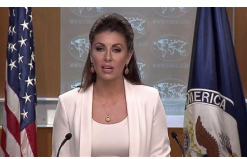


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Countries Instruments & mechanisms Latest About us Colombia Format UN Document Download Report (PDF | 410.38 KB) Summary The present report of the United Nations High Commissioner for Human Rights describes the human rights situation in Colombia in 2021, the year of the fifth anniversary of the signing of the peace agreement. It focuses on the enjoyment of economic, social and cultural rights, the prevention of human rights violations and protection of human rights, civic space, access to justice and the fight against impunity. The report contains recommendations on ways to improve the human rights situation in the country. I. Introduction The present report analyses the human rights situation in Colombia between 1 January and 31 December 2021, with a particular focus on the implementation of the human rights-related aspects of the peace agreement signed between the Government of Colombia and the Revolutionary Armed Forces of Colombia-People's Army (FARC-EP). The fifth anniversary of the peace agreement signed between the Government of Colombia and the FARC-EP was celebrated in November. The demobilization of the FARC-EP and formation of a new political party is one of the most important results for the peacebuilding process. Another significant result is the creation of the 16 special transitional electoral districts for peace, especially important for the political participation of victims from the areas most affected by the armed conflict and the most excluded sectors of society. The progress made by the transitional justice mechanisms is another important milestone of this fifth anniversary. However, the increase in violence in rural areas and some urban centers in 2021 seriously affected the leadership and community life of indigenous peoples, peasants and people of African descent, as well as women in rural areas. The pandemic and violence deepened the existing social and economic inequalities. In late April, structural inequalities, including food insecurity, difficulties accessing education, health, and jobs, in addition to a proposed tax reform, provoked the widespread mobilizations of a national strike that lasted for several months. The protesters demanded greater guarantees for the right to peaceful assembly, participation in decision-making and reform of the National Police. The Office of the United Nations High Commissioner for Human Rights (OHCHR) welcomes the Government's announcement in January of the temporary protection statute for Venezuelan migrants in the country, strengthening the framework for protection of their rights. In 2021, OHCHR conducted 527 field missions and held 331 capacity-building activities for State institutions and civil society Format Crimes under international law and human rights violations in the context of the ongoing armed conflict increased in the departments of Chocó, Cauca, Valle del Cauca, Nariño and Norte de Santander. Eight children were killed by the security forces targeting the armed groups the Revolutionary Armed Forces of Colombia (FARC-EP) and the National Liberation Army (ELN) in Chocó, Guaviare, and Cauca departments. Killings of former FARC-EP combatants increased. At least 100,000 people were forcibly displaced or confined as a result of the ongoing conflict, particularly affecting the rights of indigenous peoples and Afro-descendants. In the context of the National Strike, there were numerous reports of excessive use of force by the security forces against peaceful protesters, particularly in Cali. Police arbitrarily detained and tortured protesters and there were reports of sexual and gender-based violence against women and LGBTI people. At least 100 people sustained eye trauma due to the unlawful and excessive use of less lethal weapons by members of the Mobile Anti-Riot Squad (ESMAD). Killings and threats against human rights defenders reached alarming levels. Background More than 28 million people were fully vaccinated against Covid-19 between February and 31 December, according to the Ministry of Health. As of 31 December, there had been 129,942 Covid-19 deaths during the year. Thousands of people peacefully protested as part of the National Strike, which began on 28 April. The protests were initially triggered by proposed tax reforms, which the government sought to impose during a social crisis exacerbated by the Covid-19 pandemic. The tax proposal was withdrawn following pressure from the mass mobilizations. However, the social upheaval continued and encompassed broader social demands, calls for justice for human rights violations, and protests about the slow implementation of the 2016 Peace Agreement and the continuing violence in various regions of the country. The UN Security Council extended the mandate of the UN Verification Mission in Colombia to 2022. Right to truth, justice and reparation In October, the Constitutional Court extended the Truth and Reconciliation Commission's mandate to 27 June 2022. Compliance with the 2016 Peace Agreement between the FARC-EP and the Colombian state remained slow, according to the Kroc Institute, which monitors compliance with the Agreement. There were concerns about the significantly slower progress on comprehensive rural reform (point 1), the ending of the armed conflict (point 3) and solving the problem of illicit drugs (point 4). In the first half of 2021, two meetings of the National Commission for Security Guarantees were held. The mandate of this Commission, established by the Peace Agreement and involving the participation of civil society, is to create a public policy for dismantling armed groups. No further meetings were held despite civil society members' request for progress. Forty-one cases of homicide or enforced disappearance of former combatants were reported between January and November, according to the civil society organization Indepaz. Progress on the voluntary substitution of crops for illicit use was hampered by the complex security situation and the resumption of aerial spraying with glyphosate. In August, 16 special peace districts for victims were created in compliance with the Peace Agreement. Freedom of expression and assembly According to the Foundation for Press Freedom (FLIP), illegal profiling was carried out against people who reported police violence on social media during the National Strike. Military intelligence capabilities were aimed at profiling at least 57 journalists by collecting data such as geographic location and social media activity. The Ministry of Defence promoted a campaign, "The truth in a sea of lies", disseminating publications claiming that reports of police violence were "false news" and "digital terrorism". The FLIP reported 402 attacks on press workers documenting social demonstrations between April and November; 170 people received threats and 20 were arbitrarily detained in the context of protests. José Alberto Tejada, a journalist documenting the National Strike in Cali, was the victim of more than 14 security incidents.1 On 31 August, he was granted provisional measures by the Inter-American Commission on Human Rights (IACHR). Journalist Claudia Julieta Duque reported that the National Protection Unit of the Ministry of the Interior had collected sensitive data on her movements between February and August without her authorization. Excessive and unnecessary use of force Decree 575, which provided for the deployment of the military in public order operations in eight departments, was issued on 28 May and temporarily suspended by the Council of State in July. Between 28 April and 30 June, 84 people died in the context of protests; 1,790 people were injured, and 298 human rights defenders were attacked. Of those injured, 103 sustained eye trauma.2 In June, Michelle Bachelet, UN High Commissioner for Human Rights, expressed her deep concern over reports of serious human rights violations by state security forces in Colombia. In December her office published a report stating that they had verified 46 deaths (44 civilians and two police officers) in the context of the protests, mainly in the city of Cali, as well as 60 reports of sexual violence. Of these, the OHCHR verified 16 cases of sexual violence allegedly committed by members of the National Police. Cali was the epicentre of the police repression of social protest.3 "Operation Siloe", a joint incursion by members of the National Police, the ESMAD and the Special Operations Group (GOES) in which lethal weapons were used against peaceful protesters, began on 3 May. Kevin Aguado was shot during a vigil for victims of police violence and died. On 9 and 28 May, the National Police and armed civilians attacked protesters in Cali, constituting manifestations of urban paramilitarism. Following multiple complaints about the militarized response and police repression of demonstrations, the IACHR undertook a working visit to Colombia between 8 and 10 June. In its observations and recommendations it called for, among other things, the immediate cessation of the disproportionate use of force by the security forces and the removal of the National Police, including the ESMAD, from the Ministry of Defence in order to ensure that their actions were consistent above all with a civilian rather than a military approach. Police violence against protesters continued during August, September and October, leading 25 civil society organizations to request that the IACHR activate the Special Monitoring Mechanism for Human Rights in Colombia provided for in its report on its working visit. As of 27 May, the National Working Group on Enforced Disappearances had reported 775 enforced disappearances in the context of the National Strike; the fate of 327 people remained unknown. On 5 June, 17-year-old Duván Felipe Barros Gómez disappeared in the context of demonstrations in the capital, Bogotá. After a month-long search by his family, his body was found in the morgue of the forensic facility. Arbitrary detention and torture According to the NGO Campaign Defending Freedom, 3,275 people were arbitrarily detained in the context of demonstrations between 28 April and 30 June. On 28 May, Alvaro Herrera, Noé Muñoz, and Sebastián Mejía were beaten and detained by armed civilians and subsequently detained for 24 hours by the National Police in Cali. Alvaro Herrera and Sebastián Mejía reported that they were subjected to torture and other cruel and inhuman treatment during their detention. Indigenous peoples' Rights On 9 May, in the context of the National Strike, the Minga Indígena was attacked by armed civilians, with the acquiescence of the National Police.4 Ten Indigenous people were seriously injured, including the Indigenous human rights defender, Daniela Soto. In June, Hermilda Benítez Domínguez, from the Río Murindó Indigenous Reserve, and Oracio Carupia, an Embera Eyábida Indigenous person, died as a result of landmine explosions in Dabeiba municipality, Antioquia department. On 28 September, the Ombudsperson's Office issued Early Warning 022 in response to the risk of forced recruitment of Indigenous children and adolescents in the town of La Pedrera, Amazonas department, by FARC-EP dissidents. Gender-based violence The Black Communities Process reported that between 28 April and July there were at least 15 cases of gender-based violence against Black women in the context of

protests in Cali. In addition, the NGO Temblores reported that 491 women experienced police violence in the context of demonstrations and 35 were victims of sexual violence by state officials. In July, the Cinco Claves civil society network presented a report to the Special Jurisdiction for Peace (JEP), requesting that a national case be opened into sexual violence, reproductive violence and violence motivated by the sexual orientation and/or gender identity of the victims in the context of the armed conflict. In addition, the National Association of Displaced Afro-Colombians presented a report that documented 109 cases of sexual violence committed in the context of the armed conflict against Afro-Colombian women and girls. On 18 October, the Inter-American Court of Human Rights issued a historical ruling in the case of journalist Jineh Bedoya against Colombia, declaring the state responsible for her physical, sexual and psychological torture in 2000. Sexual and reproductive rights In November, the Constitutional Court failed to issue a ruling on a lawsuit filed in 2020 by the civil society network Causa Justa to decriminalize abortion. A ruling was expected in January 2022. LGBTI people’s rights According to the NGO Caribe Afirmativo, five LGBTI people were victims of police violence in the context of protests between 28 April and 10 June. On 21 May, a young gay man participating in a protest was arbitrarily detained and sexually assaulted at a police station in Soledad, Atlántico department. A guard reportedly incited inmates to sexually abuse him when they learned of his sexual orientation. Human rights defenders According to the Centre for Research and Popular Education, eight Indigenous human rights defenders were killed in the departments of Cauca, Nariño, Putumayo and La Guajira during the first half of the year: Carmen Ofelia Cumbalaza, a pre-candidate for the Municipal Council of the Movement of Indigenous Authorities of Colombia; María Bernarda Juajibioy; Gilberto Findicué; Aura Esther García; Fernando Esneider Lozada; Geovanny Cabezas, youth leader and Indigenous guard of the Kwe'sx Kiwe Nasa Reserve; and Oneida Argenis Yatacué and her husband Marcelino Yatacué. Between January and 31 October, the OHCHR received 180 allegations of homicides of human rights defenders, of which it verified 67. The highest number of reported killings of human rights defenders were in the departments of Valle del Cauca (31), Cauca (10) and Antioquia (six). According to the NGO Programa Somos Defensores, between January and September there were 501 threats, 86 killings and 72 attempted killings targeting human rights defenders, 41.6% of which occurred in the context of the National Strike. The environmentalist Jani Silva was forced to move from her residence in Puerto Asís, Putumayo department on 23 July when a plan to assassinate her came to light.⁵ On 14 December, Temblores denounced alleged monitoring and interception orders against its members by the Attorney General's Office. The human rights organization documented police violence and represented victims of human rights violations in the context of protests. Forced displacement and confinement According to the UN Office for Humanitarian Affairs, 60,751 people were forcibly displaced, mainly in Chocó, Cauca, Nariño and Norte de Santander departments, and 50,969 people were forcibly confined, meaning they were forced to stay in territories with limited access to food, drinking water and basic services because of the armed conflict. The overwhelming majority of those affected (95%) were Indigenous people or members of Afro-descendant communities. In July, 4,099 people were forcibly displaced in the town of Ituango, Antioquia department, due to the territorial dispute between FARC-EP dissidents and the Gaitanista Self-Defence Forces of Colombia, a paramilitary group. Violations of international humanitarian law Crimes under international law and human rights violations and abuses in the context of the internal armed conflict continued to claim victims, particularly in rural areas. According to the NGO Dejusticia, on 2 March, three minors were killed when the armed forces bombed a FARC-EP dissident camp in Guaviare department. On 5 July, 17-year-old Yeison Stiven Yule Pequi, from the Altamira Indigenous Reserve, died following a bombing raid by the National Army on a FARC-EP dissident camp in Caquetá department. On 16 September, four minors were killed in a bombing raid by the army on an ELN camp in Chocó department. On 9 October, two Venezuelan minors were killed, one of them belonging to the bi-national Wayuu Indigenous people, in Tibú municipality, Norte de Santander department, by armed actors who exercise territorial control in the area. As of 31 October, the OHCHR confirmed that there had been 43 massacres (the killing of three or more people at the same time and place and by the same alleged perpetrator) and a further 36 were being verified. Impunity On 28 January, the JEP charged eight members of the former FARC-EP Secretariat with crimes against humanity and war crimes. In July, in two separate decisions, the JEP charged 25 former army officials in connection with 127 extrajudicial executions in the Catatumbo region on the northern Caribbean coast between 2002 and 2003, and 120 similar executions between 2007 and 2008. The killings had been falsely presented as rebels killed in combat (known as “false positives”). Also in July, the Constitutional Court decided to transfer the case of Dilan Cruz, an 18-year-old protester who died at the hands of police in 2019, from the military courts to the civilian justice system. On 28 October, the ICC prosecutor closed the preliminary examination into Colombia for war crimes and crimes against humanity and signed a cooperation agreement with the government. Refugees’ and migrants’ rights On 8 February, the government announced the creation of the Temporary Protection Statute for Venezuelan migrants and refugees to allow their status to be regularized for a period of 10 years. According to the Regional Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela, as of August, 1,842,390 migrants and refugees from Venezuela remained in Colombia, of whom 1,182,059 had begun their migration regularization process. On 30 March, the Ombudsperson’s Office reported a humanitarian crisis in the department of Arauca due to the arrival of more than 4,000 people from Venezuela in need of international protection following military operations between the Venezuelan army and armed groups along the border. In October, between 15,000 and 20,000 migrants and asylum seekers from countries including Haiti, Senegal and Ghana remained stranded in the municipality of Necoclí, Antioquia department, a key transit point for people seeking to cross to Panama. Three people were found dead on 12 October after a boat sank en route from Necoclí to San Blas in Panama.

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