

# COLOMBIA 2022 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Colombia is a constitutional, multiparty republic. Presidential and legislative elections were held in 2022. Voters elected Gustavo Petro president in a second round of elections that observers considered free and fair and the most peaceful in decades. President Petro was inaugurated on August 7.

The Colombian National Police force is responsible for internal law enforcement and is under the jurisdiction of the Ministry of Defense. The Migration Directorate, part of the Ministry of Foreign Affairs, is the immigration authority. The Colombian National Police shares law enforcement investigatory duties with the Attorney General's Corps of Technical Investigators. In addition to its responsibility to defend the country against external threats, the army shares limited responsibility for law enforcement and maintenance of order within the country. For example, military units sometimes provided logistical support and security for criminal investigators to collect evidence in high-conflict or remote areas. Civilian authorities generally maintained effective control over security forces. There were reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings; torture and arbitrary detention by government security forces and armed groups; serious abuses in a conflict; criminalization of libel; serious government corruption; violence against and forced displacement of Afro-Colombian and Indigenous persons; violence against lesbian, gay, bisexual, transgender, queer, and intersex persons; and killings of and other violence against trade unionists.

The government generally took steps to investigate, prosecute, and punish officials who committed human rights abuses, although most cases experienced long delays. Many investigations included cases stemming from throughout the armed conflict in the country starting in the 1960s. The government generally implemented laws criminalizing official corruption.

Armed groups, including dissidents of the former Revolutionary Armed Forces of Colombia, National Liberation Army, and drug-trafficking gangs, continued to operate. Armed groups, as well as narcotics traffickers, were reported as significant perpetrators of human rights abuses and violent crimes, including acts of extrajudicial and unlawful killings, extortion, and other abuses or crimes, such as kidnapping, torture, human trafficking, bombings, restrictions on freedom of movement, sexual violence, unlawful recruitment and use of child soldiers, and threats of violence against journalists, women, human rights defenders, and religious leaders. The government generally investigated these actions and prosecuted those responsible.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were reports that the government or its agents committed arbitrary or unlawful killings. According to the nongovernmental organization (NGO) Temblores, from January 1 through August 31, there were 18 homicides of civilians by police. According to the NGO Center for Research and Education of the Populace (CINEP), from January 1 through June 30, there were 21 intentional homicides committed by the military.

On July 25, in the municipality of Sampues, Sucre Department, three men were allegedly abused and subsequently died in police custody. Ten police officers were arrested by the Attorney General's Office on suspicion of involvement in these three homicides. The National Police and the Attorney General's Office reported that they opened investigations into all allegations of police violence and excessive use of force. NGOs and other entities continued to request investigations of allegations.

As of August 25, the Inspector General's Office reported 351 disciplinary investigations of police for alleged human rights abuses committed in the context of the 2021 national protests. Of these cases, 341 cases were in the investigation stage and 10 cases were in trial, pending disciplinary decisions.

As of August, the Attorney General's Office reported it had opened 20 investigations against 24 police officers for alleged homicides committed during the 2021 protests. Charges included homicide, torture, kidnapping, and inflicting personal injuries, among other crimes. As of August, the Attorney General's Office reported there had not been any convictions of police officers for crimes committed in the national protests. Authorities disciplined police officers for excessive use of force during the 2021 protests.

Illegal armed groups, including the National Liberation Army (ELN), committed numerous unlawful killings, in some cases politically motivated, and usually in areas without a strong government presence (see section 1.g.).

Investigations of past killings proceeded, albeit slowly due to the high workload of judges, prosecutors, and law enforcement investigators. From January 1 through August 1, the Attorney General's Office registered five new cases of alleged aggravated homicide by state agents. During the same period, authorities reported that they obtained sentences against 11 members of the security forces for cases that took place in prior years.

Efforts continued to hold officials accountable in so-called false-positive extrajudicial killings during which, per court records, 6,402 civilians were killed and falsely presented as guerrilla combatants from 2002 to 2008. The Special Jurisdiction for Peace (JEP) was the transitional justice tribunal created by the 2016 peace accord to investigate serious crimes committed during the 52-year internal armed conflict with the Revolutionary Armed Forces of Colombia (FARC). The JEP continued to promote reconciliation and to take steps to hold accountable the perpetrators of violence during the armed conflict. As of October 1, the JEP reported that 3,482 members of the armed forces voluntarily accepted JEP jurisdiction for legal proceedings related to false positives, and that 508 members gave testimony in the false-positives case known as "overarching case 03."

On April 26-27, as part of its effort to establish truth, reconciliation, and nonrepetition of prior actions, the JEP facilitated the first "recognition of responsibility" event in Ocana, Norte de Santander. At the event, 10 members of the army, including a general and four colonels, as well as a third-party civilian,

recognized their responsibility for extrajudicial killings and forced disappearances and apologized to victims' families. The persons testifying included members of Brigade 30, Mobile Brigade 15, and Infantry Battalion 15 ("General Francisco de Paula Santander"), indicted in 2021 for 120 extrajudicial killings.

In JEP proceedings on July 18-19, 12 members of Artillery Battalion Number Two ("La Popa"), which the JEP charged with committing 127 extrajudicial killings in Cesar and La Guajira between 2002 and 2005, publicly acknowledged responsibility for extrajudicial killings. These 12 persons participated in a ceremony with victims' families and leaders of the Kanukuamo and Wiwa Indigenous communities they targeted. Three additional individuals indicted in conjunction with the killings declined to accept responsibility and were to face adversarial prosecution, including retired colonels Publio Hernan Mejia Gutierrez and Juan Carlos Figueroa Suarez.

On July 25, the JEP indicted 22 members of the army as well as one former intelligence official and two civilians for 303 false-positive killings in Casarane. Among those indicted were former leaders of Brigade 16, including retired General Henry William Torres Escalante. On July 27, the JEP indicted 10 former members of the army, including three colonels, for disappearances and extrajudicial killings in Dabeiba and Ituango (Antioquia). Those implicated belonged to the Counter-guerrilla Battalion 26 ("Arhuacos"), Counter-guerrilla Battalion 79 ("Hernando Combita Salazar"), and Mobile Brigade 11. The JEP reported that the testimony of 24 former soldiers and officers to the JEP implicated retired army commander General Mario Montoya Uribe in relation to the false-positive cases. In his testimony in September, Montoya denied responsibility for the false-positive killings.

As of August 30, the Attorney General's Office reported that since 2008 the government convicted 1,438 members of the security forces in cases related to false-positive cases, one more than in 2021. Many of those convicted in the ordinary and military justice systems were granted conditional release from prisons and military detention centers upon agreeing to submit to the jurisdiction of the JEP. The military justice system developed a protocol to monitor the whereabouts of prisoners on conditional release; it was responsible for reporting any anomalies to the JEP for appropriate action.

The Attorney General's Office reported that as of August 1, there were open investigations of eight retired and active-duty generals related to false-positive killings. The Attorney General's Office also reported that as of August 31, there were 2,408 open investigations related to false-positive killings or other extrajudicial killings, of which 2,028 investigations were at the investigation stage and 414 investigations had gone to trial.

Human rights organizations, victims, and government investigators accused some members of government security forces of collaborating with or tolerating the activities of criminal gangs, which included some former paramilitary members. According to the Attorney General's Office, between January and August 31, four police officials were formally accused of having ties with illegal armed groups.

The UN Office of the High Commissioner for Human Rights (OHCHR) reported that between January 1 and June 30, it received 114 allegations of homicides of human rights defenders. Of those allegations, 67 remained under review, 22 deaths had been confirmed as being related to the individual's actions defending human rights, and 25 cases had been determined to be inconclusive. The OHCHR reported that three victims were Afro-Colombians and eight were Indigenous. According to the OHCHR, 1,116 human rights defenders and social leaders received death threats in 2021. The OHCHR reported an increase in threats against human rights defenders during the electoral period in the first half of the year. On October 28, the ombudsman announced that 157 homicides of social leaders occurred through end of September. NGOs using different methodologies and definitions reported differing numbers of homicides of social leaders and human rights defenders, which often included environmental activists. The NGO Indepaz reported 144 homicides of social leaders through October 12.

According to the Attorney General's Office, in the cases related to more than 1,000 killings of human rights defenders from January 2016 to August 2022, the government obtained 109 convictions. The motives for the killings varied, and it was often difficult to determine the primary motive in individual cases. For example, on June 8, armed groups killed Jesusita Moreno Mosquera in Cali, Valle de Cauca. Mosquera was a human rights defender from the department of Choco. She also advocated for environmental rights and opposed the presence of armed groups in her community. She had previously notified authorities about receiving

threats from armed groups. Police immediately opened an investigation into the killing.

The government's Commission of the Timely Action Plan for Prevention and Protection for Human Rights Defenders, Social and Communal Leaders, and Journalists worked to investigate and prevent attacks against social leaders and human rights defenders. Four units – an elite Colombian National Police (CNP) corps, a specialized subdirectorate of the National Protection Unit (NPU), a special investigation unit of the Attorney General's Office responsible for dismantling criminal organizations and enterprises, and a unified command post – shared responsibility for protecting human rights defenders from attacks and investigating and prosecuting these cases.

By law the Attorney General's Office is the primary entity responsible for investigating allegations of human rights abuses committed by security forces, except for conflict-related crimes, which are under the jurisdiction of the JEP (see section 1.c. for additional information regarding investigations and impunity).

## **b. Disappearance**

According to the Attorney General's Office, there were no formal complaints of forced disappearance from January 1 through August 1. The Office of the Ombudsman reported receiving notifications of 121 cases of forced displacement from January 1 through August 31. As of August 25, the National Institute of Forensic and Legal Medicine registered 34,420 cases of forced disappearance since the beginning of the country's armed conflict in the early 1960s. Of those cases, the National Institute of Forensic and Legal medicine registered 1,012 cases between January 1 and August 25. According to the Attorney General's Office, as of August, there were no convictions in connection with forced disappearances.

The Special Unit for the Search for Disappeared Persons, launched in 2018, continued to investigate disappearances that occurred during the conflict. The Search Unit reported that as of June 30 it had helped locate seven missing persons and recover 506 bodies of victims of forced disappearance related to the conflict. The Truth Commission reported 121,768 persons were victims of forced disappearance during the conflict.

On April 7, the JEP stated that state agents and paramilitaries killed or disappeared 5,733 candidates and other persons affiliated with the leftwing political party Union Patriótica (Patriotic Union) between 1984 and 2016 (see section 3).

The JEP proceedings in the false-positives case involved forced disappearances in addition to extrajudicial killings (see section 1.a. above).

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses**

Although the law prohibits such practices, there were reports government officials used these methods of abuse. CINEP reported that through August, security forces were allegedly involved in eight cases of abuse and inhuman treatment involving 12 victims. Members of the military and police accused of torture generally were tried in civilian rather than military courts. The NGO Temblores reported that police beat and sexually assaulted demonstrators in 17 cases between January 1 and May 31. The Attorney General's Office and the Inspector General's Office stated they launched internal investigations of all allegations of excessive use of force.

The Attorney General's Office reported it convicted no members of the military or police of torture between January and August 1. Investigations into torture allegations continued, however. The Attorney General's Office reported they formally charged 43 police and 27 members of the military for alleged acts of torture, 31 cases of which took place in previous years.

CINEP reported criminal organizations and armed groups were responsible for three documented cases of torture involving three victims through June 30.

According to NGOs monitoring prison conditions, there were numerous allegations of sexual and physical violence committed by guards and other inmates, including gender-based violence.

The Attorney General's Office is the primary entity responsible for investigating allegations of human rights abuses committed by security forces, except for conflict-related crimes, which are within the jurisdiction of the JEP. The JEP continued investigations in its seven prioritized thematic cases focusing on

incidents within a certain region, incidents by specific actors, and incidents against certain categories of victims.

The government made improvements in investigating and trying abuse cases, but claims of impunity for security force members continued. This was due in some cases to obstruction of justice and opacity in the process by which cases were investigated and prosecuted in the military justice system. Some NGOs complained that military investigators, not members of the Attorney General's Office, were sometimes the first responders in cases of deaths resulting from actions of security forces. Some NGOs cautioned that this situation may bias investigations against finding possibly illegal conduct by security forces. Inadequate protection of witnesses and investigators, delay tactics by defense attorneys, the judiciary's failure to exert appropriate controls over dockets and case progress, and inadequate coordination among government entities that sometimes allowed statutes of limitations to expire, resulting in a defendant's release from jail before trial, were also significant obstacles.

Transition to a new system of military justice continued slowly. The military did not develop a strategy for recruiting, hiring, or training the investigators, crime scene technicians, or forensic specialists required under the new accusatory system. As a result, the military justice system did not exercise criminal investigative authority; all new criminal investigation duties were conducted by judicial police investigators from the CNP and the Attorney General's Corps of Technical Investigators.

## **Prison and Detention Center Conditions**

Most conditions in prisons and detention centers were harsh and life threatening due to overcrowding, inadequate sanitary conditions, poor health care, and lack of other basic services. Poor training of officials remained a problem throughout the prison system.

**Abusive Physical Conditions:** Overcrowding existed in both men's and women's prisons. The National Prison Institute (INPEC), which operated the national prisons and oversaw the jails, estimated the prisons and jails were approximately 20 percent over capacity. The law dictates that local governments are responsible



for funding and operating pretrial detention facilities. The law prohibits holding pretrial detainees with convicted prisoners, but often this law was not followed. The Superior Judiciary Council stated the maximum time a person may remain in judicial detention facilities is three days. The same rules apply to jails located inside police stations. Police, local governments, and prison authorities often violated this guidance.

The practice of preventive detention, in combination with inefficiencies in the judicial system, resulted in overcrowding. Physical abuse by prison guards, prisoner-on-prisoner violence, and authorities' failure to maintain control were problems. INPEC's Office of Disciplinary Control investigated allegations that some prison guards routinely used excessive force and treated inmates brutally. Between January 1 and August 20, INPEC reported 36 new disciplinary investigations against prison guards for physical abuse and inflicting personal injuries. Additionally, the Inspector General's Office reported that between January 1 and August 25, officials opened 21 disciplinary investigations related to cases of abuse against inmates and persons under temporary detention, in which 11 INPEC guards and 15 police officers were involved.

INPEC reported 221 deaths in prisons, jails, pretrial detention facilities, and other detention centers through August 20. Eight deaths were caused by fights, 60 were due to accidents, and one death was due to intoxication. Of the 60 accidental deaths, 52 stemmed from a June 27 fire in the prison of Tulua, Valle de Cauca, during a fight between inmates. Inmates alleged INPEC guards were negligent in their response to the fire.

Many prisoners faced difficulties receiving adequate medical care. Nutrition and water quality were poor and contributed to the overall poor health of many inmates. Inmates stated authorities routinely rationed water in many facilities; officials attributed this practice to city water shortages.

INPEC's physical structures were generally in poor repair. The Inspector General's Office noted some facilities had poor ventilation and overtaxed sanitary systems. Prisoners in some cold, high-altitude facilities complained of inadequate blankets and warm clothing, while prisoners in tropical facilities complained that overcrowding and insufficient ventilation contributed to high temperatures in

prison cells. Some prisoners slept on floors without mattresses, while others shared cots in overcrowded cells.

**Administration:** Authorities investigated credible prisoner complaints of mistreatment and inhuman conditions, including complaints of prison guards soliciting bribes from inmates. Some prisoners asserted the investigations were slow. INPEC required a three-day notice before granting consular access. Some NGOs complained that authorities denied them access to visit prisoners without adequate explanation.

**Independent Monitoring:** The government permitted independent monitoring of prison conditions by local and international human rights groups.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. There were allegations, however, that authorities detained citizens arbitrarily. The NGO Temblores reported 76 cases of arbitrary detention by police involving 145 victims. NGO CINEP reported six cases of arbitrary detention by the army with 14 victims, and seven cases of arbitrary detention by the Attorney General's Office with 41 victims.

#### **Arrest Procedures and Treatment of Detainees**

To ensure the detention is valid, officials must bring detained persons before a judge within 36 hours of arrest, bring formal charges within 30 days, and start a trial within 90 days of the initial detention. Public defenders contracted by the Office of the Ombudsman assisted indigent defendants but were overloaded with cases. Detainees received prompt access to legal counsel and family members, as provided by law. Bail was generally available except for serious crimes such as murder, rebellion, or narcotics trafficking. Authorities generally respected these rights.

**Arbitrary Arrest:** Even though the law prohibits arbitrary arrest and detention, this law was not always respected. NGOs described some arrests as arbitrary detentions. These included arrests based allegedly on tips from informants of

persons linked to guerrilla activities, detentions by members of security forces without judicial orders, detentions based on administrative authority, detentions during military operations or at roadblocks, large-scale detentions, and detentions of persons who were “exercising their fundamental rights.” Multiple NGOs alleged that police misused a temporary protection mechanism to arbitrarily detain protestors.

**Pretrial Detention:** The judicial process moved slowly, and the civilian judicial system suffered from a significant backlog of cases, which led to large numbers of pretrial detainees. Approximately 25 percent of prison detainees were in pretrial detention. The failure of many jail supervisors to keep mandatory detention records or follow notification procedures made it difficult to account for all detainees. In some cases, detainees were released without a trial because they had already served more than one-third of the maximum sentence for their charges. Civil society groups complained that authorities subjected some community leaders to extended pretrial detention.

## **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality. Much of the judicial system was overburdened and inefficient. Subornation, corruption, and the intimidation of judges, prosecutors, and witnesses hindered the independence of the judiciary.

### **Trial Procedures**

The law provides for the right to a fair and public trial, and the judiciary generally enforced this right. The government began implementing an accusatory system of justice in 2005, but the use of delay tactics by defense lawyers, prosecutors’ heavy caseloads, and other negative factors diminished the efficiencies and other benefits of adopting the accusatory system. Under the accusatory system, the prosecutor presents an accusation and evidence before an impartial judge at an oral, public trial.

Crimes committed before 2005 are processed under the prior written inquisitorial system in which the prosecutor investigates, determines evidence, and makes a finding of guilt or innocence. In those cases, the prosecutor presents evidence and

the finding of guilt or innocence to a judge who then ratifies or rejects the finding.

In the military justice system, military judges preside over courts-martial. Counsel may represent the accused and call witnesses, but most fact finding takes place during the investigative stage. Military trial judges are required to issue rulings within eight days of a court-martial hearing. Representatives of the civilian Inspector General's Office are required to be present at a court-martial.

Criminal procedure within the military justice system includes elements of the inquisitorial and accusatory systems.

### **Political Prisoners and Detainees**

The government declared it did not hold political prisoners; nevertheless, authorities held some members of human rights advocacy groups on charges of conspiracy, rebellion, or terrorism, which the groups described as government harassment of human rights advocates. According to INPEC, the government held 115 persons on charges of rebellion or of aiding and promoting insurgency and convicted 38 of them. The government provided the International Committee of the Red Cross with regular access to these prisoners.

### **Civil Judicial Procedures and Remedies**

Citizens and organizations may sue a government agent or entity in the Administrative Court of Litigation for damages resulting from a human rights violation. Although critics complained of delays in the process, the court generally was considered impartial and effective. Cases involving violations of an individual's human rights may be submitted through petitions by individuals or organizations to the Inter-American Commission on Human Rights, which in turn may submit the case to the Inter-American Court of Human Rights. The Inter-American Court of Human Rights may order civil remedies, including fair compensation to the injured individual.

### **Property Seizure and Restitution**

The law provides a legal basis for assistance and reparations to victims of the conflict, including victims of government abuses, but the government

acknowledged that the pace of restitution was slow.

The Land Restitution Unit, a semiautonomous entity in the Ministry of Agriculture, is responsible for returning land to displaced victims of conflict.

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such actions, but there were allegations that the government sometimes failed to respect these prohibitions. Government authorities generally need a judicial order to intercept mail or email or to monitor telephone conversations, including in prisons. Government intelligence agencies investigating terrorist organizations sometimes monitored telephone conversations without judicial authorization; the law bars evidence obtained in this manner from being used in court.

NGOs continued to accuse domestic intelligence or security entities of illegally monitoring lawyers and human rights defenders.

#### **g. Conflict-related Abuses**

The government and the FARC, formerly the country's largest guerrilla insurgency group, continued to implement the 2016 peace accord. In 2017 the FARC completed its disarmament, and as of July nearly 13,000 former members were engaged in reincorporation activities, including the formation of a political party. An estimated 800 to 1,500 FARC dissidents did not participate in the peace process from the outset. As of October, NGOs estimated FARC dissident numbers had grown to approximately 5,200 due to new recruitment and some former combatants who returned to arms. A significant percentage of FARC dissidents were unarmed members of support networks that facilitated illicit economies. Some members of the FARC who participated in the peace process alleged the government had not fully complied with its commitments, including ensuring the security of demobilized former combatants or facilitating their reintegration. The government alleged the FARC had not met its full commitments to cooperate on counternarcotics efforts and other peace accord commitments.

Following the signing of the 2016 peace accord, three transitional justice

mechanisms were established and were operational throughout the year: the Commission for the Clarification of Truth, Coexistence, and Nonrepetition (the Truth Commission); the Special Unit for the Search for Disappeared Persons; and the JEP.

On February 18, the JEP announced that it would open three new thematic cases in addition to the seven original cases. These included an overarching thematic case concerning serious crimes committed by the former FARC; an overarching thematic case concerning serious crimes committed by the armed forces or other state agents on their own or in partnership with third-party civilians or paramilitaries; and an overarching thematic case covering crimes committed against ethnic communities. The Truth Commission issued its final report and recommendations on June 28. The report documented significant human rights violations committed by government institutions and illegal armed groups during the conflict, with a disproportionate impact on Afro-Colombian, Indigenous, and other racial and ethnic minority communities.

The ELN continued to commit crimes and acts of terror throughout the country, including bombings, violence against civilian populations, and violent attacks against military and police facilities. Illegal armed groups and drug gangs, such as the Clan del Golfo, also continued to operate.

For example, after announcing on February 22 a series of planned attacks, which the ELN said were aimed to draw attention to President Duque's "poor governance," the ELN conducted 65 attacks in 66 municipalities across 11 departments from February 23 to February 26. According to the Investigation and Accusation Unit of the JEP, one civilian, a social leader, was killed. The campaign included 18 terrorist attacks on electrical and highway infrastructure, bomb threats, 10 burnt vehicles, and explosive devices left in streets. Seven communities reported that the ELN had blocked streets and building access in their towns; 23 transport terminals suspended operations as a result. The ELN marked buildings with graffiti and raised its flag in different cities. According to online media outlet *InsightCrime*, the 65 incidents in this strike surpassed the 27 attacks carried out during a similar strike by the ELN in 2020.

**Killings:** The military was accused of some killings, some of which military

officials stated were “military mistakes” (see section 1.a.). In other cases, military officials stated they believed the victim was fighting on behalf of an armed group, while community members stated the victim was not a combatant. On March 28, in Puerto Leguizamo, Putumayo Department, near the border with Ecuador, the army carried out a military operation intended to target FARC dissidents involved in drug trafficking. The operation left 11 persons dead. The Attorney General’s Office and the Inspector General’s Office were conducting criminal and disciplinary investigations.

Armed groups, notably the ELN, FARC dissidents, and the Clan del Golfo, committed unlawful killings, primarily in areas with illicit economic activities and without a strong government presence. The government reported that between January 1 and July 31, armed groups allegedly killed 98 members of state security forces, including 40 police officers, and wounded 512 other members. Government officials stated that most of the violence was related to narcotics trafficking enterprises.

Independent observers raised concerns that inadequate security guarantees facilitated the killing of former FARC militants. According to the UN Verification Mission (UNVM), 37 former FARC combatants had been killed by September 26, bringing the total to 342 homicides of former combatants since the 2016 accord. The United Nations reported the collective security of former combatants was threatened by the actions of illegal armed groups. The UNVM reported that emergency protection requests had increased from 144 requests in 2021 to 150 from January through August.

The ELN, FARC dissidents, and other groups continued to lay land mines. According to the High Commissioner for Peace, three persons were killed and 71 wounded between January 1 and September 29 as the result of improvised explosive devices and land mines.

**Abductions:** Criminal organizations, FARC dissidents, the ELN, and common criminals continued to kidnap persons. According to the Ministry of Defense, there were 75 kidnappings from January 1 to July 31. Seventeen of the kidnappings were attributed to the ELN, and the remainder were attributed to other organized armed groups. On July 13 in a rural area of Tame, Arauca Department,

the ELN kidnapped 11 persons, including a former FARC combatant, Indigenous persons, and poor farmers. In August, after the presidential inauguration, the ELN released 15 persons, including five members of the military and one police officer whom they had kidnapped during the year.

Between January 1 and July 31, the Ministry of Defense reported that the armed forces and police released 38 hostages from captivity. The ministry also reported that between January 1 and July 31, four victims of kidnapping died while in captivity. As of August 10, the Attorney General's Office reported seven convictions for kidnapping.

Efforts continued to hold accountable those responsible for pre-peaceaccord abductions. In June members of the secretariat of the former FARC publicly acknowledged their responsibility for war crimes and crimes against humanity involving kidnapping and hostage-taking during the armed conflict, as well as for other gross violations of human rights committed in the context of such abductions, including torture and disappearances. They shared a stage with, and apologized to, their victims. The JEP assessed that 21,396 persons in total were victims of FARC violence.

**Physical Abuse, Punishment, and Torture:** From January through August, CINEP reported the ELN and criminal organizations were responsible for four documented cases of serious abuse that included seven victims.

**Child Soldiers:** Illegal armed groups and criminal organizations continued to forcibly recruit and use child soldiers for armed conflict and exploit them in forced labor and sex trafficking.

**Other Conflict-related Abuse:** Reports of other human rights abuses occurred in the context of the conflict and narcotics trafficking. Drug traffickers and armed groups continued to displace predominantly poor and rural populations (see section 2.f., Status and Treatment of Internally Displaced Persons). Armed groups, particularly in the departments of Cauca, Choco, Cordoba, Narino, and Norte de Santander, exploited children, including Venezuelan, Indigenous, and Afro-Colombian youth, in human trafficking by forcibly recruiting them to serve as combatants and informants, to harvest illicit crops, and to be exploited in sex



trafficking.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The law provides for freedom of expression, including for members of the press and other media, and the government generally respected this right. NGOs and journalists alleged increased harassment and threats from state officials, including police, during coverage of the nationwide protests. Violence and harassment, as well as the criminalization of libel, inhibited freedom of the press. The government frequently influenced the press, in part through its large advertising budgets. The independent media were active and expressed a wide variety of views without restriction.

**Violence and Harassment:** According to the domestic NGO Fundacion para la Libertad de Prensa (FLIP), from January 1 to September 2, there were 385 incidents of violence and harassment against journalists, and six journalists were illegally detained. In the same period, FLIP reported 139 threats against journalists, some involving more than one target. These threats were made by both governmental and nongovernmental actors.

According to FLIP, the electoral period between January and July was the most violent for journalists and the traditional media in the last 10 years. During this period, FLIP reported that journalists were victims of threats and stigmatization from politicians. For example, President Petro called columnist David Ghitis from *Noticiero RCN* a “neonazi.” During the presidential inauguration, journalists from *Revista Semana* and *Noticiero RCN* were called “fascists” by a group of inauguration attendees, according to media reports.

From January 1 through August 1, the Attorney General’s Office investigated 20 cases of homicide of journalists and obtained four convictions. These included cases from prior years. It reported no investigations involving alleged threats or harassment against journalists.

On August 28, two journalists, Dilia Contreras and Leiner Montero, were killed

while covering a religious festival in Magdalena Department. According to FLIP investigations, Montero had previously received threats. FLIP asked the Attorney General's Office to investigate the killings as crimes targeting journalists. Four days after the killings, Magdalena authorities captured a man accused of participating in the killing of the two journalists, but authorities were investigating whether the incident was related to their profession as journalists.

As of September 1, the NPU provided protection services to 162 journalists, including new protection measures issued this year for 15 journalists. Some NGOs raised concerns regarding perceived shortcomings in the NPU, such as delays in granting protection and the appropriateness of measures for addressing specific threats.

On October 16, Rafael Moreno Garavito became the third journalist killed in the year following an attack in Montelibano, Cordoba.

**Censorship or Content Restrictions for Members of the Press and Other Media, including Online Media:** FLIP alleged some journalists practiced self-censorship due to fear of being sued under libel laws or of being physically attacked, mostly by nongovernment actors. FLIP asserted the high degree of impunity for those who committed aggressions against journalists was a factor in self-censorship. In addition, individuals living in high-violence areas practiced self-censorship due to their fear of attacks.

**Libel/Slander Laws:** By law, slander and libel are crimes. The government did not use prosecution to prevent media outlets from criticizing government policies or public officials. Political candidates, businesspersons, and others, however, publicly threatened to sue journalists for expressing opinions, alleging defamation or libel. FLIP reported that through September 6, there were five cases of judicial harassment affecting journalists.

**Nongovernmental Impact:** Members of armed groups inhibited freedom of expression by intimidating, threatening, kidnapping, and killing journalists. National and international NGOs reported media regularly practiced self-censorship because of threats of violence from armed groups.

## **Internet Freedom**

The government reported it did not restrict or disrupt access to the internet or censor online content, including during the national protests. Internet service providers, however, reported the social networking site Tumblr was temporarily blocked by “order of the competent authorities” in January. The reason for the block was unclear, and inquiries made by civil society groups to the government were not successful in gaining further clarity.

## **b. Freedoms of Peaceful Assembly and Association**

The law provides for the freedoms of peaceful assembly and association, but the government did not always respect these rights.

### **Freedom of Peaceful Assembly**

Protesters and NGOs continued to allege that police used excessive force to curb demonstrations during the 2021 nationwide protests. Some of the protests were violent, including attacks on police and police stations, looting, and burning government buildings and public transportation. Protesters also erected thousands of roadblocks, impeding the delivery of food, supplies, and emergency services.

From January 1 to August 1, the Attorney General’s Office reported that 20 members of the police were under active investigation for alleged homicide during the 2021 protests. The attorney general also charged an additional 24 members of the security forces with crimes related to the protests.

### **Freedom of Association**

The law provides for the freedom of association, and the government generally respected this right. Freedom of association was limited, however, by threats and acts of violence committed by armed groups against NGOs, Indigenous groups, and labor unions.

Although the government does not prohibit membership in most political organizations, membership in organizations that engaged in rebellion against the government, espoused violence, or carried out acts of violence, such as the FARC, the ELN, and other armed groups, was against the law.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement and the Right to Leave the Country**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these related rights, although there were exceptions. Military operations and insecurity in certain rural areas restricted freedom of movement.

**In-country Movement:** The government required asylum seekers and individuals without regularized migration status to have a *salvoconducto* (safe passage document) to travel throughout the country; however, humanitarian legal assistance organizations reported extensive delays in receiving these documents. Armed groups established checkpoints on rural roads and set their own curfews, which restricted movement and expanded the groups' territorial control.

International and civil society organizations reported that armed groups restricted movement of rural communities through roadblocks, curfews, car bombs at egress routes, and improvised explosive devices in areas where illicit crop cultivation and narcotics trafficking persisted. By July, according to the UN Office for the Coordination of Humanitarian Affairs (OCHA), 69,000 persons lived in communities that suffered restricted movement due to armed incidents and geographical factors, limiting their access to essential goods and services.

### **e. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, or asylum seekers, as well as other persons of concern.

**Access to Asylum:** The law provides for the granting of asylum or refugee status, and the government has established a system for providing long-term protection to refugees.

While the government generally provided access to the asylum process for persons who requested international protection, many opted for alternative migration status such as Temporary Protective Status. The government continued to grant citizenship to Venezuelan children born in Colombia on or after August 19, 2015.

**Temporary Protection:** The law allows a 10-year Temporary Protective Status. The status provides a pathway to legal residence. Officials reported one million persons were in the process of obtaining the status, while an additional 1.5 million Venezuelans were eligible to request the status. The status allowed authorities to identify Venezuelans with temporary status; grant Venezuelans formal access to work, health, and education; and facilitate participation in the national COVID-19 vaccination plan.

## **f. Status and Treatment of Internally Displaced Persons**

There were approximately 6.7 million internally displaced persons (IDPs) living in the country after 1985, largely because of the armed conflict and continuing violence in rural areas. Threats posed by armed groups created internal displacement in remote areas as well as urban settings. After the 2016 peace accord, FARC withdrawal resulted in a struggle for control by other armed groups, causing violence and additional internal displacement.

The government, international organizations, and civil society groups identified various factors causing displacement, including threats, extortion, and physical, psychological, and sexual violence by armed groups against civilian populations, particularly against women and girls. Other causes of displacement included competition and armed confrontation among and within armed groups for resources and territorial control; confrontations between security forces, guerrillas, and criminal gangs; and forced recruitment of children or threats of forced recruitment. Drug trafficking, illegal mining, and large-scale commercial ventures in rural areas also contributed to displacement.

Local institutions in many areas lacked the capacity to protect the rights of and provide public services to IDPs and communities at risk of displacement. Consequently, the government continued to struggle to provide adequate protection and humanitarian assistance to newly displaced populations.

OCHA reported that 42,800 persons were affected in 105 displacement events between January and September. Departments with the highest rate of mass displacements included Antioquia, Cauca, Choco, Narino, and Norte de Santander.

The Victims' Unit maintained the Single Victims Registry as mandated by law. Despite improvements in the government registration system, IDPs experienced delays in receiving responses to their displacement claims due to a large backlog of claims built up during several months, lack of the unit's presence in rural areas, and other constraints. Government policy provided for an appeal process in the case of refusals of displacement claims.

The ELN and other armed groups continued to use force, intimidation, and disinformation to discourage IDPs from registering with the government. International organizations and civil society expressed concern regarding urban displacement caused by violent territorial disputes between criminal gangs, some of which had links to larger criminal and narcotics trafficking groups.

The Victims' Unit cited extortion, forced recruitment by armed groups, killings, and physical and sexual violence as the primary causes of intraurban displacement. UNHCR reported that displacement disproportionately affected Indigenous and Afro-Colombian groups.

The NGO National Association of Displaced Afro-descendants (AFRODES) stated that threats and violence against Afro-Colombian leaders and communities continued to cause high levels of forced displacement, especially in the Pacific coast region. AFRODES and other local NGOs expressed concern that large-scale economic projects, such as agriculture and mining, contributed to displacement in their communities.

By law, 52 government agencies share responsibility for assisting registered IDPs. Dozens of international organizations; international NGOs; domestic nonprofit groups; and multilateral organizations, including the International Organization for Migration, World Food Program, International Committee of the Red Cross, UNHCR, and Colombian Red Cross, coordinated with the government to provide emergency relief and long-term assistance to displaced populations.

International organizations and NGOs remained concerned regarding the slow and

insufficient institutional response to displacement. Insecurity in communities affected by the conflict, including areas in the departments of Antioquia, Cauca, Choco, Narino, and Norte de Santander, often delayed national and international aid organizations from reaching newly displaced populations. International organizations and civil society reported that a lack of local capacity to accept registrations in high-displacement areas often delayed assistance to persons displaced individually or in smaller groups. Humanitarian organizations attributed the delays to a variety of factors, including lack of personnel, funding, declaration forms, and training. As a result, NGOs took additional measures to provide humanitarian assistance to recently displaced individuals. Many IDPs continued to live in poverty in unhygienic conditions and with limited access to health care, education, shelter, and employment. Following the COVID-19 pandemic, some humanitarian organizations continued health promotion education and the distribution of hygiene supplies.

### **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government through free and fair periodic elections held by secret ballot and based on nearly universal suffrage. Active-duty members of the armed forces and police may neither vote nor participate in the political process. Civilian public employees are eligible to vote, and they may participate in partisan politics but only during the four months immediately preceding a national election.

#### **Elections and Political Participation**

**Recent Elections:** Legislative and presidential elections were held in March and May, respectively. Because no presidential candidate won more than 50 percent of the vote in the first round, the country held a second round of voting in June, resulting in the election of Gustavo Petro. Observers, including teams from foreign embassies, the Organization of American States, and leading domestic watchdog Electoral Observation Mission, considered the elections free and fair.

**Political Parties and Political Participation:** Criminal gangs, FARC dissidents, and the ELN continued to threaten and kill government officials (see section 1.g.). As of June 30, the NPU, under the Ministry of Interior, was providing protection to

255 mayors, 16 governors, and 435 other persons, including members of departmental assemblies, council members, judges, municipal human rights officers, and other officials related to national human rights policies. By decree, the CNP's protection program and the NPU share responsibility for protecting municipal and district mayors. On April 7, the JEP ruled that state agents, including military intelligence officers, as well as paramilitaries acting in concert with state agents, killed or disappeared 5,733 candidates and other persons affiliated with the leftwing political party Union Patriótica in a "generalized, systematic" effort to debilitate the party between 1984 and 2016.

**Participation of Women and Members of Minority Groups:** No laws limit the participation of women or members of minority groups in the political process, and they did participate.

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively, although officials sometimes engaged in corrupt practices without punishment. There were numerous reports of government corruption during the year, particularly at the local level. Revenues from transnational organized crime, including drug trafficking, exacerbated corruption.

**Corruption:** In August, press reports alleged that government officials abused their positions to steal hundreds of millions of dollars in peace accord implementation funds meant for some of the country's poorest, most violent, and least governed territories. An investigation by journalists estimated that approximately 12 percent of the 2021 peace resources, estimated at 500 billion pesos (\$115 million) and meant for infrastructure projects, was lost to bribes and kickbacks.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human**



## Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were typically cooperative and willing to listen to the concerns of local human rights groups.

**Retribution Against Human Rights Defenders:** UN Special Rapporteur on the Situation of Human Rights Defenders Mary Lawlor expressed concern with the killing on January 14 of Breiner David Cucuname, age 14 human rights and environmental defender, which took place in a rural area of Cauca Department, located in the southwest of the country. Cucuname was shot in an ambush while on patrol with the unarmed Indigenous Guard, an organization that sought to protect Indigenous communities and land. Indigenous authorities condemned the attack and blamed the dissidents of the FARC. Former President Ivan Duque publicly denounced the attack (see also section 6, Indigenous Peoples).

Several human rights-focused NGOs reported receiving threats in the form of emails, mail, telephone calls, false obituaries, and objects related to death, such as coffins and funeral bouquets. The government often condemned the threats and called on the Attorney General's Office to investigate them. On June 7, the JEP issued a statement condemning threats against an NGO representing victims of forced displacement, in particular the unauthorized entry into its offices by an armed individual. Some activists claimed the government did not take the threats seriously, given the delayed responses in risk assessments following previous threats and attacks and slow implementation of the subsequent recommendations.

The government announced progress in the investigations into attacks and killings of human rights defenders, but there were no convictions in cases of threats against human rights defenders during the year. (See section 1.a. for additional information.)

As of June, the NPU provided protection to more than 8,091 individuals. Among the protected persons were 3,595 human rights defenders and social leaders.

**Government Human Rights Bodies:** The ombudsperson is independent, submits

an annual report to the House of Representatives, and has responsibility for providing for the promotion and exercise of human rights. According to human rights groups, underfunding of the Ombudsperson's Office limited the office's ability to monitor abuses effectively. The ombudsperson, as well as members of the ombudsperson's regional offices, received threats from armed groups through pamphlets, email, and violent actions. The Ombudsperson's Office regularly issued alerts for areas it assessed as at risk of conflict. The government was often slow to implement the recommendations in the alerts.

The National System for Human Rights and International Humanitarian Law – led by a commission of 21 senior government officials, including the vice president – designed, implemented, and evaluated the government's policies on human rights and international humanitarian law. The Office of the Presidential Advisor for Human Rights coordinated national human rights policy and actions taken by the government to promote or protect human rights.

Both the Senate and House of Representatives have human rights committees that served as forums for discussion of human rights problems.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** Although prohibited by law, rape of men or women, including spousal rape, remained a serious problem. The law provides for sentences ranging from eight to 30 years' imprisonment for violent sexual assault. For acts of spousal sexual violence, the law mandates prison sentences of six months to two years. By law, femicide is punishable with penalties of 21 to 50 years in prison, longer than the minimum sentence of 13 years for homicide. The law augments both imprisonment and fines if a crime causes "transitory or permanent physical disfigurement," such as in the case of acid attacks, which have a penalty of up to 50 years in prison. The government did not always enforce the law effectively.

Violence against women, as well as impunity for perpetrators, was a problem. Members of armed groups continued to rape and sexually abuse women and

children. The law requires the government to provide immediate protection to survivors of domestic violence from further physical or psychological abuse.

The interagency Sexual Assault Investigative Unit in Bogota focuses on investigating sexual assault cases. The Ministry of Defense continued implementing its protocol for managing cases of sexual violence and harassment involving members of the military. The District Secretariat of Women in Bogota and the Ombudsperson's Office offered free legal aid for survivors of gender violence and organized courses to teach officials how to treat survivors respectfully.

**Female Genital Mutilation/Cutting (FGM/C):** The law prohibits FGM/C, but isolated incidents were reported in several Indigenous communities in different parts of the country. Two-thirds of women from the Embera community had undergone FGM/C, according to the UN Population Fund. The Ministry of Health reported FGM/C cases occurring in Choco and Cauca Departments affecting girls as young as age nine days. Indigenous leaders stated that FGM/C continued to be a problem, with local officials confirming a high level of underreporting on a regional and national scale.

**Sexual Harassment:** The law provides measures to deter and punish harassment in the workplace such as sexual harassment, verbal abuse or derision, aggression, and discrimination. The government did not always enforce the law effectively. The Attorney General's Office and Prosecutor's Office opened numerous cases against members of the military forces and police for rape, abuse, and sexual harassment of women, Afro-Colombian and Indigenous leaders, and members of the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community. Nonetheless, NGOs reported sexual harassment remained a pervasive and underreported problem in workplaces and in public.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. The law, however, allows the involuntary surgical sterilization in certain cases of children with cognitive and psychosocial disabilities. The Truth Commission's final report released on June 28 acknowledged that the internal armed conflict involved "reproductive violence." This included forced contraception and abortions for adult women combatants and

minor girls illegally recruited into armed groups.

Contraception was widely available. The government provided access to sexual and reproductive services, and emergency contraception was available for survivors of sexual violence, including survivors of conflict-related sexual violence. Emergency contraception was also available as part of family planning methods.

**Discrimination:** Although women have the same legal rights as men, discrimination against women persisted. The Office of the Advisor for the Equality of Women had primary responsibility for combating discrimination against women, but advocacy groups reported that the office remained seriously underfunded and was not always effective. The government continued its national public policy promoting gender equity.

## **Systemic Racial or Ethnic Violence and Discrimination**

According to the 2018 national census, approximately one-fifth of the country's population self-identified as Afro-Colombian or Indigenous, and approximately 9.3 percent of the population described themselves as being of African descent. A 2011 UN report estimated Afro-Colombians were 15 to 20 percent of the population, while human rights groups and Afro-Colombian organizations estimated the proportion to be 20 to 25 percent.

Afro-Colombians and Indigenous individuals are entitled to all constitutional rights and protections, but they faced significant economic and social discrimination. According to a 2016 UN report, 32 percent of the country's population lived below the poverty line, but in Choco, the department with the highest percentage of Afro-Colombian residents, 79 percent of residents lived below the poverty line. NGOs and the OHCHR reported that Afro-Colombian and Indigenous communities continued to be disproportionately affected by illicit economic activities in territories with weak governments. According to the Truth Commission's final report, 39.6 percent of Afro-Colombian individuals were affected by the armed conflict. The NGO CODHES reported 19,168 Afro-Colombian communities were affected by forced displacements between January and July.

The government continued a policy to promote equal opportunity for Black, Afro-

Colombian, Palenquera, and Raizal populations. The Petro administration acknowledged that prior government policies disproportionately excluded Afro-Colombian, Indigenous, and ethnic communities from opportunities for health, education, and economic growth. The Ministry of Interior provided technical advice and funding for social projects proposed by Afro-Colombian communities. As part of the implementation of the 2016 peace accord, the government's various agencies took steps to implement development programs aimed at Afro-Colombian, Indigenous, and ethnic communities.

## **Indigenous Peoples**

Despite special legal protections and government assistance programs, Indigenous persons continued to suffer discrimination and lacked access to basic services. Indigenous communities were often among the poorest in the country and had the highest age-specific mortality rates.

The law gives special recognition to the fundamental rights of Indigenous persons, who made up approximately 4.4 percent of the population. The law requires the government to consult beforehand with Indigenous groups regarding governmental actions that could affect them.

The law gives Indigenous groups perpetual rights to their ancestral lands but Indigenous groups, neighboring landowners, and the government often disputed the demarcation of those lands. Indigenous groups operated 842 reservations, accounting for approximately 28 percent of the country's land area. Armed groups often violently contested Indigenous land ownership and recruited Indigenous children to join their ranks.

The law provides for special criminal and civil jurisdictions based on traditional community laws within Indigenous territories. Legal proceedings in these jurisdictions were subject to manipulation and often rendered punishments more lenient than those imposed by civilian state courts.

Some Indigenous groups continued to assert they were not able to participate adequately in decisions affecting their lands. The constitution provides for a "prior consultation" mechanism for Indigenous communities, but it does not require the government to obtain the consent of those communities in all cases. Indigenous

communities such as the Wayuu community in La Guajira protested private and government entities that developed projects on Wayuu territories without consulting the Indigenous communities. The government stated that it consulted with Indigenous leaders when possible before entering Indigenous lands but that for security reasons, the government could not provide advance notice of most military operations, especially when in pursuit of enemy combatants.

According to the Truth Commission's final report in June, 25.2 percent of Indigenous communities had been affected by the armed conflict.

Killings of members and leaders of Indigenous groups continued. In the first half of the year, the UN's High Commissioner for Human Rights reported the homicide of nine male Indigenous human rights defenders. The ombudsperson reported on October 28 that 32 Indigenous leaders were killed through September 30. In July unidentified armed men allegedly linked to illegal armed groups shot and killed Maria Veronica Pai Cabeza, an Indigenous woman, in Narino.

UN Special Rapporteur on the Situation of Human Rights Defenders Mary Lawlor expressed concern with the killing of human rights and environmental defender Breiner David Cucuname, as well as abductions of young leaders (see also section 5, Retribution Against Human Rights Defenders (HRDs)). Activists and political analysts noted increasing killings of and threats to Indigenous leaders, many of whom were environmental activists. The NGO CODES reported that 11,023 Indigenous communities had suffered from forced displacement between January and September. The United Nations received reports of an increasing number of children and adolescents, including many girls, being recruited by illegal armed groups.

Ethnic Wayuu children continued to die of malnutrition. According to a 2015 government survey, 77 percent of Indigenous households in the department of La Guajira, where the largest number of Wayuu lived, were food insecure. Many of these communities lacked access to health-care facilities, sanitary and hygiene products, and clean water. Poor economic conditions also made health-related isolation recommendations difficult due to overcrowded housing.

## Children

**Birth Registration:** In most cases, citizenship was derived by birth within the country's territory. Birth registration was provided on a nondiscriminatory basis. Most births were registered immediately. If a birth is not registered within one month, parents may be fined and denied public services.

**Child Abuse:** Child abuse was a serious problem. The Colombian Family Welfare Institute (ICBF) provided psychosocial, legal, and medical care to victims.

**Child, Early, and Forced Marriage:** Marriage is legal at age 18. Boys older than 14 and girls older than 12 may marry with the consent of their parents. According to UNICEF, 5 percent of girls were married before age 15 and 23 percent were married before age 18. The ICBF assisted with 11,146 cases of sexual abuse of a minor; 84 of these cases were for early marriage.

**Sexual Exploitation of Children:** Sexual exploitation of children remained a problem. The law prohibits sexual exploitation of a minor or facilitating the sexual exploitation of a minor and stipulates a penalty of 14 to 25 years in prison. Penalties are more severe for perpetrators who are family members of the victim and for cases of forced marriage. Penalties exist for sexual exploitation by armed groups, sex tourism, and commercial sexual exploitation. The law prohibits pornography using children younger than 18 and stipulates a penalty of 10 to 20 years in prison and a fine for violations. The minimum age for consensual sex is 14. The penalty for sexual activity with a child younger than 14 ranges from nine to 13 years in prison. The government generally enforced the law.

The Attorney General's Office reported that most of the investigations opened during the year into the sexual abuse of minors involved children under age 14.

On May 6, in Barrancabermeja, Santander, a woman was arrested and charged with aggravated sexual exploitation of a minor for exploitation of her age 13 granddaughter, who was under her custody. A man involved in this case was also arrested and charged with commercial sexual exploitation of children and sexually violating a minor.

On May 22, in the municipality of Sevilla, Valle del Cauca, a woman was arrested

for recruiting young women between 2016 and 2017 from the country's "coffee belt" region using fraudulent employment opportunities to later exploit these women into sex trafficking in China.

## **Antisemitism**

The Jewish community, with an estimated 5,000 members, continued to report instances of antisemitic graffiti near synagogues, as well as antisemitic comments on social media.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics**

**Criminalization:** Consensual same-sex conduct between adults is legal.

**Violence Against LGBTQI+ Persons:** There were reports of societal abuse, discrimination, and sexual assault of LGBTQI+ persons. There were allegations of police violence based on sexual orientation. The NGO Colombia Diversa reported 41 homicides of LGBTQI+ persons between January 1 and July 30. The organization highlighted that six of these homicides were of LGBTQI+ rights movement leaders.

On July 30, a group of women harassed and assaulted a same-sex couple in the park, claiming their public kissing was inappropriate. Local officials stated they were investigating the incident.

As of August, the Attorney General's Office reported 50 open investigations into excessive use of force by military or police against LGBTQI+ persons. On October 27, the Attorney General's Office announced the adoption of the first protocol for investigating crimes against LGBTQI+ victims.



**Discrimination:** The law prohibits discrimination by state and nonstate actors based on sexual orientation and gender identity or expression. From January 1 to October, Colombia Diversa received 62 requests for support in cases of discrimination based on sexual orientation in employment, housing, health, and access to education.

NGOs reported that within the LGBTQI+ community, transgender individuals faced significant discrimination in accessing public services. According to Foundation Group of Action and Support for People with Trans Life Experience (in Spanish, Fundacion GAAT), in addition to the bullying and discrimination they faced in public, transgender individuals had difficulty accessing formal jobs, health services, including mental health support, and education. Only four out of 100 transgender individuals had formal jobs, according to Fundacion GAAT. The organization reported that delays for transgender individuals in receiving updated identification documents posed specific challenges for employment.

The country suffers from high rates of impunity for crimes against LGBTQI+ persons, especially against transgender individuals. Investigators and police often mislabeled the gender identities of victims and improperly interviewed LGBTQI+ victims, leading to intentional and unintentional intimidation. LGBTQI+ NGOs noted it was common for police either in conversation or their reports to identify transgender victims as “a man disguised as a woman” or vice versa.

**Availability of Legal Gender Recognition:** Transgender individuals cited barriers to public services when health-care providers or police refused to accept their government-issued identification. Some transgender individuals stated it was difficult to change their gender designation on national identity documents and that transgender individuals whose identity cards listed them as male were required to show proof they had performed mandatory military service or obtained the necessary waivers from that service.

The country recognizes male, female, transgender, or nonbinary markers as the gender in legal identification documents. NGOs, such as Caribe Afirmativo, highlighted that updating a gender designation was difficult due to the financial costs associated with acquiring the underlying documents, such as birth certificates and updated medical documents.

**Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals:** NGOs claimed transgender individuals, particularly transgender men, were often sexually assaulted in so-called corrective rape. The NGO Fundacion GAAT estimated that approximately 20 percent of LGBTQI+ persons had been a victim of conversion therapy. A university study estimated that the majority of those experiencing conversion therapy received it from a religious figure or a medical provider. Data for victims of conversion therapy did not exist because conversion therapy is not considered as a crime and the practice is not legally regulated in the country.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:** No restrictions exist on the freedom of expression, association, or peaceful assembly of LGBTQI+ persons.

## **Persons with Disabilities**

The law prohibits arbitrary restriction on the full exercise of the rights of persons with disabilities or harassment of persons with disabilities; however, enforcement was rare. The law prohibits discrimination against persons with physical and mental disabilities but does not explicitly prohibit discrimination against persons with sensory or intellectual disabilities. No law mandates access to information and telecommunications for persons with disabilities. The law recognizes that persons 18 years of age and older with disabilities have full legal capacity.

In 2013, the State Council ordered all public offices to be accessible to persons with disabilities and to include requirements for accessibility when granting licenses for construction and occupancy. The government reported progress during the year at both the national and municipal level, including accessibility adaptations at ports, airports, and other mass transport terminals.

The Office of the Presidential Advisor for Human Rights and the Human Rights Directorate at the Ministry of Interior were responsible for protecting the rights of persons with disabilities. The government made efforts to improve and address disability issues, including providing training to increase awareness about persons with disabilities, providing training on legal obligations, increasing student quotas at universities for persons with disabilities, and providing legal and tax incentives

for employers to hire persons with disabilities.

According to the NGO Somos Defensores, government authorities seldom enforced laws providing rights for individuals with disabilities. Access of persons with disabilities to education, health services, public buildings, and transportation was generally not on an equal basis with other persons.

Although children with disabilities attended school at all grade levels, advocates noted most teachers and schools were neither trained nor equipped to successfully educate children with disabilities. Advocacy groups also stated children with disabilities entered the education system later than children without disabilities and dropped out at higher rates. Persons with disabilities were unemployed at a much higher rate than the general population.

## **Other Societal Violence or Discrimination**

There were confirmed reports of societal violence or discrimination against persons with HIV and AIDS. In its most recent demographic and health survey (2015), the government reported that 78 percent of the respondents indicated discriminatory attitudes towards persons with HIV and AIDS, reflecting low levels of social acceptance throughout the country.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers to form and join unions, bargain collectively, and conduct legal strikes. The law prohibits antiunion discrimination. Members of associated workers' cooperatives, however, are not allowed to form unions, since the law recognizes members of a cooperative as owners. The law also prohibits members of the armed forces and police from forming or joining unions.

The law provides for automatic recognition of unions that obtain 25 signatures from potential members and that comply with a registration process. The law provides for associated workers' cooperatives, collective pacts, and union contracts. Under collective pacts, employers may negotiate accords on pay and

labor conditions with workers in workplaces where no union is present or where a union represents less than one-third of employees. Law and regulations prohibit the use of workers' cooperatives and collective pacts to undermine the right to organize and bargain collectively, including by extending better conditions to nonunion workers through such pacts.

Through a union contract, a company may contract a union, at times formed explicitly for this purpose, for a specific job or work; the union then in essence serves as an employer for its members. Workers who belong to a union that has a union contract with a company do not have a direct employment relationship with either the company or the union. Labor disputes for workers under a union contract may be decided through an arbitration panel, as opposed to deciding in labor courts, if both parties agree. Prohibited practices include an employer impeding workers' rights to strike, meet, or otherwise associate, and extending better conditions to members of collective pacts than to union members.

Before conducting a strike, unions must follow prescribed legal procedures, including entering into a conversation period with the employer, presenting a list of demands, and gaining majority approval in the union for a strike. The law limits strikes to periods of contract negotiations or collective bargaining. The law allows employers to fire trade unionists who participate in strikes or work stoppages ruled illegal by the courts.

The government has the authority to fine labor rights violators. The law stipulates that offenders repeatedly misusing workers' cooperatives or other labor-contracting mechanisms shall receive the maximum penalty and may be subject to losing their legal status to operate. Employers who engage in antiunion practices may also be imprisoned for up to five years, although government officials acknowledged a fine was more likely than imprisonment. Penalties are commensurate with penalties prescribed for other violations regarding denials of civil rights, such as discrimination.

Government enforcement of applicable laws was inconsistent. Penalties were rarely applied against violators. The government did not fully implement a new system for fine collection that would ensure timely and regular collection of fines related to these protections. Despite steps by the Ministry of Labor to strengthen

its labor law inspection system, the government did not establish a consistent, robust national strategy to protect freedom of association and collective bargaining. Structural challenges adversely affected prosecutions, which resulted in a continued high degree of impunity for violators of these rights, including in cases of threats and violence against unionists.

The government continued to reach labor formalization agreements with firms engaged in abusive subcontracting or that had labor conflict during the year. Most of the agreements resulted in direct employment contracts, and a few were indefinite term contracts. Through August 30, the vice minister of labor relations and inspections reported 2,102 workers benefited from 46 such formalization agreements in various sectors, including commerce, agriculture, health, and transport, a significant increase from the previous year.

Labor rights groups expressed concern that previously signed formalization agreements were not sufficiently monitored by the ministry to ensure their enforcement. The Ministry of Labor's Special Investigations Unit, which is part of the labor inspectorate, has the authority to investigate and impose sanctions. The vice minister of labor relations and inspections decided on a case-by-case basis whether to assign the unit or the regional inspectors to investigate a particular worksite or review a particular case. The unit was reportedly overburdened with cases, resulting in delays responding to union requests for review.

Field-based inspections by the Ministry of Labor for abusive subcontracting in the five priority sectors of palm oil, sugar, ports, mines, and cut flowers were infrequent. Critics claimed inspections lacked necessary rigor, assessed fines were not collected, and abusive subcontracting continued. Through August 30, there were no new fines assessed for abusive subcontracting or freedom of association violations in the five priority sectors. The government continued to engage in regular meetings with unions and civil society groups on these and related issues.

The Ministry of Labor continued to train labor inspectors through a virtual training campus to identify abusive subcontracting and antiunion conduct, among other violations. It also implemented methods, including contract and process maps, as strategic planning tools to prioritize interventions. The ministry continued to employ a telephone- and internet-based complaint mechanism to report alleged

labor violations. Union members complained that the systems did not allow citizens to register anonymous complaints and that registered complaints did not result in any government action.

Violence, threats, harassment, and other practices against trade unionists continued to affect the exercise of the right to freedom of association and collective bargaining. The tripartite Interinstitutional Commission for the Promotion and Protection of the Human Rights of Workers did not meet in the year. The commission was led by the Ministry of Interior with participation by the government, organized labor groups, and the business community.

Judicial police, the Technical Investigation Body, and prosecutors investigating criminal cases of threats and killings are required to determine during the initial phase of an investigation whether a victim was an active or retired union member or was actively engaged in union formation and organization, but it was unclear whether they did so. It could take several months to transfer cases from regional field offices of the Attorney General's Office to the Attorney General's Human Rights Directorate. Cases are transferred only with the approval of the attorney general in response to direct requests, instead of automatically.

The government continued to include in its protection program labor activists engaged in efforts to form a union, as well as former unionists under threat because of their past activities. As of June 30, the NPU was providing protection to 253 trade union leaders or members, a decrease from the prior year. Between January 1 and August 31, the NPU processed 280 risk assessments of union leaders or members; 94 of those individuals were assessed as facing an "extraordinary threat," and the NPU provided protection to them. The NPU reported that the average time needed to implement protection measures upon completion of a risk analysis was 62 days in regular cases.

In cases of unionist killings from previous years, the pace of investigations and convictions remained slow, and high rates of impunity continued, although the attorney general made progress in sentencing. The Attorney General's Office reported receiving 254 cases of homicide of unionists between 2011 and August 15, 2022. The Attorney General's Office reported advancements in 45 percent of its open cases.

On September 10, armed actors killed Sibares Lamprea Vargas, secretary of administrative affairs of the Oil Workers Union (*Union Sindical Obrera*) in Barrancabermeja. Labor groups stated more needed to be done to address impunity for perpetrators of violence and threats against trade unionists. The National Union School (ENS), a labor rights NGO and think tank, reported 10 trade unionists were killed through August, seven of whom were members of the Colombian Federation of Educators. The ENS and other labor groups stated that focusing on killings alone masked the true nature and scope of the violence against labor activists. Labor groups noted that in some regions, nonlethal violations continued to increase. Through August, the ENS reported 55 death threats, three abductions, and two cases of harassment.

The government and employers generally respected freedom of association and collective bargaining, but unions cited multiple instances in which companies fired employees who formed or sought to form new unions. Some employers continued to use temporary contracts, temporary service agencies, and other forms of subcontracting, including cooperatives, to limit worker rights and protections. Labor confederations and NGOs reported that business owners in several sectors used “simplified stock corporations” (SASs), union contracts, foundations, or temporary-service agencies in attempts to circumvent legal restrictions on cooperatives. In some cases, the SAS had little or no control over the conditions of employment. The Ministry of Labor stated that an SAS, like any corporate structure, may be fined for labor violations. Labor confederations and NGOs reported these enforcement actions did not address the scope of abusive subcontracting and illegal labor intermediation.

The port workers’ labor union reported Buenaventura port operators engaged in abusive subcontracting through SASs and that Ministry of Labor inspections and adjudication of cases at the Buenaventura port were ineffective in safeguarding the rights to freedom of association and collective bargaining.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. The government did not effectively enforce the law in all cases, and there were reports that such practices occurred. The International Labor Organization noted the law permits

military conscripts to be compelled to undertake work beyond that of a military nature, such as activities to protect the environment or natural resources.

There were reports ELN guerrillas, FARC dissidents, and criminal gangs used forced labor, including forced child labor, in coca cultivation and illegal mining in areas outside government control, and used forced criminality, such as extortion, in urban areas.

Forced begging and forced labor in other sectors, including mining, agriculture (especially near the coffee belt and in floriculture), cattle herding, crop harvesting, forced recruitment by armed persons, and domestic servitude, remained a serious problem. Afro-Colombians, Indigenous persons, Venezuelan migrants, and inhabitants of marginalized urban areas were at the highest risk of forced labor, domestic servitude, forced begging, and forced recruitment. Authorities did not make efforts to investigate cases or increase inspections of forced labor. There was impunity for forced labor, and unidentified victims remained without protection in critical sectors such as agriculture, coffee production, floriculture, and extractive industries.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination with respect to employment or occupation based on race, ethnicity, sex, religion, political preference, national origin or citizenship, gender, disability, age, language, sexual orientation or gender identity, HIV-positive status or infection with other communicable diseases, or social status. Complaints of quid pro quo sexual harassment were filed with criminal courts, not with the Ministry of Labor. There are legal restrictions against women being employed in the construction sector. The government did not effectively enforce the law in all cases. Penalties were not commensurate with laws related to civil



rights, such as election interference. Penalties were rarely applied against violators.

Unemployment disproportionately affected women, who faced hiring discrimination and received salaries that generally were not commensurate with their education and experience. Media reported that, on average, women earned 12 percent less than men for the same work. In a previous year, a senior government official estimated that 85 percent of persons with disabilities were unemployed. Afro-Colombian labor unions reported discrimination in the port sector.

## **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The legal minimum monthly wage is approximately twice the amount of the poverty line; however, almost half of the total workforce earned less than the minimum wage.

The law provides for a regular workweek of 48 hours and a minimum rest period of eight hours within the week. Exceptions to this may be granted by the Ministry of Labor and were frequently granted in the mining sector. The law stipulates that workers receive premium compensation for nighttime work, hours worked in excess of 48 per week, and work performed on Sundays. The law permits compulsory overtime only in exceptional cases where the work is considered essential for the company's functioning.

**Occupational Safety and Health:** The law provides for workers' occupational safety and health (OSH) in the formal sector. The legal standards were generally up to date and appropriate for the main formal industries. The law does not cover informal-sector workers, including many mining and agricultural workers. In general, the law protects workers' rights to remove themselves from situations that endanger health or safety without jeopardy to their employment, although some violations of this right were reported during the year. In cases of formal grievances, authorities generally protected employees in this situation.

Nonunion workers, particularly those in the agricultural and port sectors, reportedly worked under hazardous conditions because they feared losing their jobs through subcontracting mechanisms or in formal arrangements if they reported abuses. Some unionized workers who alleged they suffered on-the-job injuries

complained that companies illegally fired them in retaliation for filing workers compensation claims. Only the courts may order reinstatement, and workers complained the courts were backlogged, slow, and corrupt. The Ministry of Labor may punish a company found to have broken the law in this way, but it does not offer other guarantees to workers.

According to the National Mining Agency, as of June a total of 55 workers died in 32 accidents in mines, the majority due to explosions, poisoned atmosphere, cave-ins, and floods. The National Mining Agency reported this number was similar to deaths as of June 2021.

Security forces reported that armed actors, including FARC dissidents, the ELN, and organized-crime groups, engaged in illegal mining of gold, coal, coltan, nickel, copper, and other minerals. Illegal mines, which lacked safety precautions, were particularly common in the departments of Antioquia, Boyaca, Choco, Cundinamarca, and Valle del Cauca.

**Wage, Hour, and OSH Enforcement:** The Ministry of Labor is required to enforce labor laws in the formal sector, including wage, hour, and OSH regulations, through periodic inspections by labor inspectors. The government did not effectively enforce the laws in all cases. Inspectors have the authority to perform unannounced inspections and may also initiate sanction procedures, including after opening investigations. The number of inspectors was insufficient to enforce the law effectively. Penalties are commensurate with those for negligence and fraud but were applied rarely to violators. Unionists stated that more fines needed to be collected to cause a reduction in wage and hour violations and occupational safety and health problems.

In January, the Ministry of Labor received authorization to hire an additional 355 labor inspectors. Through the end of August, 287 of these positions had been filled. Labor unions alleged a lack of transparency and nepotism in the ministry's efforts to fill the positions. As of September, the ministry employed 40 percent of the ministry's estimated 1,250 inspectors under temporary contracts.

**Informal Sector:** Workers in the informal sector, including part-time workers, are protected by wage, hour, and occupational safety and health laws, but the

government did not effectively enforce these laws in the informal sector. Eligibility to enroll and pay into the traditional social security system, which includes health and pension plans, is conditioned on earning the legal minimum monthly wage, a condition that half of all workers do not meet.

A 2021 Constitutional Court decision regarding National Development Plan provisions allows workers who earn less than the legal minimum monthly wage – often because of part-time, informal, or own-account work – to contribute to a new parallel “social protection floor” system. The decision requires the government to legislate these reforms by 2023. The government continued to implement the existing National Development Plan, as required by the court’s decision, but had not legislated the reforms. Labor unions complained the new social protection floor system allows employers to move full-time workers into part-time positions with adverse effects on worker rights.

The national statistical service reported that from May through August, 58 percent of all laborers worked in the informal sector. The government continued to support complementary social security programs to increase the employability of extremely poor individuals, displaced persons, and the elderly.