Nuevas amenazas contra fuerza de mujeres Wayuu](#), May 3, 2019.

³¹³ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 81.

institutional adjustments with respect to access to justice with an ethnic and gender approach. Based on the information provided, indigenous women and girls are victims of sexual violence, feminicides, revictimization, domestic and economic violence, violations of autonomy in the legal decisions of indigenous authorities, smear campaigns, forced recruitment, disappearance, forced labor, and displacement. In this context, they requested that the necessary tools be implemented for making institutional adjustments that can help to reduce impunity and ensure full guarantees of the human rights of indigenous women and children, thereby ensuring the physical and cultural survival of the 105 native peoples of Colombia.³¹⁴

205. The IACHR observes that women tend to face heightened situations of discrimination, violence, and social exclusion based on their gender, ethnicity, or situation of poverty.³¹⁵ The Commission reiterates that the killings of indigenous defenders do not just impact the victims individually, but also have a direct effect on the collective rights of the organizations they represent, making them more powerless and vulnerable.³¹⁶ Attacks against indigenous leaders may also have negative consequences on the values, practices, and customs of the community or communities in which they exercise their leadership.³¹⁷ Therefore, **compliance** with this recommendation is **partial**.

206. Regarding the recommendation to **take decisive measures to return indigenous peoples, communities, and families that have been displaced**, the State reported that the Office of the Attorney General is responsible for prosecuting criminal acts like forced displacement and, to that end, carries out the respective investigations. The State indicated that the Office of the Attorney General had prepared 17 reports about crimes pertaining to the armed conflict; such reports were submitted to the JEP in March of 2019. Of these cases (97,331), 938 have ended in convictions and 13 are currently in the trial stage.³¹⁸

207. The State also reported that 2,601,734 hectares had been recorded by the Land Restitution Unit in the Registry of Dispossessed and Forcibly Abandoned Land (administrative procedure completed). Fifty-four percent of these hectares belong to indigenous peoples and/or communities and 1,947,517 of the hectares registered are located within the 170 *municipios* with Rural Development Programs (PDETs).³¹⁹ The IACHR highlights the progress reported by the State as well as efforts to put an end to forced displacement in Colombia; it nevertheless notes that the problem persists.

208. The IACHR observes that in 2019 the United Nations High Commissioner for Refugees (UNHCR) requested immediate humanitarian assistance and protection for more than 1,600 Wounnan and Embera indigenous people in Juradó, Chocó, due to serious violations of their human rights. The emergency arose in the northern part of Juradó, at the Colombia-Panama border, as a result of clashes between illegal armed groups present in indigenous territories. In this connection, the IACHR has learned that even though the State has taken actions in this regard, difficulties in terms of access, the persistence of the conflict, and intimidation continue to pose obstacles for the delivery of humanitarian assistance. Moreover, the risk of clashes remains, which could lead to the displacement of new communities.³²⁰

209. In addition, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in Colombia called attention to the fact at least 729 people from the department of Nariño had been displaced in the first week of April owing to clashes between the Colombian army and illegal armed groups. According to

³¹⁴ Statement by the *Organización Indígena de Antioquia* (OIA), "Inter-American standards on indigenous matters and dissemination of the report on 'Indigenous Women and their Human Rights in the Americas,'" June 27, 2019 [in the archives of the IACHR].

³¹⁵ IACHR, *Indigenous Women and their Human Rights in the Americas*, OEA/Ser.L/V/II. Doc.44/17, 2017, paragraph 228.

³¹⁶ IACHR, Press release 292/19, "[IACHR strongly condemns attacks against and murders of individuals, authorities, and members of the Indigenous Guard in Colombia.](#)" (in Spanish), November 12, 2019.

³¹⁷ I/A Court H.R., *Case of Norín Catrimán Et al. v. Chile*, Series C No. 245, paragraph 357.

³¹⁸ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraphs 332-335.

³¹⁹ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraphs 373-374.

³²⁰ UNHCR, [UNHCR requests urgent protection for the indigenous population in Juradó, Chocó](#) (in Spanish), May 7, 2019.

OCHA, the *municipio* of Tierralta also saw the forced displacement of at least 589 people from four indigenous and *campesino* communities.³²¹

210. According to information received by the IACHR, serious obstacles reportedly exist as far as the return of displaced families and communities is concerned. In fact, according to the Office of the Ombudsperson, the entities that comprise the National Victim Assistance and Comprehensive Reparation System (SNARIV) apparently lack the resources to ensure that such processes can be completed. Unsafe conditions, such as in the case of the Nukak in the department of Guaviare, also create hurdles for bringing these processes to a close.³²²

211. In its comments on the draft of this report, the State indicated that the Victims Unit issued Resolution 03320 of November 22, 2019, adopting the protocol for return and relocation, pursuant to Decree 1,084 of 2015. The aim is to define the principles of security, willingness, and dignity on which support for return, relocation, and local integration are based, as well as the purpose of the actions taken by the entities forming the National Victim Response and Integrated Reparation System in the framework of the support route, whether individual, community, or emergency in nature.³²³

212. In this context, the IACHR observes the risk to their survival different indigenous peoples in Colombia face as a result of forced displacement and reiterates the position of the Inter-American Court of Human Rights in terms of the connection between territory and natural resources being necessary for the physical and cultural survival of indigenous peoples and the development and continuation of their worldview.³²⁴ While the Commission does see progress in the coverage of programs designed to prevent displacement, it also notes that the phenomenon persists. In light of this, the IACHR observes **partial compliance** with this recommendation.

213. Regarding the recommendation to **bring the process of forming, expanding, and clearing the indigenous reserves to a swift conclusion**, the State reported that restitution of ethnic-territorial rights currently involves management of 382³²⁵ territories belonging to ethnic communities, of which 75% (288 territories) are located in indigenous communities. Of the territories in the process of being returned, 225 are located in the 170 *municipios* with PDETs, accounting for approximately 59% of all the land rights restitution to ethnic communities being managed in Colombia.³²⁶

214. The IACHR welcomes the progress made by the State but, at the same time, is concerned that indigenous peoples continue to face obstacles when it comes to effectively enjoying their territorial rights. According to civil society, forced displacement and dispossession of lands associated with illicit crops, extensive monoculture, illegal mining, and the non-guarantee of the fundamental right to prior consultation persist.³²⁷

³²¹ Telesur, [UN advierte más de 700 desplazamientos forzados en Colombia en abril](#), April 15, 2019.

³²² Office of the Ombudsperson of Colombia. Note forwarded to the IACHR on November 13, 2019 – inputs for follow-up on compliance with the recommendations made in the report on Truth, Justice, and Reparation, pp. 8-9 [in the archives of the IACHR].

³²³ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 82.

³²⁴ I/A Court H.R. Case of the Yakye Axa Indigenous Community v. Paraguay. Judgment of June 17, 2005. Series C No. 125, paragraphs 124, 135, 136, and 137; I/A Court H.R., Case of the Kichwa Indigenous People of Sarayaku v. Ecuador. Judgment of June 27, 2018. Series C No. 245, paragraphs 146–147.

³²⁵ It must be pointed out that 44 of these territories did not qualify for continued actions to restore ethnic territorial rights as they had not been targeted or because of requests for withdrawal made by the representatives of the ethnic communities. However, in certain territories, actions continue under the preventive protection measures for ethnic territorial rights in connection with the ethnic route for the protection of territorial rights for the territories of indigenous peoples and/or communities provided for under Article 150 of Decree 4633 of 2011. (Land Restitution Unit).

³²⁶ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 371.

³²⁷ Statement by the *Organización Indígena de Antioquia* (OIA), “Inter-American standards on indigenous matters and dissemination of the report on “Indigenous Women and their Human Rights in the Americas,” June 27, 2019 [in the archives of the IACHR].

215. The Office of the Ombudsperson reported that indigenous peoples have seen their lands reduced by expanding agricultural boundaries, the planting of coca, depletion of natural resources, and disruptions of traditional circuits of temporary displacement.³²⁸ According to this Office, 70% of indigenous reserves and 71% of collective territories are located in forest preserves. Nearly 85% of indigenous reserves are found in the regions of Orinoquía and Amazonas, and more than 90% of collective territories are located in Chocó Biogeographic region; these regions are characterized by forest cover and low levels of productivity, and are home to extremely fragile ecosystems, which makes them ripe for protection.³²⁹ The IACHR views with concern that no “lands fund” has been created thus far and that, based on the draft budget, the National Lands Agency will see a 19% cut in 2020.³³⁰

216. The Commission acknowledges the efforts made by the State and notes the urgent need to hasten these types of processes. The IACHR likewise reiterates the provisions of Article XXV of the American Declaration on the Rights of Indigenous Peoples, which hold that indigenous peoples and their members have the right to legal demarcation of their territory by the State as this is the main mechanism for protecting indigenous peoples’ land rights. As to the principle of legal certainty, indigenous peoples’ territorial rights must come through the passage of whatever legislative and administrative measures necessary to create an effective mechanism for delineating, demarcating, and titling that recognizes those rights in practice.³³¹ In view of the foregoing, the IACHR finds **compliance** with this recommendation to be **partial** and calls on the State to bring the process of forming, expanding, and clearing indigenous reserves to a swift conclusion, thereby ensuring the right of indigenous peoples to control and use their territory and natural resources.³³²

4. Women and the armed conflict

- Implement and strengthen measures to comply with the duty to act with due diligence to prevent, punish, and eradicate violence and discrimination against women, exacerbated by the armed conflict, including specific efforts to fulfill its four obligations: prevention, investigation, punishment, and reparation of violations of women’s human rights.
- Implement dissemination measures and campaigns for the general public regarding the duty to respect the civil, political, economic, social, cultural, sexual, and reproductive rights of women; make services and resources available to women whose rights have been violated; and legal consequences for perpetrators.
- Develop and adopt policies that take into account the specific needs of indigenous and Afro-Colombian women within the armed conflict with respect to health, education, justice, and livelihoods. Domestic policies designed to promote the rights of all women must consider the specific needs of indigenous and Afro-Colombian women and have a comprehensive vision as to how to address important issues like health, education, and justice. In addition, national policies geared toward improving the situation of indigenous and Afro-Colombian communities must include the particular needs of women.
- Ensure that the legal framework and demobilization programs are consistent with international principles and norms pertaining to the rights of victims to truth, justice, and reparation, and as such, address the specific needs of women.

217. With respect to the recommendation to **implement and strengthen measures to comply with the duty to act with due diligence to prevent, punish, and eradicate violence and discrimination**

³²⁸ Office of the Ombudsperson. Inputs for follow-up on compliance with the recommendations made in the report on Truth, Justice, and Reparation, November 13, 2019, in the archives of the IACHR.

³²⁹ Office of the Ombudsperson. Inputs for follow-up on compliance with the recommendations made in the report on Truth, Justice, and Reparation, November 13, 2019, in the archives of the IACHR.

³³⁰ Congress of the Republic of Colombia, [“En qué va el Acuerdo de Paz a un año del gobierno de Duque? Retos y recomendaciones.” Informe 01: Seguimiento multi-partidista a la implementación del Acuerdo de Paz](#), p. 7.

³³¹ I/A Court H.R. Case of the Xucuru Indigenous People and its Members v. Brazil. Preliminary Objections, Merits, Reparations, and Costs. Judgment of February 5, 2018. Series C No. 346, paragraph 119.

³³² I/A Court H.R. Case of the Xucuru Indigenous People and its Members v. Brazil. Preliminary Objections, Merits, Reparations, and Costs. Judgment of February 5, 2018. Series C No. 346, paragraph 117.

against women in terms of prevention, investigation, punishment, and reparation for violations of their human rights, the Colombian State highlighted different strategies it had implemented in 2019.

218. The Commission looks positively on the fact that the State is implementing public policies to prevent risks and provide protection to women. In this vein, the State reported that it was implementing the “Comprehensive Reparation Strategy: Building capacity using a rights-based approach for women who are victims of crimes against their sexual freedom and integrity,” known as *Vivificarte*. This strategy promotes the acknowledgement, inclusion, and empowerment of women by virtue of the principle of use of a differential approach as an affirmative action in the context of a comprehensive reparation process.³³³ As to gender-based murders of women, the State reported that it was implementing strategies to prevent the killing of women at risk of femicide violence by issuing guidelines for the investigation of such cases. The State noted that as a result of this strategy, 166 of the 185 cases of femicide reported in 2019 had been solved, which would represent an 89.73% improvement.³³⁴

219. The Commission values the inclusion of a gender perspective in legal proceedings, the implementation of which manifests in the issue of protection measures for victims as well as identification of the levels of risk faced by women who report incidents.³³⁵ It also highlights progress made in terms of investigations of crimes of sexual violence against women. In this connection, the State reported that the Office of the Attorney General had adopted guidelines for prosecutors and judicial police officers regarding parameters for ensuring due diligence when investigating cases of violence against women and establishing standards for protecting victims in order to prevent their revictimization.³³⁶ The Commission also looks positively on the fact that the 2016-2020 Strategic Plan prioritizes the urgent and effective investigation of domestic violence by setting specific targets for improving investigation and prosecution.³³⁷ In addition, the National Institute for Forensic Medicine and Sciences (INMLCF) implemented the Protocol for Evaluating the Risk of Lethal Violence against women by their partners or ex-partners in order to stop the violence and prevent femicides from occurring. Between 2014 and 2017, 23,189 women are known to have been victims of partner violence.³³⁸ In its comments on the draft of this report, the State indicated that between 2014 and November 22, 2019, the INMLCF aided 39,498 women who were victims of domestic violence³³⁹.

220. As to statistics about violence against women in the context of armed conflict, the State reported that the Office of the Attorney General had prepared and submitted to the JEP 17 reports on crimes pertaining to the armed conflict, noting that these reports indicated that of the total number FARC-EP victims, 25,701 were women, while 3,203 women were victims of State agents.³⁴⁰ In this regard, the Commission is aware of the submission, by civil society, of two reports on sexual violence against women in the armed conflict, which document 72 cases of sexual violence in regions such as Bolívar, Antioquia, Nariño, Cauca, Amazonas, Caquetá, Casanare, and Santander.³⁴¹ Along the same lines, the Commission is aware of the different cases open before the Chamber for Recognition of the Truth that are said to reflect the use of differential approaches. With respect to a gender approach, Case 007 includes an investigation of acts of violence and sexual slavery involving children who were victims of recruitment.³⁴² Similarly, the IACHR is aware of the existence of the JEP’s Gender

³³³ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 380.

³³⁴ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 393

³³⁵ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraphs 128 and 404.

³³⁶ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 406.

³³⁷ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 389.

³³⁸ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 407.

³³⁹ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 82.

³⁴⁰ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 388.

³⁴¹ *RCN*, [72 casos de mujeres víctimas de violencia sexual llegan a la JEP](#), April 24, 2019; *La FM*, [JEP recibe 72 casos de mujeres víctimas de violencia sexual](#), April 24, 2019; *El Tiempo*, [Llegan a la JEP 72 casos de violencia sexual contra la mujer](#), April 24, 2019;

³⁴² International Commission of Jurists, [Colombia: The Special Jurisdiction for Peace. Analysis One Year and a Half After its Entry into Operation](#) (in Spanish), June 2019, p. 65.

Commission, which issued a concept note about sexual violence and the armed conflict.³⁴³ The Commission will closely watch the decisions the JEP's bodies make about such behavior, guarantees offered to victims for their participation in the process, and the conduct of a serious, impartial, and effective investigations.

221. With respect to prevention, the State indicated that technical assistance had been provided, via the Office of the Presidential Advisor on Women, to enable Colombia's 32 departments to include actions to prevent and address gender violence and attain conditions of effective equality in their territorial development plans.³⁴⁴ The State further indicated that in the context of implementation of the Ten-year Public Health Plan 2012-2021, the avenue for addressing gender violence was updated and now considers all types of violence as well as access to abortion services for women victims of sexual violence.³⁴⁵

222. Regarding protection, the State emphasized that the UNP has a protection track that includes a gender approach, which takes shape in the implementation of the Specific protocol with a gender and women's rights approach, issued by the Ministry of the Interior (Resolution 805 of 2012).³⁴⁶ The State indicated that, in order to assess individual risk using a gender approach, female risk analysts have been brought in; these analysts have received training on the legislation and case law that protect women's rights and set forth the circumstances under which they are to be treated as subjects of special constitutional protection.³⁴⁷ The State also explained that the aim of this CERREM is to handle cases of women who have been victims of sexual violence, abuse of minor children, and widespread threats to families.³⁴⁸

223. The Commission acknowledges the efforts of the State to prevent, investigate, and punish violence against women, particularly crimes of sexual violence and femicide. The Commission observes, however, that crimes of sexual violence continue to occur in Colombia. Based on preliminary investigations by the National Institute for Forensic Medicine and Sciences into injuries from external causes and disappeared persons in Colombia, as of September 2019, alleged sex crimes and domestic violence against, as well as murders and disappearances of women persisted.³⁴⁹ In this respect, the Commission is aware of increases in the number of cases of alleged sex crimes against women and girls. In the first seven months of 2019, 12,844 women reportedly received treatment in different forensic medicine clinics in the country following alleged sex crimes. These figures indicate that 2018 saw 53 fewer cases than the ones recorded during the same period in 2019.³⁵⁰

224. The Commission is also concerned about the increase in attacks against women social leaders and human rights defenders. According to civil society organizations, attacks against women defenders climbed in the first six months of 2019, accounting for 29% of the total number of attacks reported against human rights defenders, compared to 26% during the same period in 2018.³⁵¹ The IACHR reminds the State that, in terms of due diligence, investigations into these cases must be carried out quickly; the context and circumstances in which the attacks took place and the specific risks faced by women who work in the defense of human rights must be taken into account; and a differentiated approach to investigating, prosecuting, punishing, and

³⁴³ International Commission of Jurists, [Colombia: The Special Jurisdiction for Peace. Analysis One Year and a Half After its Entry into Operation](#) (in Spanish), June 2019, p. 65.

³⁴⁴ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 396

³⁴⁵ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 402.

³⁴⁶ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 127.

³⁴⁷ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 128.

³⁴⁸ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 128.

³⁴⁹ As of September 2019, the numbers reported were: 731 women murdered; 16,885 women victims of alleged sex crimes; 42,516 women victims of non-lethal injuries tied to domestic violence; and 2,097 women disappeared. National Institute of Forensic Medicine and Sciences, [Información preliminar de lesiones de causa externa y desaparecidos en Colombia](#). January to September 2019.

³⁵⁰ *El Espectador*, [Reportes de violencia sexual contra menores han aumentado 15% en 2019](#); Forensic Medicine, May 27, 2019; *El Tiempo*, [La violencia sexual, un delito que se ensaña con las niñas en Colombia](#), May 31, 2019; *La opinión*, [En 2019 van 12.844 denuncias sobre mujeres víctimas de delitos sexuales](#), August 9, 2019;

³⁵¹ *Somos Defensores* program, [Defensores. ¿El juego final? Informe semestral enero-junio 2019](#), October 2019, p. 90.

providing reparations for these crimes, including gender and ethnic-racial perspectives must be incorporated.³⁵² In view of the foregoing, the Commission finds **partial compliance** with this recommendation.

225. As to the recommendation to **implement dissemination measures and campaigns for the general public regarding the duty to respect the civil, political, economic, social, cultural, sexual, and reproductive rights of women; make services and resources available to women whose rights have been violated; and ensure legal consequences for perpetrators**, the State indicates that, in response to the Ten-year Public Health Plan 2012-2021, the Ministry of Health and Social Protection has implemented several actions, including: trainings aimed at grassroots women's organizations, oversight bodies, and associations of healthcare users on sexual and reproductive rights and the right to a life free from violence such that these rights can be enforced; dissemination actions in national media via audiovisual pieces entitled *Derecho sin barreras* [Right without barriers], which offered information to women about the guarantee of the fundamental rights to a voluntary abortion or to move forward with a pregnancy.³⁵³ In terms of political rights, the State reported on the program *Más mujeres, más democracia* [More women, more democracy], whose aim is to promote women's leadership, inclusion, and political participation in the context of regional elections, as well as on design of the Plan to promote women's political participation.³⁵⁴ The Commission also welcomes the fact that the State is continuing to implement the Comprehensive Protection Guarantees Program for Women Leaders and Human Rights Defenders and has implemented two pilot projects in Putumayo and Montes de María with a territorial and differential approach, in an effort to comply with the technical lines of the Program's Plan of Action.³⁵⁵

226. The Commission acknowledges the progress made by the State in complying with this recommendation. It nevertheless reiterates the need to promote women's rights from a diverse racial, ethnic, and linguistic perspective and to do so nationwide. Promoting women's rights and making services available to women victims of gender violence must be done with a view to closing existing gaps between urban and rural areas. In view of the foregoing, the Commission finds **substantial compliance** in this case.

227. Regarding the recommendation to **develop and adopt policies that take into account the specific needs of indigenous and Afro-Colombian women within the armed conflict with respect to health, education, justice, and livelihoods**, the State indicated that, for purposes of addressing barriers to access to justice faced by rural, indigenous, and Afro-Colombian women, the Office of the Presidential Advisor for Women supported the design and implementation of a methodology for devising participation, leadership, and gender-violence prevention advocacy plans and agendas for indigenous and Afro-descendant women, which led to the development of seven plans; consolidation of a diagnostic analysis of violence, with the participation of 200 women leaders, and 10 educational and awareness processes with 203 women; and the strengthening of ties between women's collectives and organizations and local and regional governments.³⁵⁶ The State likewise indicated that an Equity Pact had been developed in the context of the 2018-2022 National Development Plan; the Pact aims to promote the economic, political, and social empowerment of these women, as well as the elimination of violence and poverty that affect them.³⁵⁷

228. The Commission highlights the affirmative actions taken in favor of Afro-descendant and indigenous women in the context of the armed conflict. However, it observes publicly available information that provides evidence of the alarming situation faced by indigenous and Afro-descendant women social

³⁵² IACHR, 2018 Annual Report, [Chapter V: Follow-up to Recommendations Made by the IACHR in its Report on Truth, Justice, and Reparation: Fifth Report on the Situation of Human Rights in Colombia](#), paragraph 226; UN Women, launch of the Comprehensive Protection Guarantees Program for Women Leaders and Human Rights Defenders, June 14, 2018.

³⁵³ Government of Colombia, Diplomatic Note No. S-GAIIID-19-045912, Colombian State contributions to Chapter V, October 30, 2019, paragraph 411.

³⁵⁴ Government of Colombia, Diplomatic Note No. S-GAIIID-19-045912, October 30, 2019, paragraph 413 and 416.

³⁵⁵ Government of Colombia, Diplomatic Note No. S-GAIIID-19-045912, October 30, 2019, paragraph 541.

³⁵⁶ Government of Colombia, Diplomatic Note No. S-GAIIID-19-045912, October 30, 2019, paragraph 425.

³⁵⁷ Government of Colombia, Diplomatic Note No. S-GAIIID-19-045912, October 30, 2019, paragraph 417.

leaders and human rights defenders in Colombia, who are constant victims of threats, harassment, attacks, and murders based on the leadership roles they hold, historic structural discrimination, and persistent institutional racism.³⁵⁸ In light of the foregoing, the Commission finds **partial compliance** with this recommendation and will continue to monitor full implementation thereof.

229. As to the recommendation to **ensure that the legal framework and demobilization programs are consistent with international principles and norms pertaining to the rights of victims to truth, justice, and reparation, and as such, address the specific needs of women**, the State furnished diverse information about actions taken for compliance therewith.

230. As regards the participation of women in the peace process, the State indicated that starting in 2019, the Agency for Reincorporation and Normalization (ARN) put together a team to support the formulation, execution, and monitoring of crosscutting actions with a differential and gender approach to comply with the provisions of the National Policy for the Social and Economic Reincorporation of Former FARC-EP Members. Additionally, community actions with a gender and women's rights approach are reportedly being implemented in an effort to strengthen active citizen participation and involvement in reconciliation and peace-building scenarios, and to promote the sexual and reproductive rights of women community members and former women members of the FARC-EP.³⁵⁹ In its comments on the draft of this report, the State indicated that in accordance with the ARN, as of November 30, 2019, 3,043 women were undergoing the reincorporation process; of them, 2,631 were receiving care, 2,980 had joined and had effective access to the Social Security Health care System, and 2,539 had contributed to the old-age pension system in the previous month³⁶⁰.

231. The State also indicated that it was working in tandem with the National Reintegration Council's (CNR) Technical Working Group for Collective Productive Projects to guarantee inclusion of a gender-sensitive approach and women's participation in project implementation.³⁶¹ The Commission observes, however, that although the CNR is considering use of a gender perspective when examining productive projects, the participation of women in decision-making processes and targeted actions for the economic empowerment of women remain insufficient.³⁶²

232. The State also indicated that it had created an inter-agency work team to identify the barriers women in the process of reintegration face when it comes to access to the formal education system. This team seeks to promote access and enrollment for women who are former FARC-EP members to primary and secondary education and job training or higher education, and in this way ease access for mothers with children and women heads of household.³⁶³ The State added that it was developing a psycho-social support program with a gender and women's, territorial, and ethnic rights approach to attend to the needs of former FARC-EP members and their families.³⁶⁴ The Commission nevertheless observes that former women combatants continue to face additional risks of violence, including sexual and gender violence and forced recruitment.³⁶⁵ Additionally, the IACHR was informed about the lack of attention to sexual and reproductive health, including

³⁵⁸ Front Line Defenders, [Nuevas amenazas de muerte contra Fuerza de Mujeres Wayuu](#), May 3, 2019; *El Espectador*, "[Nos siguen matando": mensaje de tres lideresas sociales](#)", June 28, 2019; IACHR, Press release 08/19, [IACHR Completes Working Visit to Colombia to Assess Alarming Issue of Murders of Social Leaders and Human Rights Defenders](#), January 15, 2019.

³⁵⁹ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 201.

³⁶⁰ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 82.

³⁶¹ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 201.

³⁶² United Nations Verification Mission in Colombia, [Report of the Secretary-General](#), S/2019/780, 1 October 2019, paragraph 51.

³⁶³ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 201.

³⁶⁴ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 386.

³⁶⁵ United Nations Verification Mission in Colombia, [Report of the Secretary-General](#), S/2019/780, 1 October 2019, paragraph 51

maternal health.³⁶⁶ In its comments on the draft of this report, the State indicated that on June 7, 2019, implementation had begun on "Community actions with a gender approach and focused on the rights of women" in 10 territories. The objective is to join forces to implement community actions with a gender approach and focused on the rights of women to strengthen promotion of sexual and reproductive rights by offering a training module called "You and I, intercultural dialogue."³⁶⁷ In view of the foregoing, the Commission finds there has been **partial compliance** with the recommendation.

233. As to the recommendation in connection with the **rights of women victims to truth, justice, and reparation**, the State reported that different programs for victims of the armed conflict had been created, among them, a plan to distribute territory and implement subsidies with a differential approach.³⁶⁸ The State indicated that, for purposes of promoting and guaranteeing the rights of women victims of sexual violence, the Victims Unit had devised the "Comprehensive Reparation Strategy: Building capacity using a rights-based approach for women who are victims of crimes against their sexual freedom and integrity," known as *Vivificarte*. This strategy promotes the acknowledgement, inclusion, and empowerment of women by virtue of the principle of use of a differential approach as an affirmative action in the context of a comprehensive reparation process.³⁶⁹ From 2014 to 2018, assistance was provided to 2,712 women victims of the armed conflict.³⁷⁰

234. The State emphasized that, as a strengthening strategy, the Inter-agency Technical Working Group for the Symbolic Repair of Women Victims of Sexual Violence in the Context of the Internal Armed Conflict was created. This space for ongoing coordination has made it possible to improve government action when it comes to access to and enjoyment of the rights to symbolic reparation for women victims of sexual violence, and to dispelling societal myths surrounding the factors that influenced, enabled, tolerated, and "naturalized" these grave attacks.³⁷¹

235. The Commission highlights the programs pursued by the State to meet the terms of the Peace Agreement, which are having a significant impact on both victims of the armed conflict and former combatants. Nonetheless, civil society organizations have emphasized in their reports to the IACHR, a number of situations that have gone unaddressed by the State, one of these being the lack of a gender focus in the voluntary crop substitution policy.³⁷² In view of the foregoing, the Commission finds there has been **partial compliance** with the recommendation.

5. Journalists and social communicators

- Continue to adopt adequate preventive mechanisms in order to avert violence against media workers, including the public condemnation of all acts of aggression, the training of public officials, particularly police and security forces, and, where necessary, the adoption of operation manuals or guidelines regarding respect for the right to freedom of expression.
- Compile detailed, disaggregated criminal statistics on violence against journalists and the criminal prosecution of these crimes.

³⁶⁶ United Nations Verification Mission in Colombia, [Report of the Secretary-General](#), S/2019/780, 1 October 2019, paragraph 37.

³⁶⁷ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 82.

³⁶⁸ This is a subsidy aimed at improving space and sanitation conditions, public services, and the quality of housing structures.

³⁶⁹ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 380.

³⁷⁰ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 381.

³⁷¹ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 381.

³⁷² Information furnished by the *Corporación Jurídica Yira Castro*, *Corporación Jurídica Humanidad Vigente*, *Corporación Jurídica Libertad*, *Comité de Solidaridad con los Prisioneros Políticos*, *Colectivo Socio Jurídico Orlando Fals Borda*, *Corporación Reiniciar*, *Corporación Acción Humanitaria por la Convivencia*, and *Paz del Nordeste Antioqueño*, *Asociación Minga*, request for a hearing during the IACHR's 170th Period of Sessions, December 2018.

- Carry out diligent, impartial, and effective investigations of the murders, attacks, threats, and acts of intimidation committed against journalists and media workers. This entails the creation of specialized units and special investigative protocols, as well as the identification and exhaustion of all possible case theories related to the professional work of the victim.
- Prosecute, through impartial and independent courts, within the standards established by international law, the persons responsible for the crimes committed in retaliation for the exercise of the right to freedom of expression, and make adequate reparation to their victims and family members.

236. The IACHR and its Office of the Special Rapporteur for Freedom of Expression observe a climate of heightened harassment of the press in Colombia, which makes for a context that undermines freedom of expression and the right of all Colombian society to receive information of public interest. In 2019, in addition to an elevated number of attacks and acts of intimidation against the press in different regions of the country,³⁷³ the Commission and its Special Rapporteur documented, with deep concern, the murders of four media workers for reasons allegedly tied to their professional activities.³⁷⁴ In this connection, both the Special Rapporteur and the IACHR call upon the State to determine, or rule out completely and expeditiously, the possible link between these crimes and journalistic activities in order to avoid the silencing of or self-censorship by communicators.

237. In its comments on the draft of this report, the State reported that, as a result of the FGN strategy to prioritize the investigation and prosecution of threats, three have been convicted, nine charged, and eight tried: five for threats against journalists over social media, two for personal threats, and one for a threat over the phone. Additionally, 44 active cases of violence against journalists and social communicators are being pursued. Of them, 36 are cases of homicide; three are cases of threats; one is a case of kidnapping; one of forced disappearance; one of forced displacement; one of rape; and one of torture of a protected individual.³⁷⁵

238. It is particularly concerning that in certain regions of Colombia, senior authorities and political leaders from different parties continue to denigrate journalists and media that criticize them and/or share information that is perceived as a political strategy. This jeopardizes the free exercise of journalism and undermines the duty to engage in public discourse that helps to prevent violence against journalists.

239. The IACHR and its Office of the Special Rapporteur welcome the different measures taken by the State in fulfillment of its duty to pursue justice for the crimes committed, but observe, with concern, other measures that could end in serious setbacks. They also emphasize progress in identifying parameters for rating risks to journalists when it comes to the Protection Unit's assessment of protection measures.

Protection mechanisms

240. Regarding the obligation to **adopt preventive mechanisms in order to avert violence against media workers**, the IACHR and its Office of the Special Rapporteur value the efforts made by the National Protection Unit in implementing and coordinating different protection mechanisms for journalists and human rights defenders, and at the same time encourage progress and more fine-tuned measures for preventing and curtailing the growing violence against the press.³⁷⁶ The Commission emphasizes the judgment

³⁷³ In its annual report, the Office of the Special Rapporteur documented the persistence of a context attacks, in which a high number death threats, physical attacks, and intimidation via social networks, text messages, threatening calls, and pamphlets containing intimidating messages were seen in different regions of Colombia against journalists who cover different topics of great public interest tied to the peace process, corruption, drug trafficking, etc. These attacks were centered in the regions of Bogota, Cali, Cartagena, Cauca, La Guajira, Santa Marta, Mitú, and other places.

³⁷⁴ The following individuals were murdered in 2019: Mauricio Lezama, on May 9 in Arauquita, department of Arauca; Libardo Montenegro, on June 12 in Samaniego, department of Nariño; Anderson Pérez Osorio, on June 17 in the *municipio* of Caloto, department of Cauca; Javier Córdoba Chaguendo, on October 18 in the district of Llorente, *municipio* of Tumaco, department of Nariño.

³⁷⁵ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 82.

³⁷⁶ On March 7, UNP Director Pablo Elías González Monguí served as a panelist during the Regional Dialogue on the Implementation and Effectiveness of Protection Mechanisms for Journalists and the Open Forum on Media and Democracy in the Americas in Washington D.C. During the panel Mr. González Monguí discussed the legal framework for protecting journalists Colombia. He also noted

handed down by the Constitutional Court in the context of an action for protection against the UNP, which set out parameters for assessing risks to journalists in line with inter-American standards.³⁷⁷

241. The State reported on the UNP's protocol for identifying risks involved in journalism work. Despite the protocol's broad notion of what defines journalism, only those who engage in press-related activities expressly spelled out in the protocol are eligible for potential protection measures.³⁷⁸ The State likewise reported that, under the Timely Action Plan, a process being spearheaded by the Ministry of the Interior began in May, which consists of the drafting of a comprehensive public policy to guarantee the defense of human rights that includes journalists.³⁷⁹

242. In the context of this same recommendation, specifically when it comes to **public condemnation of all acts of aggression**, the IACHR is concerned about the stigmatization of journalists and the media by senior government authorities, which aggravates the risks faced by media workers because of what they do.³⁸⁰ The Commission nevertheless values the statements made and actions taken by President Iván Duque, which seek to highlight freedom of expression as a fundamental value in a democratic society,³⁸¹ as well as messages that offer positive signs from the government with respect to the murders of journalists and social leaders.³⁸²

243. The State reported that the government's priority actions have focused on "emphatically **[c]ondemning** attacks and threats against and killings of victims [human rights defenders, social leaders, and journalists];" "**[o]rdering** all competent government agencies to conduct investigations aimed at identifying and punishing perpetrators, and continuing to reinforce security;" "**[p]ublicly recognizing** social leaders and human rights defenders (including journalists) as an essential part of consolidating democracy..."³⁸³

244. Regarding **the training of public officials, particularly police and security forces, and, where necessary, the adoption of operation manuals or guidelines regarding respect for the right to freedom of expression**, the IACHR has observed with particular concern cases of aggression against journalists by government security forces during social protests.³⁸⁴ That notwithstanding, the IACHR takes note

the existing obligation to identify the origin or source of risk, and whether that risk is tied to a threat, within the parameters set out by the Constitutional Court, which makes determinations on risks, threats, and vulnerability. He noted the decrease in the number of journalists murdered since the protection mechanisms had been implemented and reported that 181 journalists were currently under protection.

³⁷⁷ Republic of Colombia. Constitutional Court. [Judgment T-199/19](#) (in Spanish).

³⁷⁸ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 439.

³⁷⁹ Republic of Colombia, Note MPC/OEA No.: 1283/2019 of October 30, 2019, paragraph 443.

³⁸⁰ Among the cases it observed, the Office of the Special Rapporteur documented the threats and defamatory statements made against New York Times correspondent, Nicholas Casey, after he published an article on May 18 entitled "Colombia Army's New Kill Orders Endanger Civilians, according to officials," in which he questioned the efforts of the military command in the context of the fight against armed groups, as well as alleged cases of "false positives."

³⁸¹ During the mid-year meeting of the SIP held March 29–31 in Cartagena, Colombia, President Iván Duque emphasized the importance of freedom of expression and held up the Declaration of Chapultepec as a commitment to this right. In addition, Vice President Marta Lucía Ramírez underscored and supported the message conveyed by the IACHR and Office of the Special Rapporteur for Freedom of Expression "which observes that, in the region, women participate less and are less visible in crucial topic areas having to do with government and policy, meaning that the work of women journalists is less visible, undervalued," and this translates into "an unjustified wage gap vis-à-vis their male colleagues." Republic of Colombia. Office of the Vice President, March 30, 2019. [Remarks by the Vice President of the Republic, Marta Lucía Ramírez, during the Mid-year Meeting of the Inter-American Press Association \(SIP\)](#) (in Spanish).

³⁸² "*Rechazamos enérgicamente el asesinato del periodista Libardo Montenegro, locutor de emisora comunitaria en Samaniego, Nariño. Nuestra voz de apoyo y solidaridad a sus familiares. He solicitado a las autoridades avanzar en investigaciones y encontrar a responsables de este crimen*" [We strongly condemn the murder of journalist Libardo Montenegro, broadcaster at the community radio station in Samaniego, Nariño. Our support and solidarity are with his family members. I have asked the authorities to move forward in their investigations and find the perpetrators of this crime.]. Official Twitter account of Iván Duque @IvanDuque. [June 12, 2019](#); DW, "[Ni uno más": Duque repudia el asesinato de líderes sociales en Colombia](#), July 21, 2019; *El Tiempo*. [El contundente repudio de Duque a los asesinatos de líderes sociales](#), July 20, 2019.

³⁸³ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 441.

³⁸⁴ *Publimetro*. [Fotógrafo habría sido agredido por la Policía en medio de las protestas](#), April 25, 2019; *Fundación para la Libertad de Prensa* (FLIP), [La FLIP rechaza las agresiones contra la prensa durante el cubrimiento del Paro Nacional](#), April 26, 2019; FLIP, [La FLIP](#)

of the information provided by the State indicating that “[t]he Colombian State, via the Office of the Inspector General, urges public servants, in the performance of their legal duties and functions and in the context of their activities, to respect and guarantee the activities of human rights defenders. To this end, Directive 002 of 2017 provides that public servants must refrain from engaging in behavior that discredits, disparages, harasses, or incites harassment or denigration of the work of [human rights defenders]. Similarly, it urges public servants to refrain from making false charges or accusations that compromise the safety, honor, and good name of human rights defenders, notwithstanding the legal obligation competent authorities have to investigate and prosecute crimes.”³⁸⁵ Bearing in mind that this recommendation entails progressive compliance, as well as the headway made, the Commission finds that it has been **complied with in part**.

Pursuit of justice

245. The IACHR and its Office of the Special Rapporteur observe that Colombia continues to see high levels of impunity with respect to crimes and attacks against journalists in retaliation for their activities. According to what the Special Rapporteur has documented, between 1995 and 2019 more than 100 journalists were murdered in situations tied to their professional activities. Likewise, previous annual reports have observed that these crimes tend to go unpunished as a result of excessive delays in investigations, which ultimately lead to the statutes of limitations running out.³⁸⁶

246. As to the recommendation to **compile detailed, disaggregated criminal statistics on violence against journalists and the criminal prosecution of these crimes**, the State reported that “[t]he Office of the Attorney General’s DECVDH is pursuing 44 active cases of violence against journalists and social communicators—38 of these are being pursued under Law 600 of 2000, and 6, under Law 906 of 2004. Of these, there are 36 cases of homicide, 3 threats, 1 kidnapping, 1 forced disappearance, 1 forced displacement, 1 violent sexual defilement, and 1 torture of a protected individual.”³⁸⁷

247. Moreover, based on information furnished by the State to the IACHR, “...the INMLCF [National Institute for Forensic Medicine and Sciences] has a database that can be used as an information clearinghouse to bring together national figures; the Institute has a tool called ‘Observatory,’ available on its website and at the link: <http://www.medicinalegal.gov.co/observatorio>. Under the Observatory, information is published on disappeared persons and fatal and non-fatal injuries with external causes in Colombia; this includes data disaggregated by age, gender, *municipio*, department, etc. and for the specific case of journalists and social communicators, applies the ‘Vulnerable Group’ variable.”³⁸⁸

248. The IACHR values the information provided and urges the State to unify parameters for compiling detailed and disaggregated criminal statistics about violence against journalists and data on the criminal prosecution of these crimes. As this recommendation entails progressive compliance, the Commission finds that it has been **complied with in part**.

249. With respect to the recommendation to **carry out diligent, impartial, and effective investigations of the murders, attacks, threats, and acts of intimidation committed against journalists**

[rechaza obstrucciones e intimidaciones contra periodistas en el Cauca](#), March 22, 2019; FLIP, [La FLIP rechaza las agresiones del Esmad en contra de periodistas que cubrían la Minga en el Cauca](#), March 20, 2019; FLIP, [La FLIP rechaza las agresiones a la prensa en medio del cubrimiento de la Minga en el departamento del Cauca](#), April 11, 2019; FLIP.

³⁸⁵ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 513.

³⁸⁶ IACHR, [Annual Report 2014. Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II. Doc. 13. March 9, 2015; IACHR, [Annual Report 2015. Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II. Doc. 48/15. December 31, 2015; IACHR, [Annual Report 2016. Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II. Doc. 22/17. March 15, 2017; IACHR, [Annual Report 2017. Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II. Doc. 210/17. December 31, 2017; IACHR, [Annual Report 2018. Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II. Doc. 30. March 17, 2019.

³⁸⁷ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 458.

³⁸⁸ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 457.

and media workers, the Commission and its Office of the Special Rapporteur found concerning information, particularly with regard to the legal decision to rule out the charge of crime against humanity in the case of the murder of journalist Jaime Garzón, and to delays in the case of Claudia Julieta Duque.

250. The Commission also hails both the progress made in different investigations having to do with crimes against journalists³⁸⁹ and the convictions secured.³⁹⁰ In this respect, in the case of the murder of journalist Nelson Carvajal Carvajal in 1998, the IACHR and its Office of the Special Rapporteur welcome and applaud the State's recognition of its international responsibility, in fulfillment of the March 13, 2018 judgment by the Inter-American Court of Human Rights. The Colombian Government did this during the Mid-year Meeting of the Inter-American Press Association (SIP), which took place in Cartagena, Colombia on March 29, 2019.³⁹¹ On that occasion, the Presidential Advisor for Human Rights and International Affairs recognized Colombia's international responsibility for the events that had taken place in April 1998 when the journalist and former councilmember was murdered because of the journalism work he was doing in Huila. Moreover, the Vice Minister for Multilateral Affairs of the Ministry of Foreign Relations presented Mr. Carvajal Carvajal's relatives with a plaque in his memory, "[w]hich extolled his professional merits and his praiseworthy work in reporting on acts of corruption."³⁹² The Special Rapporteur likewise hailed the decision adopted on August 14 by Office of the Prosecutor 95 of the Delegated Unit before the Superior Court of the Bogota Judicial District to designate this as a crime against humanity.³⁹³

251. In its comments on the draft of this report, the State indicated that the investigation into the murder of journalist Nelson Carvajal remains in the inquiry stage. Two individuals are expected to be brought to trial—former members of the FARC-EP—pending a decision by the Criminal Chamber of the Supreme Court of Justice regarding a motion to review filed by the Office of the Procurator General of the Nation.³⁹⁴

252. In addition, the IACHR and its Office of the Special Rapporteur welcome the pardon request by the State of Colombia for the relatives of journalist Gerardo Bedoya Borrero, murdered in 1997 in Cali. The State recognized its international responsibility during a public event held at the La Tertulia museum in Cali, Valle del Cauca, on September 30,³⁹⁵ after a friendly settlement was reached between the State and the Inter-American Press Association on September 4.³⁹⁶ In its comments on the draft of this report, the State indicated it was complying with the commitments set forth in the friendly settlement agreement signed on September 4,

³⁸⁹ Regarding progress in the investigations into the crime committed in 1986 against Guillermo Cano Isaza, who was the head of the newspaper *El Espectador*, the Office of the Attorney General secured "detention orders" for Jhon Jairo Velásquez Vásquez, aka "Popeye", and Gustavo Adolfo Gutiérrez Arrubla, aka "Maxwell". Based on the information, these individuals "were allegedly involved in planning the attack against the then head of the *El Espectador* newspaper." Republic of Colombia. Office of the Attorney General. May 27, 2019. [Medida de aseguramiento en cárcel para alias Popeye por magnicidio del periodista Guillermo Cano Isaza](#). As to the murders of social communicator Luis Peralta and his wife Sofía Quintero in 2015 in the El Recreo de Doncello neighborhood, department of Caquetá, the prosecutorial authorities apprehended an individual reportedly involved in that crime. In March 2018, the perpetrator of that crime, Yean Arlex Buenaventura, was sentenced "to more than 50 years in prison for the crimes of aggravated homicide in conjunction with the trafficking, manufacture, and illegal possession of firearms. Republic of Colombia. Office of the Attorney General. March 22, 2019. [Aprehendida en Doncello \(Caquetá\) adolescente que habría participado en homicidio de un periodista y su esposa en el año 2015](#).

³⁹⁰ Republic of Colombia, Office of the Attorney General, [Tres condenas por amenazas contra periodistas, defensores de derechos humanos y líderes sociales](#), September 3, 2019; Legal Affairs, [Fiscalía condenó a 38 meses de prisión a Francisco Andica por amenazas a periodistas y magistrados](#), April 3, 2019; *El Heraldo*, [Condenan a tuitero que amenazó a 'Matador'](#), April 3, 2019.

³⁹¹ Republic of Colombia, Office of the Presidential Advisor for Human Rights and International Affairs, [Estado colombiano reconoce responsabilidad y pide perdón en el caso Carvajal Carvajal y otros](#), March 29, 2019.

³⁹² Republic of Colombia. Office of the Presidential Advisor for Human Rights and International Affairs, [Estado colombiano reconoce responsabilidad y pide perdón en el caso Carvajal Carvajal y otros](#), March 29, 2019.

³⁹³ *La FM*, [Crimen del periodista Nelson Carvajal, declarado como de lesa humanidad](#), August 16, 2019; FLIP, SIP, RFK Human Rights y FLIP [aplauden declaratoria de lesa humanidad del homicidio del periodista Nelson Carvajal](#), August 22, 2019.

³⁹⁴ Gobierno de Colombia, Nota Diplomática MPC/OEA No. 075/2020, 17 de enero de 2020, p. 85.

³⁹⁵ Inter-American Press Association (SIP), [SIP y gobierno de Colombia resaltan figura de periodista asesinado hace 22 años](#), September 30, 2019.

³⁹⁶ IACHR, [IACHR saluda la firma del acuerdo de solución amistosa del Caso 12.909 Gerardo Bedoya Borrero y familiares](#), September 4, 2019.

2019, which include an obligation for the State to investigate, try, and punish those responsible for the facts in order to establish the actual motives behind the homicide of the journalist.³⁹⁷

253. With respect to crimes against journalists for which the statute of limitations is on the verge of running out, the IACHR and its Office of the Special Rapporteur salute the decision made in September by the Office of the Attorney General to designate the 1999 murder of Guzmán Quintero Torres as a crime against humanity; Mr. Quintero Torres had worked as a journalist at the *El Pilón* newspaper in the city of Valledupar.³⁹⁸ Further progress observed included the appearance by Jorge Hernando López Escobar—convicted in 2015 as an accomplice to the murder of journalist Orlando Sierra—before the Office of the Prosecutor in Caldas on January 22 after a ruling by the Criminal Chamber of the Supreme Court on December 11, 2018, which had upheld the 36 year, 3-month prison sentence for Ferney Tapasco González, who had been identified as the mastermind of the crime in 2015. However, the criminal appeals court reduced the prison sentence of 28 years and 10 months to 17 years for López Escobar and his brother Fabio López Escobar.³⁹⁹ In its comments on the draft of this report, the State indicated that this case is one of the investigations made a priority by DECVDH under its strategy to comprehensively deal with violence against journalists, media workers, and/or social communicators. The process is currently at the preliminary investigation stage.⁴⁰⁰

254. Within this context, with respect to the murder of Jaime Garzón in 1999, which was declared a crime against humanity 2016,⁴⁰¹ the IACHR and its Office of the Special Rapporteur observe with deep concern the decision handed down by the Criminal Chamber of the Bogota Superior Court on July 19, which removed this classification and knocked off four of the 30 years of prison to which José Miguel Narváz Martínez, former assistant director of the now defunct Administrative Department of Security (DAS), had been sentenced for being the mastermind behind the crime. As of the finalization of this report, the status of this classification was reportedly still pending before the Supreme Court's Criminal Appeals Chamber.⁴⁰²

255. As to headway in the investigations into the 2001 kidnapping and torture of journalist Claudia Julieta Duque because of her journalistic work in connection with the murder of Jaime Garzón, on January 18, the Second Specialized Criminal Court of Bogota ordered the release of William Alberto Merchán, the former DAS agent who had allegedly been involved in this case, because the deadline for the start of his trial had passed.⁴⁰³ However, the Superior Court of Bogota reversed this decision on February 19 and⁴⁰⁴ the trial against Merchán began on February 25,⁴⁰⁵ though on August 14 the media reported that [Merchán] had once again been released by order of a Bogota court due to delays in the trial.⁴⁰⁶ In this context, with respect to the case

³⁹⁷ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 85.

³⁹⁸ *El Herald*, [Fiscalía declara crimen de lesa humanidad asesinato de periodista Guzmán Quintero](#), September 14, 2019; *El Pilon*, [Los crímenes de periodistas declarados de lesa humanidad](#), September 15, 2011; *Fundación para la Libertad de Prensa* (FLIP), [Luego de 20 años, homicidio de Guzmán Quintero Torres es declarado de lesa humanidad](#), September 26, 2019.

³⁹⁹ Republic of Colombia. Supreme Court of Justice. Criminal Appeals Chamber. [SP1658/2018](#), December 11, 2018; Republic of Colombia. Office of the Attorney General. [Capturado para cumplir condena cómplice del homicidio de Orlando Sierra](#), January 24, 2019; *La Patria*, [Se entregó Jorge Hernando López Escobar, cómplice del asesinato de Orlando Sierra Hernández](#), January 24, 2019; *La Patria*, [Se entregó cómplice en asesinato de Orlando Sierra](#), January 23, 2019.

⁴⁰⁰ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 85.

⁴⁰¹ IACHR, [Annual Report 2016. Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II. Doc. 22/17. March 15, 2017. Paragraphs 313-314.

⁴⁰² *El Universal*, [Tribunal redujo condena a exdirector del DAS por homicidio de Jaime Garzón](#), July 26, 2019; *El País*, [Crimen de Jaime Garzón no se puede catalogar como de lesa humanidad: Tribunal](#), July 26, 2019; *El Herald*, [Consejo de Estado y Fiscalía clasificaron crimen de Jaime Garzón como de lesa humanidad: víctimas](#), July 31, 2019; *El Herald*, [Corte definirá si el de Garzón fue un crimen de lesa humanidad](#), August 13, 2019; *lafm*, [Corte decidirá si caso de Jaime Garzón es un crimen de lesa humanidad](#), August 12, 2019.

⁴⁰³ FLIP, [Exfuncionarios del DAS investigados por el delito de tortura contra Claudia Julieta Duque se encuentran en libertad](#), January 30, 2019.

⁴⁰⁴ *El Espectador*. [Se inicia juicio contra exagente del DAS que habría torturado a Claudia Julieta Duque](#), February 25, 2019.

⁴⁰⁵ *El Espectador*. [Se inicia juicio contra exagente del DAS que habría torturado a Claudia Julieta Duque](#), February 25, 2019.

⁴⁰⁶ *Wradio*. [En libertad acusado de tortura psicológica a periodista Claudia Julieta Duque](#), August 14, 2019; *RCN Radio*, [En libertad exagente del DAS procesado por tortura psicológica contra periodista](#), August 14, 2019.

against Emiro Rojas Granados, former assistant director of DAS, in July the IACHR and its Office of the Special Rapporteur received with concern information regarding a legal decision by the Second Specialized Criminal Court of Bogota ordering the journalist Duque to refrain from issuing non-objective opinions or information about the trial.⁴⁰⁷

256. With regard to the kidnapping, rape, and torture of Colombian journalist Jineth Bedoya in 2000, the Fifth Criminal Court of the Specialized Circuit sentenced Alejandro Cárdenas and Jesús Emiro Pereira to 30 to 40 years on May 6.⁴⁰⁸ Despite these convictions, however, at least 25 individuals, among them, public officials who were allegedly involved in this incident, have not been investigated.⁴⁰⁹ In this context, on July 16 the IACHR presented case 12.954, *Jineth Bedoya Lima and Other* to the Inter-American Court of Human Rights because of the State's failure to comply with a series of recommendations, which included conducting a complete, impartial, and effective investigation, within a reasonable period of time, to establish all the responsibilities surrounding the crimes committed against the journalist, including the possible participation of State agents, in order to guarantee [Bedoya's] and her family's safety.⁴¹⁰

257. In its comments on the draft of this report, the State indicated that the investigation regarding journalist Jineth Bedoya has continued to move forward in the inquiry stage with regard to other parties responsible. It stated that a guilty verdict was handed down on May 6, 2019, against Jesús Emiro Pereira and Alejandro Cárdenas Orozco. It was upheld on appeal in a decision dated October 28, 2019. It indicated that Alejandro Cárdenas was sentenced to 30 years in prison as the co-perpetrator of aggravated rape of a protected person, and Jesús Emiro Pereira was sentenced to 40 years and six months in prison as the co-perpetrator of the crime of simple aggravated kidnapping, torture, and aggravated rape of a protected person.⁴¹¹

258. Regarding the recommendation about **the creation of specialized units and special investigative protocols, as well as the identification and exhaustion of all possible case theories related to the professional work of the victim**, the Commission takes note of the Office of the Attorney General's 2018 report wherein it indicates that since July 2017, "the Specialized Directorate against Human Rights Violations, in coordination with the Office of the Assistant Attorney General of the Nation, the Delegate for Citizen Security, and the Office of Policies and Strategy, has been implementing a strategy to prioritize and comprehensively address violence against journalists, social communicators, and media workers"... "the objective of which is to make the investigation and prosecution of these types of attacks more effective."⁴¹² As to the "Strategy to prosecute threats against journalists," it indicates that "based on a diagnostic analysis report prepared by the Office to Support Investigation and Analysis for Citizen Security, a strategy was devised to improve the Office of the Attorney General's response to these cases."⁴¹³

259. Additionally, according to the information submitted by the State to the IACHR, "[t]he Strategy being pursued by the Office of the Attorney General includes actions related to: development of a protocol for investigating threats; early intervention when threats are reported; creation of a working group comprised of prosecutors, investigators, and analysts, coordinated with the National Police; prioritization of status and

⁴⁰⁷ FLIP, [FLIP rechaza orden de censura en el caso de la periodista Claudia Julieta Duque](#), July 25, 2019; *Wradio*, [Juez prohíbe a Claudia Duque emitir opiniones sobre proceso por tortura psicológica](#), July 26, 2019; *La Nueva Prensa*, [Periodista Claudia Julieta Duque, víctima de tortura, recusa a juez de su caso y anuncia que la desacatará](#), July 25, 2019.

⁴⁰⁸ Committee for the Protection of Journalists (CPJ), [Colombia sentences two ex-paramilitary fighters for 2000 attack on Jineth Bedoya](#), May 8, 2019; Knight Center for Journalism in the Americas, [After 19 years, two former paramilitary members sentenced for abduction, torture, and sexual abuse of Colombian journalist](#), May 8, 2019.

⁴⁰⁹ FLIP, [Sentencia en contra de paramilitares: punto de partida para la justicia en el caso de Jineth Bedoya](#), May 7, 2019.

⁴¹⁰ IACHR, [Press release R177/19. IACHR presents case on Colombia to the I/A Court of H.R.](#), July 19, 2019.

⁴¹¹ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 85.

⁴¹² Republic of Colombia. Office of the Attorney General. [Rendición de Cuentas 2017-2018](#).

⁴¹³ Republic of Colombia. Office of the Attorney General. [Rendición de Cuentas 2017-2018](#).

periodic follow-up on investigations; adoption and implementation of Law 1908 of 2018, which added threats against defenders as a crime and made punishment for this crime more severe.”⁴¹⁴

260. Finally, as to the obligation to **prosecute, through impartial and independent courts, within the standards established by international law, the persons responsible for the crimes committed in retaliation for the exercise of the right to freedom of expression, and make adequate reparation to their victims and family members**, the State reported that with regard to the cases being pursued by the Office of the Attorney General, “a year into the implementation of the strategy to prioritize the investigation and prosecution of threats against human rights defenders, there have been three convictions, nine indictments, and eight trials.” The State also emphasizes that “among the eight cases in the trial phase for threats made between October 2017 and October 2018, five are trials in connection with threats against journalists;” “five cases in the trial stage correspond to threats made over social media, two to personal threats, and one to a phone threat.” Based on the information examined by the IACHR and the different advances observed, the Commission finds there has been **partial compliance** with both recommendations.

6. Discrimination against lesbian, gay, bisexual, trans, and intersex persons

- Design and adopt the measures necessary to prevent acts of violence and discrimination against lesbian, gay, bisexual, trans, and intersex persons, to protect them from these abuses, and to act with due diligence when responding to these acts, whether committed by state agents, third persons, or armed groups, throughout the national territory.

261. With respect to this recommendation, the IACHR learned of the signing, on July 31, 2019, of the Collective Reparation Plan, whose aim is to remedy threats and displacement suffered by the LGBT Group of *comuna 8* in Medellín⁴¹⁵—the first LGBT group to receive collective reparation in Colombia.⁴¹⁶ The IACHR hails these types of measures because they guarantee LGBTI victims of human rights violations and their next of kin effective access to reparations, in accordance with international legal standards, and urges the State to continue implementing reparations programs that take the specific needs of LGBTI persons into consideration.⁴¹⁷

262. The Commission was informed about the Supreme Court decision that used the construct of social stigmatization and discrimination to recognize the right to a pension of a woman in a same-sex relationship.⁴¹⁸ The IACHR values these types of judgments and urges the State to take whatever actions needed to guarantee access to justice for LGBTI persons, including trainings for all personnel in the justice system, in order to adequately address the needs of the LGBTI population and to promote the protection of their rights on an equal and non-discriminatory basis.⁴¹⁹

263. The IACHR received information about the appointment of Brigitte Baptiste as dean of a university, making her the first trans woman to hold this type of position in Colombia,⁴²⁰ as well as about the election of Claudia López, a lesbian woman, as mayor of Bogotá.⁴²¹ The Commission welcomes the fact that in Colombia, opportunities for leadership and political participation are guaranteed for LGBTI persons in an effort to ensure they see their needs and demands reflected in the public sphere.

⁴¹⁴ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 446.

⁴¹⁵ *El Espectador*, [Se firmó acuerdo de reparación para la Mesa LGBT de la comuna 8 de Medellín](#), July 31, 2019.

⁴¹⁶ MAPP-OAS, [Proceso de reparación colectiva de la Mesa LGBT Comuna 8 de Medellín](#).

⁴¹⁷ IACHR, [Violence against LGBTI Persons in the Americas](#), paragraph 516.

⁴¹⁸ *El Tiempo*, [Ordenan pensión a mujer cuya pareja negó relación por estigma social](#), November 4, 2019.

⁴¹⁹ IACHR, [Advances and Challenges towards the Recognition of the Rights of LGBTI Persons in the Americas](#), paragraph 202.

⁴²⁰ *El Espectador*, [Brigitte Baptiste, nueva rectora de la Universidad EAN](#), July 22, 2019.

⁴²¹ BBC News, [Claudia López: Colombia's capital elects gay woman as mayor](#)

264. The Commission was informed about actions taken by the State in light of Decree 762 of 2018, and about the national public policy to guarantee LGBTI persons' exercise of their rights,⁴²² the aims of which are to protect LGBTI individuals from violence against them. The Commission also takes note of the creation of the Urgent Cases Working Group, whose purpose is to coordinate actions among national and territorial agencies to identify, encourage, and follow up on cases that violate or endanger LGBTI individuals' rights to life, security, and integrity, and to address cases of discrimination based on sexual orientation and identity and different manifestations of gender diversity.⁴²³

265. In this connection, the Commission received information that the UNP had taken the position that, despite sexual orientation not being explicitly spelled out among its lines of actions, it is responsible for the individual and collective protection of LGBTI persons. Furthermore, in 2019 it launched a project to raise awareness among its own staff about gender- and LGBTI-related issues.⁴²⁴

266. Similarly, the IACHR takes note of reports that the Agency for Reincorporation and Normalization created a group to support the development, execution, and monitoring of crosscutting actions with a differential and gender approach—which includes LGBTI persons—in certain plans, programs, and projects designed to implement the provisions of the National Policy for the Social and Economic Reintegration of Former Members of the FARC-EP.⁴²⁵

267. The State also reported that the Office of the Attorney General, through the Group on Gender-based Violence and other Forms of Discrimination, is supporting the investigation of 10 homicides and feminicides of LGBTI individuals committed between 2016 and 2018 in Barranquilla, Bucaramanga, Buga, Cali, Cartagena, and Medellín. Additionally, the Ministry of the Interior has set up an online channel for receiving reports of violations of the human rights of LGBTI persons.⁴²⁶

268. The Commission has, however, learned of acts of violence against LGBTI individuals, including the murders of at least 4 trans women in the department of Valle del Cauca.⁴²⁷ According to civil society reports, the first half of 2019 saw 11 homicides of LGBT persons.⁴²⁸ The IACHR recalls that the fight against violence and discrimination based on sexual orientation, identity, and/or gender expression and sexual characteristics must include access to justice guarantees, which make investigation, punishment, and reparations for victims possible, while also noting that strong measures must be taken to fully ensure the rights of trans women, who, regionally, are immersed in a cycle of violence, discrimination, and criminalization, making them particularly vulnerable to violence.⁴²⁹

269. The Commission welcomes the efforts of the State to adapt its institutions in order to offer a targeted approach to the specific challenges faced by LGBTI individuals and recalls States' duty to guarantee criminal investigations and an examination of the motives behind the attack, including opening lines of

⁴²² Republic of Colombia. Decree No. 762 de 2018, Article 2.4.4.2.1.1.

⁴²³ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 472.

⁴²⁴ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, p. 30.

⁴²⁵ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, p. 44.

⁴²⁶ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 472.

⁴²⁷ *CNN en Español*, [Dos asesinatos de mujeres transgénero en Colombia en lo que va corrido de 2019 preocupan a organizaciones](#), January 9, 2019; *Vanguardia*, [Investigan asesinato de mujer transgénero en el Centro de Bucaramanga](#), October 20, 2019 and *RCN Radio*, [Indignación en Cali por asesinato de integrante de comunidad LGTBI](#), September 28, 2019.

⁴²⁸ *Colombia Diversa*, [El Prejuicio no Conoce Fronteras](#), 2019 and *El Tiempo*, [Colombia, el país de la región donde más matan personas LGBTI](#), August 14, 2019.

⁴²⁹ IACHR, [Violence against Lesbian, Gay, Bisexual, Trans, and Intersex Persons in the Americas](#), paragraph 26.

investigation to determine whether the crime was committed based on the real or perceived sexual orientation or gender identity of the victim or victims.⁴³⁰

270. The IACHR was also informed about the removal and destruction of LGBT flags displayed by the mayor's offices in Medellín and Pasto on the occasion of Gay Pride Day in June 2019.⁴³¹ In this regard, it welcomes the fact that the person who removed the flag in Medellín has been punished and ordered to attend training.⁴³²

271. The IACHR acknowledges the progress Colombia has made in implementing this recommendation. It nevertheless reiterates its call for the State to continue to take affirmative actions that seek to put an end to cultural prejudices and stigmas against LGBTI individuals and to proceed, with due diligence, in investigating and punishing perpetrators and providing reparation to victims of violence. In view of the foregoing, the Commission finds **partial compliance** with the recommendation and will continue to monitor compliance therewith.

7. Persons Deprived of Liberty

- Adopt the administrative, legal, and judicial measures needed to ensure that pre-trial detention of persons who have not been convicted with a firm judgment is used as the measure of last resort and for the shortest possible time, in keeping with the international standards presented in this report, so as to bring about a reduction in the number of persons subjected to this precautionary measure.
- Adopt effective measures to ensure the delivery of adequate medical and psychiatric care at every prison and jail in the country. Implement external supervision and monitoring mechanisms for health services that are provided in prisons. And make adequate reparation, in keeping with domestic law, to all those persons who have suffered harm stemming from the deficient provision of health services in the prisons, as well as to family members of those who have died as a result of this.
- Urgently adopt effective measures to guarantee the supply of drinking water and water to meet other needs of persons deprived of liberty in prisons, in keeping with the international minimum standards set forth in this report.
- Ratify the Optional Protocol of the United Nations Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

272. With respect to the recommendation to **adopt measures to ensure that pre-trial detention is used as the measure of last resort and for the shortest possible time**, the State provided information about the regulatory framework for the precautionary measure in question.⁴³³ In its comments on the draft of this report, the State noted that in 2019 a discussion and approval of the strategic guidelines contemplated in the National Criminal Policy Plan was conducted within the framework of the Technical Committee of the Superior Council of Criminal Policy, that among others, seeks to strengthen existing weaknesses in the disproportioned use of preventive detention⁴³⁴.

273. The IACHR observes that, according to figures from Colombia's National Prisons and Penitentiaries Institute (INPEC), as of July 2019, a total of 41,330 people, or the equivalent of 33% of the prison population, were in pre-trial detention.⁴³⁵ Of them, 91.9% (37,990) are men and 8.1% (3,340) women.⁴³⁶ The Commission to Follow Up on Judgment T-388 of 2013—a decision that declared the existence of an

⁴³⁰ IACHR, [Violence against Lesbian, Gay, Bisexual, Trans, and Intersex Persons in the Americas](#), paragraph 25.

⁴³¹ *RCN Radio*, [Cortan bandera del orgullo gay que había instalado la Alcaldía de Medellín](#), June 29, 2019, and *TuBarco*, [Vergonzoso: al igual que en Medellín, bandera Lgbti fue atacada en Pasto](#), July 2, 2019.

⁴³² *El Tiempo*, [Este es el hombre señalado de destruir la bandera LGBTI en Medellín](#), June 29, 2019.

⁴³³ Government of Colombia, Diplomatic Note No. S-GAIIID-19-045912, October 30, 2019, paragraphs 474-478.

⁴³⁴ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 86.

⁴³⁵ INPEC, [Informe Estadístico Julio de 2019](#), August 22, 2019, p. 33. The total number of persons deprived of liberty is 123,078.

⁴³⁶ INPEC, [Informe Estadístico Julio de 2019](#), August 22, 2019, p. 33. The total number of persons deprived of liberty is 123,078.

unconstitutional situation in the prison system—underscores the importance and need for the State to do a comprehensive overhaul of its criminal policy in order to reduce pre-trial detention and implement alternatives thereto.⁴³⁷ In its comments on the draft of this report, the State indicated that on August 22, 2019, there was a reduction in the number of people held in pre-trial detention, with the system registering 38,786, of which 35,713 are men and 3073 are women.⁴³⁸ With this situation in mind, the IACHR finds that this recommendation remains **pending compliance**. It therefore encourages the State to redouble its efforts to reduce pre-trial detention, using it only in exceptional cases, and in keeping with the principles of legality, proportionality, necessity, and reasonableness.

274. Regarding the recommendation to **adopt effective measures to ensure the delivery of adequate medical and psychiatric care, ensure external monitoring of health services, and make adequate reparation to all those persons who have suffered harm stemming from the deficient provision of health services in the prisons**, the State reported that on March 29, 2019, the Prisons and Penitentiaries Services Unit (USPEC) signed Mercantile Trust Agreement No. 145 with the Healthcare Fund Consortium for Persons Deprived of Liberty 2019. The idea is to manage and pay out the funds deposited by the trustor in the national health fund—including for mental healthcare—for persons deprived of liberty.⁴³⁹

275. The State reported that the Healthcare Fund Consortium for Persons Deprived of Liberty had hired different healthcare providers to deliver health services in national prison and penitentiary facilities—also known as ERONs—like the Clínica de La Paz, Viejo Caldas Noroeste, Occidente, and Clínica Basilia.⁴⁴⁰ The State indicates that, since July 2019, a specialized firm has been performing an audit of both the quality and rate of use of these services both within and outside prison walls.⁴⁴¹ It further reported that as part of the ongoing healthcare services improvement strategy, in coordination with the Healthcare Fund Consortium, Specific Protection and Early Detection Brigades were ordered deployed to ERONs that had been prioritized because of their numbers of health-related legal cases.⁴⁴²

276. For its part, the IACHR notes that, according to the Commission to Follow Up on Judgment T-388 of 2013—in the context of the national government’s fifth semi-annual report on the unconstitutional state of affairs in the penitentiary and prison system—the State does not provide information regarding the current health status of persons deprived of liberty, the medical staff available, or supply of medications. The Commission also highlights the lack of a plan of action with a differential approach in connection with medical care for women inmates.⁴⁴³ In this regard, publicly available data reveal inadequate medical care for persons deprived of liberty.⁴⁴⁴ In its comments on the draft of this report, the State indicated that health services were being provided such as optometry, electrocardiograms, dental specialties, workshops on specific protection and early detection, provision of contraceptives, and the application of rapid HIV tests.⁴⁴⁵ The IACHR finds **compliance** with this recommendation to be **partial**.

⁴³⁷ Commission to Follow Up on Judgment T-388 of 2013 (CSS), [Comentarios sobre el Quinto Informe de Semestral de Seguimiento del Gobierno Nacional al Estado de Cosas Inconstitucional del Sistema Penitenciario y Carcelario](#), February 14, 2019, p. 13.

⁴³⁸ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 92.

⁴³⁹ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 481.

⁴⁴⁰ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 485.

⁴⁴¹ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 489.

⁴⁴² Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 112.

⁴⁴³ Commission to Follow Up on Judgment T-388 of 2013 (CSS), [Comentarios sobre el Quinto Informe de Semestral de Seguimiento del Gobierno Nacional al Estado de Cosas Inconstitucional del Sistema Penitenciario y Carcelario](#), February 14, 2019, p. 5 and p. 8.

⁴⁴⁴ In this regard, see *RNC Radio*, [Cárceles y salud: lo que hacen los reclusos que no logran sus citas médicas](#), October 8, 2019; *El Herald*, “Press release: [“Enfermos, otro problema más en la cárcel de Riohacha.”](#) August 5, 2019, and *El Espectador*, “Press release: [Alerta por brote de paperas en la cárcel de Rivera. Huila.](#)” May 12, 2019.

⁴⁴⁵ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 87.

277. As to the recommendation to **adopt effective measures to guarantee the supply of drinking water in prisons**, the State indicated that the USPEC's Office of Infrastructure was in charge of concluding and supervising contracts for the building of prisons and maintenance of the EROs' physical structures. In this context, the State indicates that maintenance work has been done on the water system, allowing for drinking water to be supplied to persons deprived of liberty. The State further notes that the USPEC operates and maintains drinking water treatment plants in facilities that do not receive water service from residential utilities companies.⁴⁴⁶

278. The Commission emphasizes the decision by the Constitutional Court in Judgment T-044 of February 6, 2019, with respect to the fact that the supply of drinking water to all of Colombia's prisons should be continuous.⁴⁴⁷ The Commission to Follow Up on Judgment T-388 emphasizes that the State's report on this matter fails to provide information regarding access to water in prisons. Specifically, no account is given about limits on use by hours or whether the amount of water provided to persons deprived of liberty is in keeping with the quantity ordered by the Constitutional Court. The State also fails to report on the conditions under which water is supplied to persons deprived of liberty.⁴⁴⁸ Lastly, the Commission observes that 2019 reportedly saw cuts in service, inadequate verification of supply systems, and limits on access to drinking water.⁴⁴⁹

279. In its comments on the draft of this report, the State indicated that the EROs have 49 water treatment plants, corresponding to 21 PTAPs and 28 PTARs. Additionally, it is in the process of contracting or securing guarantees for the process to operate and maintain five EROs.⁴⁵⁰ In view of the foregoing, the IACHR finds **partial compliance** with this recommendation and reminds the Colombian State that failure to supply drinking water is a grave violation of its duty to provide guarantees to persons in its custody.

280. Lastly, regarding the recommendation to **ratify the Optional Protocol of the United Nations Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**, the State reports that accession to this instrument is being consulted with the relevant agencies.⁴⁵¹ This recommendation therefore remains **pending compliance**.

8. The aggravated risk to human rights defenders

- Step up its efforts to consolidate a culture of respect for those who defend human rights, both at the different levels of the State and in the citizenry in general through promotional and educational activities aimed at publicly recognizing the contribution of human rights defenders to upholding human rights in the context of the armed conflict and in seeking peace and the consolidation of democracy in Colombia.
- Ensure that the authorities of the State or private persons do not use the punitive power of the State and its organs of justice to criminalize human rights defenders in retaliation for their activities protecting human rights. In addition, ensure that its officials refrain from making statements that stigmatize human rights defenders or that suggest that the human rights organizations act improperly or unlawfully because of their work to promote and/or defend human rights.
- Continue designing and implementing comprehensive and effective public policies for protecting human rights defenders at risk, with special attention to those groups of defenders who may be especially vulnerable. As part of this policy the Commission considers that in addition to material measures of protection, the State should effectively investigate the sources of risk to human rights defenders with the

⁴⁴⁶ Government of Colombia, Diplomatic Note No. S-GAIIID-19-045912, October 30, 2019, paragraph 499.

⁴⁴⁷ Constitutional Court of Colombia, [Judgment T-044/2019](#) (in Spanish), February 6, 2019.

⁴⁴⁸ Commission to Follow Up on Judgment T-388 of 2013 (CSS), [Comentarios sobre el Quinto Informe de Semestral de Seguimiento del Gobierno Nacional al Estado de Cosas Inconstitucional del Sistema Penitenciario y Carcelario](#), February 14, 2019, p. 18.

⁴⁴⁹ *RCN Radio*, "[Corte ordena acabar horario de suministro de agua potable en las cárceles](#)", March 1, 2019, and *RCN Radio*, "[Denuncian que cárcel de Ibagué está sin agua desde hace más de 20 días.](#)" July 9, 2019.

⁴⁵⁰ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 89.

⁴⁵¹ Government of Colombia, Note S-GAIIID-19-045912 of October 30, 2019, paragraph 502.

aim of defusing them. [In the current context, provide updated figures on attacks against defenders and social leaders in 2019. Furnish up-to-date information on successful closure rates of investigations being done into crimes committed as from January 1, 2016 against human rights defenders and social leaders; and any actions being taken to prevent such occurrences.] [Indicate whether a differential gender, ethnic, and LGBTI approach has been used when investigating crimes committed against human rights defenders.]

- Guarantee the effective participation of the human rights defenders who are the beneficiaries of the measures in question in all procedures to adopt, implement, monitor, or lift special measures of protection. In particular, the Commission recommends to the State that it ensure that the personnel who participate in the security schemes for human rights defenders are designated with the participation of and coordinating with the beneficiaries so as to build confidence. [Indicate whether a differential gender, ethnic, and LGBTI approach has been used when adopting protection measures, as well as progress made in adopting collective measures].
- Develop a public policy aimed at fighting impunity in cases involving violations of the rights of human rights defenders through exhaustive and independent investigations that make it possible to punish both the direct perpetrators and those who planned and ordered the violations. The Commission recommends as part of this policy that the State establish specialized protocols for coordination among prosecutors and, as the case may be, unify the investigations into crimes committed against the same civil society organizations and the same human rights defenders to give impetus to the investigations and possibly determine patterns of attacks, other acts of aggression, and harassment.

281. With respect to the general situation of vulnerability human rights defenders face, the Commission recommended to the State that it **step up its efforts to consolidate a culture of respect for those who defend human rights, both at the different levels of the State and in the citizenry in general through promotional and educational activities aimed at publicly recognizing the contribution of human rights defenders to upholding human rights in the context of the armed conflict and in seeking peace and the consolidation of democracy in Colombia.**

282. In its response to the IACHR, the State recognized the important role played by human rights defenders and their contribution to the strengthening of democratic co-existence. The State noted that it had begun a campaign from the most senior level of government to combat stigmatization of the work of leaders and defenders, and has been fostering social dialogue via events to recognize the efforts of these groups.⁴⁵² The State also indicated that 55 regional events had been held under the Timely Plan of Action (PAO) during which the work of human rights defenders was recognized.⁴⁵³ The State further noted that one of the main pillars of the PAO is to put an end to the stigmatization of these collectives.⁴⁵⁴

283. The Commission, for its part, continued to receive information about defamatory discourse targeting defenders. The Commission learned of, among others, a smear campaign allegedly launched against human rights defender Daniel Ernesto Prado Albarracín, a beneficiary of precautionary measures granted by the IACHR in November 2017—on February 25, 2019 a video was reportedly spread that disparaged his work as a lawyer by claiming that his human rights defense work was part of a political war against senior officials of the ruling party.⁴⁵⁵ The IACHR was also recently informed about statements made by state authorities against members of the Committee to Defend the Water and Páramo of Santurbán, Colombia. According to this information, in May 2019, in the context of multiple protests against new extractive projects, the mayor of the

⁴⁵² Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 522.

⁴⁵³ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 125.

⁴⁵⁴ Government of Colombia, Note S-GAIID-19-049327 of December 5, 2019, p. 18.

⁴⁵⁵ FIDH, [Colombia: Campaña de ataques, intimidación y amenazas en contra del Sr. Daniel Ernesto Prado Albarracín](#), April 2, 2019.

municipio of Vetás, department of Santander, claimed that the protests had been organized by illegal armed groups.⁴⁵⁶

284. The Commission values the State's acknowledgement of the work done by these groups in its report to the IACHR. Despite cases being increasingly isolated, the Commission is concerned about the persistence of this type of discourse. The Commission reminds the State that its authorities must refrain from making denigrating statements or spreading negative views about the efforts of human rights defenders, and underscores the importance of their work in terms of strengthening and consolidating rule of law. In view of the foregoing, the Commission finds **partial compliance** with this recommendation.

285. As to the criminalization and stigmatization of human rights defenders, the Commission recommended that the State **ensure that the authorities of the State or private persons not use the punitive power of the State and its organs of justice to criminalize human rights defenders in retaliation for their activities protecting human rights. In addition, ensure that its officials refrain from making statements that stigmatize human rights defenders or that suggest that the human rights organizations act improperly or unlawfully because of their work to promote and/or defend human rights.** In this regard, the State referred to Directive 002 of 2017, which urges public servants to refrain from engaging in behavior that discredits, disparages, harasses, or incites harassment or denigration of the work of [human rights defenders].⁴⁵⁷

286. The Commission was informed about potential criminalization in the context of protests. In this vein, the IACHR learned about the disproportionate use of force and unconventional devices during protests, as well as alleged statements made by government authorities asserting that "the protests are infiltrated by residual armed groups."⁴⁵⁸ Civil society organizations made reference to statements made by government authorities announcing the launch of criminal investigations following social protests. In this respect, they noted the case of defenders belonging to the "*Minga* for the defense of life, democracy, justice, and peace in southwestern Colombia," who, after protests that began on March 10, 2019, were allegedly subject to criminal charges. Available data reveal that the Office of the Attorney General announced to the media the possibility of criminal investigations being opened against these protesters for several crimes, including obstruction of public thoroughfares and kidnapping.⁴⁵⁹

287. Criminalization stigmatizes human rights defenders collectively and sends an intimidating message to anyone who intends to denounce or has already denounced human rights violations.⁴⁶⁰ The IACHR mentioned that opening groundless criminal investigations or judicial actions against human rights defenders not only has a chilling effect on their work, but it can also paralyze their efforts to defend human rights.⁴⁶¹

288. Based on its analysis, the Commission finds that this recommendation remains **pending compliance**.

289. As to the recommendation to the State to continue to develop comprehensive public policies to protect vulnerable human rights defenders, the State reported that it was in the process of devising such a policy of guarantees and respect for human rights defense work that would include a differential approach in

⁴⁵⁶ Information received through the Center for International Environmental Law (CIEL) on May 31, 2019, in the archives of the IACHR.

⁴⁵⁷ Government of Colombia, Diplomatic Note No. S-GAIIID-19-045912, October 30, 2019, paragraph 513.

⁴⁵⁸ Information received from the organization *Marcha Patriótica* on May 21, 2019, in the archives of the IACHR.

⁴⁵⁹ FIDH, [Colombia: Estigmatización y criminalización de la protesta social La Minga](#), March 27, 2019; CAJAR, Observatory for the Protection of Human Rights Defenders (FIDH-OMCT) requests protection for the *Minga* and an investigation into the murder of its leader, April 5, 2019.

⁴⁶⁰ IACHR, [Second Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II, December 31, 2011, paragraph 79.

⁴⁶¹ IACHR, [Second Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II, December 31, 2011, paragraph 76.

terms of equity, ethnicity, and territory, aimed at protecting, preventing, and guaranteeing the non-repetition of actions against these groups. The State indicated that the structure of this policy would be consistent with the PAO's lines of action and would involve different sectors.⁴⁶² The State reported on the development of a comprehensive public policy for human rights defense work and indicated that the National Development Plan included as a target, the formulation and implementation of the National Public Policy on Prevention and Protection for Social and Community Leaders, Journalists, and Human Rights Defenders. That State noted that territorial workshops had been held and organized jointly with the National Committee as part of the process of developing this policy, with approximately 370 defenders participating.⁴⁶³

290. The State also made reference to the National Security Guarantees Commission (CNGS), whose objective is to develop and follow up on the public and criminal policy governing the dismantling of criminal organizations or criminal behavior behind homicides and massacres targeting human rights defenders. The State indicated that the CNGS had met periodically and examined more deeply the need to have a policy that includes a gender and ethnic approach.⁴⁶⁴

291. Regarding prevention measures, the State made reference to the creation of the PAO in 2018, indicating that, under the leadership of the Ministry of the Interior, PAO meetings are held in the territories. The State emphasized the revival of the National Guarantees Working Group as a space for working on this policy, as well as the push for Territorial Working Groups on Guarantees for Human Rights Defenders and Social Leaders, especially in Antioquia, Atlántico, and Norte de Santander.⁴⁶⁵ The IACHR is also aware of the adoption, in July 2019, of the Pact to Guarantee the Rights of Female Human Rights Defenders and Leaders.⁴⁶⁶

292. With respect to protection, the State reported having the UNP, the Inter-Agency Commission for Rapid Response to Early Warnings (CIPRAT), and the Risk Evaluation and Measures Recommendation Committee (CERREM).⁴⁶⁷ The State also highlighted the creation of the National Immediate Response System to Further Stabilization as a law enforcement strategy to monitor, verify, and assess factors of instability in different regions of Colombia.⁴⁶⁸

293. Civil society organizations expressed concern over different aspects of the PAO. They indicated that the PAO was endeavoring to supplant the functions performed by the CNGS and seemed to not make use of the progress already made by prior mechanisms. They noted that the PAO was comprised exclusively of government representatives, while the CNGS included representatives of civil society.⁴⁶⁹ The civil society organizations also expressed concern over the fact that interventions were primarily military and sought to deepen relations between the armed forces and civilians. They pointed out a lack of involvement by civil society or ethnically diverse populations in the design of this Plan.⁴⁷⁰ In this connection, the State has held that "the actions of the PAO and the National Commission on Security Guarantees are not contradictory, repetitive, or exclusive, but rather complementary, even with the understanding that when it comes to

⁴⁶² Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 539.

⁴⁶³ Government of Colombia, Diplomatic Note No. S-GAIID-19-049327, December 5, 2019, p. 21.

⁴⁶⁴ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 36 and 38.

⁴⁶⁵ Government of Colombia, Diplomatic Note No. S-GAIID-19-045379, Colombian State contributions to Chapter IV A, October 24, 2019, paragraph 203.

⁴⁶⁶ Government of Colombia, Ministry of the Interior, [Gobierno firmó pacto por la Garantía de los Derechos de las Lideresas y Defensoras de Derechos Humanos](#), July 9, 2019; IACHR, Press release No. 288/19, [IACHR and UN Human Rights Presences Once Again Call for the Creation of a Safe, Favorable Environment for Human Rights Defenders in the Americas](#), November 27, 2019.

⁴⁶⁷ Government of Colombia, Diplomatic Note No. S-GAIID-19-045379, Colombian State contributions to Chapter IV A, October 24, 2019, paragraph 534.

⁴⁶⁸ Government of Colombia, Diplomatic Note No. S-GAIID-19-045379, Colombian State contributions to Chapter IV A, October 24, 2019, paragraph 534.K.

⁴⁶⁹ Information received from the *Comisión Colombiana de Juristas* on May 21, 2019, in the archives of the IACHR.

⁴⁷⁰ Information received from the *Consultoría para los Derechos Humanos y el Desplazamiento* (CODHES), May 21, 2019, in the archives of the IACHR.

distinguishing between the Commission and the PAO, the former seeks to dismantle the organizations that attack different types of leaders, while the latter seeks to coordinate inter-agency actions for individual and collective prevention and protection for social leaders.”⁴⁷¹

294. The Commission welcomes the regulatory and institutional progress made in Colombia. This notwithstanding, the IACHR notes with concern the steady increase in attacks against human rights defenders in 2019. In 2018, the Commission continued to warn about the uptick in violence against these groups,⁴⁷² which had made that the most violent year for human rights defenders.⁴⁷³ The IACHR is concerned that attacks registered in just the first half of 2019 represent a 49% increase compared to the first half of 2018.⁴⁷⁴

295. The IACHR is also concerned about a lack of both official data and a detailed, disaggregated, and unified registry of attacks against this group. The Commission observes that, pursuant to the PAO, there is no single database containing consolidated figures for the number of human rights defenders murdered.⁴⁷⁵ The State reported that figures from the Office of the United Nations High Commissioner for Human Rights (OHCHR) revealed that the number of social leaders and human rights defenders killed had fallen by 24.34% in 2019.⁴⁷⁶ From January to October 2019, the Colombia Office of the OHCHR documented the murders of 63 defenders.⁴⁷⁷ Civil society organizations noted that the first half of 2019 had seen a 23% drop in murders of defenders.⁴⁷⁸ Despite this decrease, the IACHR still finds the number of murders to be alarming.

296. The IACHR is particularly concerned about the increase in threats against these groups. It is aware of the 75% increase in these types of attacks during the first half of the year compared to the same period the year before.⁴⁷⁹ During the public hearing, *Threats Against and Murders of Social Leaders in Colombia*, held during the 173rd Period of Sessions, civil society organizations claimed that the method most commonly used to threaten these collectives is the distribution of pamphlets containing threatening messages. The OHCHR representative highlighted the increased risk faced by human rights defenders in Colombia, particularly those who are rural, community, and collective leaders.⁴⁸⁰

297. The Commission finds the threats to be intimidating warnings of potential physical and psychological attacks against human rights defenders. The State must take a diligent approach to these kinds of attacks—from the standpoint of prevention, by means of effective investigations, and from the standpoint of response, by means of adequate and effective protection measures.

298. The Commission holds that one of the main requirements for addressing the situation of violence faced by human rights defenders is for the State to keep records of the different types of attacks committed against human rights defenders and social and community leaders. The Commission highlights the work being done by the State, in conjunction with the OHCHR, to bring together data on violations of the human

⁴⁷¹ Government of Colombia, Note S-GAIIID-19-049327 of December 5, 2019, p. 22.

⁴⁷² IACHR, Press release 155/18, [IACHR Condemns Murders of Human Rights Defenders and Social Leaders in Colombia](#), July 18, 2018.

⁴⁷³ *El Espectador*, 2018, [el año más violento contra los líderes sociales en Colombia](#), April 23, 2019; *Verdad abierta*, 2018: [el año más violento para los líderes sociales en una década](#), April 23, 2019.

⁴⁷⁴ *Somos Defensores* Program, [Defensores. ¿El juego final? Informe semestral enero-junio 2019](#), October 2019, p. 89

⁴⁷⁵ National Government of Colombia, Ministry of the Interior, [Plan de Acción Oportuna de Prevención y Protección para los Defensores de Derechos Humanos. Líderes sociales, comunales y periodistas](#), November 18, 2018, p. 7.

⁴⁷⁶ Government of Colombia, Diplomatic Note No. S-GAIIID-19-045379, Colombian State contributions to Chapter IV A, October 24, 2019, paragraph 534.A.

⁴⁷⁷ IACHR, Press release 288/19, [IACHR and UN Human Rights Presences Once Again Call for the Creation of a Safe, Favorable Environment for Human Rights Defenders in the Americas](#), November 7, 2019.

⁴⁷⁸ *Somos Defensores* Program, [Defensores. ¿El juego final? Informe semestral enero-junio 2019](#), October 2019, p. 90.

⁴⁷⁹ *Somos Defensores* Program, [Defensores. ¿El juego final? Informe semestral enero-junio 2019](#), October 2019, p. 90.

⁴⁸⁰ IACHR, Public hearing, 173rd Period of Sessions, [Threats Against and Murders of Social Leaders in Colombia](#), September 26, 2019.

rights of leaders and defenders.⁴⁸¹ In its comments on the draft of this report, the State indicated that it was undergoing a process to consolidate information on homicides of social leaders and human rights defenders, with the leadership of the Presidential Council on Human Rights and International Affairs.⁴⁸² The IACHR reiterates the importance of having civil society participate in the development of this tool and of including the different types of attacks in national registries. It further underscores the importance of creating a complete and detailed registry of attacks in order to determine motives, possible common patterns, and the magnitude of the violence so as to have a basis for adopting prevention, investigation, and protection measures for human rights defenders and leaders. In view of the foregoing, the Commission finds **partial compliance** with this obligation, and will therefore continue its monitoring.

299. In its report, the Commission recommended that the State **guarantee the effective participation of human rights defenders who are the beneficiaries of the measures in question in all procedures to adopt, implement, monitor, or lift special measures of protection**. In particular, the Commission recommended to the State that it ensure that the personnel who participate in the security arrangements for human rights defenders are designated with the participation of, and in coordination with the beneficiaries so as to build trust. In this respect, the State reported that one of the fundamental characteristics of the UNP's collective protection route is its participatory nature, which enables measures to be adjusted based on particular territorial, cultural, and social characteristics.⁴⁸³ The State further reported that, up through September 30, 2019, the UNP was providing protection to 4,608 social leaders.⁴⁸⁴

300. The State reported that the UNP was being overhauled in an effort to improve and enhance, at both the national and territorial level, prevention and protection actions and mechanisms, using a human rights approach. The State emphasized that this process aimed to reduce response times, from the initial assessment of protection requests to the implementation of measures. This overhaul reportedly includes differential approaches for specific actors.⁴⁸⁵ In its comments on the draft of this report, the State reiterated the UNP's commitment to the protection routes that incorporate gender and ethnicity approaches and underscored the participatory nature of the measures of protection, which include follow-up and agreement meetings in which the beneficiaries, their relatives, and State authorities participate. It indicated that the changes made to the measures of protection are carried out through the procedure described in the corresponding legal provision. It reported that as of December 16, 2019, the UNP had assigned measures of protection to 4,882 leaders and human rights defenders.⁴⁸⁶ The Commission takes note of the foregoing and will continue to monitor compliance with this recommendation insofar as it finds the recommendation to be **pending compliance**.

301. Regarding the recommendation to **develop a public policy aimed at fighting impunity in cases involving violations of the rights of human rights defenders**, the State indicated that the Office of the Attorney General had developed and implemented a strategy to prioritize the investigation and prosecution of homicides and threats against human rights defenders. The State also highlighted the continuing application of the Office of the Attorney General's Directive 002 of 2017, which set forth general guidelines regarding the investigation of crimes committed against those groups and was prepared with the support of the IACHR.⁴⁸⁷

⁴⁸¹ Government of Colombia, Diplomatic Note No. S-GAII-19-045379, Colombian State contributions to Chapter IV A, October 24, 2019, paragraph 534.C.

⁴⁸² Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 95.

⁴⁸³ Government of Colombia, Diplomatic Note No. S-GAII-19-045379, Colombian State contributions to Chapter IV A, October 24, 2019, paragraph 108.

⁴⁸⁴ Government of Colombia, Diplomatic Note No. S-GAII-19-045379, Colombian State contributions to Chapter IV A, October 24, 2019, paragraph 534.G.

⁴⁸⁵ Government of Colombia, Note S-GAII-19-049327 of December 5, 2019, p. 16.

⁴⁸⁶ Government of Colombia, MPC/OAS Diplomatic Note No. 075/2020, January 17, 2020, pg. 93-96.

⁴⁸⁷ Government of Colombia, Diplomatic Note No. S-GAII-19-045379, Colombian State contributions to Chapter IV A, October 24, 2019, paragraphs 509-510.

The Commission is also aware of the plan to offer rewards for those most wanted for the murders of human rights defenders launched in January 2019 by the Colombian government.⁴⁸⁸

302. The State further noted that the Directorate of Citizen Security had prioritized the investigation of homicide cases reported and verified by the OHCHR from January 1, 2016 to the present.⁴⁸⁹ The State indicated that, as of November 13, 2019, the OHCHR had recorded 323 homicides of defenders, 55.73% of which—that is, 180 cases—had been solved. Of these, 53 had ended in convictions, 66 cases were in the trial phase, 21 indictments, and 38 in the investigation stage, with arrest warrants out.⁴⁹⁰ In this connection, the Office of the Ombudsperson indicated that the Office of the Attorney General was using only the homicide figures furnished by the OHCHR as the basis for determining the number of murders of human rights defenders from 2016 through 2019, without taking into account the figures and cases it had reported.⁴⁹¹

303. The Commission acknowledges the actions taken by the State and Office of the Attorney General to move forward in the investigations into acts of violence against defenders. Nevertheless, using the benchmark of “getting to the bottom of,” and considering the few convictions obtained, impunity in these cases remains high. The Commission is also concerned that the State is ignoring the murders of human rights defenders registered by civil society and the Office of the Ombudsperson and only using the figures from cases verified by the OHCHR.

304. As to investigations into threats, during the public hearing on *Threats Against and Murders of Social Leaders in Colombia*, held during the 173rd Period of Sessions, the State indicated that the Office of the Attorney General had presented, in March of 2017, a strategy consisting of a specific methodology to investigate threats against human rights defenders. This strategy reportedly sets out different lines of action, including: creation of a specialized group of prosecutors, judicial police, and analysts; design of a protocol for investigating threats; and early intervention when reports come in an attempt to prevent crimes from happening. According to the State, these actions have led to three convictions for the crime of making threats, eight cases in trial, and nine under investigation.⁴⁹² For their part, civil society organizations stated that in 2017 and 2018, 1,172 investigations of threats were pursued by the Office of the Attorney General; they therefore do not believe that three convictions constitute major progress.⁴⁹³

305. The Commission recalls that the State must conduct *ex officio* investigations into all facts of this nature and punish both the perpetrators and masterminds. This must include developing lines of investigation based on the hypothesis that the murders may have been committed in connection with the work of defending human rights. Also, all attacks suffered by human rights defenders must be investigated, not just their murders. The Commission notes that these standards are set forth in Directive 002 of 2017 and will be keeping an eye out for its effective implementation. The IACHR therefore finds that the State has **partially complied** with this recommendation and will continue to monitor compliance.

IV. CONCLUSIONS

306. The Commission acknowledges that, in 2019, the State continued to develop important public policies in respect of human rights in its efforts to address the complex circumstances of the victims of the

⁴⁸⁸ Government of Colombia, Diplomatic Note No. S-GAIID-19-045379, Colombian State contributions to Chapter IV A, October 24, 2019, paragraph 553.

⁴⁸⁹ Government of Colombia, Diplomatic Note No. S-GAIID-19-045912, October 30, 2019, paragraph 510.

⁴⁹⁰ Government of Colombia, Diplomatic Note No. S-GAIID-19-049327, December 5, 2019, p. 40.

⁴⁹¹ Office of the Ombudsperson, [Informe Seguimiento At 026-18 - Personas Defensoras de Derechos Humanos y Líderes Sociales](#), August 2019, p. 27.

⁴⁹² IACHR, Public hearing, 173rd Period of Sessions [Threats Against and Murders of Social Leaders in Colombia](#), September 26, 2019.

⁴⁹³ IACHR, Public hearing, 173rd Period of Sessions, [Threats Against and Murders of Social Leaders in Colombia](#), September 26, 2019.

armed conflict and to attend to and protect persons at risk. However, the Commission expresses concern over the continuation of violence, especially in rural areas, particularly reflected in the persistence of displacements and increase in the number of murders of indigenous authorities and members of the indigenous guard, as well as growing threats against human rights defenders, and social and territorial leaders. The IACHR calls on the State to redouble its efforts when it comes to systems for prevention and protection and ensure that implementation thereof is done in concert and with the participation of the victims, always taking an ethnic and differential approach. The State must also move forward with exhaustive and independent investigations of these crimes so as to punish both the perpetrators and masterminds.

307. The Commission also acknowledges the great effort made by the State to continue implementation of the Comprehensive System of Truth, Justice, Reparation, and Non-Repetition (SIVJRNR), with the aim of achieving a stable and lasting peace in Colombia. The Commission appeals to the State to continue to guarantee the human and financial resources necessary for the full and effective functioning of the SIVJRNR. At the same time, it encourages the State to construct an updated, unified, and vetted register of disappeared persons for the proper functioning of the Disappeared Persons Search Unit (UBPD), and reiterates the need to secure full coordination and articulation of all the components of the SIVJRNR, as well as of these with other State institutions.

308. The Commission will continue to work with the State and Colombian society as a whole in the quest for solutions to the problems and challenges identified in this report, and to accompany, within the scope of its mandate, the implementation and monitoring of the Peace Agreement as part of its efforts to effectively address the obstacles faced by the victims of human rights violations in Colombia and to comply with its international obligations.