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Introduction

This country of origin information (COI) report was drawn up based on the questions asked and points for attention mentioned in the Terms of Reference (ToR). The ToR was by the Ministry of Justice and Security and adopted on 13 November 2023. This ToR, together with the report, on the website of the Dutch Government. This general country of origin information report describes the situation in Colombia insofar this affects the assessment of asylum applications from persons originating from Colombia, and for decision-making regarding the return of Colombian asylum-seekers who have been rejected. This report is an update of the general country of origin information report dated March 2022.¹ This report covers the period from April 2022 to May 2024.

This COI report is a factual, neutral and objective representation of the findings that were made during the reporting period. It is not a policy document, does not reflect the government's vision or policy in relation to Colombia and does not offer any policy recommendations. It does not contain any conclusions concerning immigration policy.

This report does not claim to be exhaustive with regard to individual security incidents and human rights violations; the incidents specifically mentioned are cited for the purpose of substantiating a more general view.

The situation in Colombia nevertheless differs from place to place, and it can change very rapidly.

The report has been compiled based on public and confidential sources, using information that has been carefully selected, analysed and verified. Use has been made of information from the Colombian government, various agencies of the United Nations, non-governmental organisations (NGOs), specialist literature and media reporting. Except where the facts are generally undisputed or unless stated otherwise, the content in this report is based on multiple sources. The text represents a synthesis of the sources. Where qualifications are used, they can be traced back to the sources.

This report also uses information from interviews conducted with relevant and expert sources. These interviews were conducted partly in person — in particular, during a fact-finding mission to Colombia — and partly online during the research for this COI Report. Some information was also sourced from the foreign diplomatic missions of the Netherlands. This information was used primarily to support and supplement passages based on public information. These sources are marked as a 'confidential source' in the footnotes and are accompanied by a date. Where information from a single confidential source is included, this is explicitly stated. This information is worth reporting, but could not be corroborated by other sources.

¹ <https://www.rijksoverheid.nl/documenten/ambtsberichten/2022/03/28/algemeen-ambtsbericht-colombia-maart-2022>.

1 Political developments and security situation

1.1 Political developments

1.1.1 Petro presidency

Gustavo Petro, a former member of the guerrilla group M-19,² won Colombia's presidential election in June 2022. Never before had a Colombian president been so openly of a left-wing persuasion.³ Petro's campaign was dominated by social themes, in which he advocated reforms including the improvement of the position of marginalised groups in Colombia (e.g. indigenous and Afro-Colombian communities). During his inauguration on 6 August 2022, the new president promised to fight inequality in Colombia⁴ during his term of office (to 2026) and to work towards total peace (*Paz Total*) with the various illegal armed groups operating in Colombia (see 1.4).⁵ Francia Márquez became the first Afro-Colombian vice-president of Colombia (see 3.7.4 for information on the position of the Afro-Colombian community). In addition to being the vice-president, she is the Minister for Equality — a position newly created by Petro.⁶ The period before the presidential elections was marked by violence. The election observation mission, *Misión de Observación Electoral* (MOE)⁷, referred to the period before the presidential elections as the most violent in 12 years.⁸

Pacto Histórico (Historic Pact)⁹ — President Petro's party — failed to secure a majority in parliament in March 2022. From his election onwards, however, the new president secured political alliances that — at least on paper — gave him enough votes to implement his policies. Under Petro, a coalition government with experienced ministers emerged. In record time, the new government implemented a tax reform, negotiated with cattle ranchers for the redistribution of land to the poor and drafted a peace plan — *la Paz Total* (see 1.1.2) — to end the internal conflict that had plagued the country for decades.¹⁰

² The left-wing guerrilla group *Movimiento 19 de Abril* (M-19: 19th of April Movement) was active in the 1970s and 1980s. In 1990, the group entered into a peace agreement with the Colombian government. The group surrendered its arms and promised to cease all military operations. The guerrilla group was transformed into a political party, the *Alianza Democrática* (AD-M19: the M-19 Democratic Alliance). Petro had purportedly been only politically active for the guerrilla group and had never been involved in armed conflict.

³ For most of the second half of the 20th century, Colombian democracy involved a two-party system with the government alternating between the Liberal Party (*Partido Liberal*) and the Conservative Party (*Partido Conservador*). The 1991 constitution opened Colombia's political system to the opposition. Amongst other consequences, this served to break the monopoly of the Conservatives and Liberals in both local and national elections. With Petro as president, the country broke with a long tradition of presidents from either the Liberal or the Conservative camp — or from parties that had emerged from one of these camps.

⁴ Colombia has one of the world's widest gaps between rich and poor.

⁵ De Volkskrant, *Een linkse president in Colombia? Het zou voor het eerst zijn*, 27 May 2022; The Economist, *Total Chaos*, 15 April 2023; The Economist, *Can Colombia ever have 'total peace'?*, 8 February 2023.

⁶ De Volkskrant, *Petro verklaart War on Drugs failliet*, 9 August 2022;

⁷ According to its website, the MOE is a platform of civil society organisations. Additional information is available on the following website: [La MOE - MOE - Misión de Observación Electoral](#).

⁸ The New York Times, *Colombia presidential election In Colombia, a Leftist and a Right-Wing Populist Move on to June Runoff*, 29 May 2022.

⁹ The Historic Pact is a coalition of left-wing and centre-left politicians in Colombia that was formed in early 2021 to try to win the 2022 presidential election with as many congress members as possible. The Historic Pact includes such far-left political parties as Petro's own party — *Colombia Humana* — *Polo Democrático* and *Alianza Verde*. Even individual members of the Colombian Liberal Party (*Partido Liberal Colombiano*; PLC) joined the coalition.

¹⁰ De Volkskrant, *Petro verklaart War on Drugs failliet*, 9 August 2022; The Economist, *How to lose friends and irritate people*, 26 October 2023.

In April 2023, a number of ministers in the coalition government threatened to vote against healthcare reform. This reform would have transferred control of healthcare financing from private providers to the state. In response, Petro dismissed a third of his cabinet. The new cabinet consisted mainly of ministers who were loyal to Petro. Whilst Petro attempted to rule by emergency decree, the constitutional court was empowered to overturn such decrees. As a result, almost no laws were passed. Around ten ambitious reforms became mired in Congress.¹¹ In December 2023, the Colombian *Cámara de Representantes* (the Colombian Lower House) nevertheless approved the healthcare reform. In early April 2024, the *Senado* (the Colombian Upper House) ultimately rejected the reform.¹² The constitutional court approved Petro's *Paz Total* in late 2023, albeit under certain conditions (see 1.1.2).¹³

During the reporting period, President Petro faced scandals concerning people close to him. Nicolás Petro, the president's son, was linked to money laundering and illicit enrichment. At a hearing, Nicolás Petro said that he had accepted tens of thousands of dollars from a convicted drug trafficker and put some of the money into his father's presidential campaign. The son stated that his father was not aware of the source of those donations. Prosecutors said that they were investigating whether money from other illegal sources might have entered the campaign — and whether the president was aware of the donations.¹⁴ The case against Nicolás Petro was to start in late April 2024, but it was postponed until early August 2024.¹⁵ Two of Gustavo Petro's closest political allies resigned when it became known that one of them had arranged surveillance of a babysitter on illegal grounds. This constituted a blow to the president, who had just accused previous governments of illegally wiretapping opponents (see also 3.12.2).¹⁶

The scandals contributed to a drop in the president's popularity — from 50% of the Colombian population being satisfied with the president's performance in November 2022 to 34% in June 2023. Other factors that did not help his popularity included the failure to consolidate peace agreements with the various illegal groups, the stagnation of social and economic reforms, growing crime and the continuous unstable security situation, especially in the country's remote areas.¹⁷ On 21 April 2024, thousands of people took to the streets in various parts of the country to show their dissatisfaction with the new government's progress and reforms.¹⁸

1.1.2

Paz Total

In 2016, then-President Juan Manuel Santos signed a peace treaty with the guerrilla group known as the *Fuerzas Armadas Revolucionarias de Colombia* (Revolutionary Armed Forces of Colombia) or FARC, after which some 13,000 FARC members were demobilised. Santos' successor, Iván Duque, who took office as president in 2018, had opposed the peace treaty with the FARC. Duque promised to change the terms

¹¹ Reuters, *Colombian president asks cabinet to resign ahead of reshuffle*, 26 April 2023; El País, *La Corte Constitucional tumba la declaración de emergencia económica en La Guajira*, 2 October 2023; confidential source, 5 May 2023.

¹² El País, *La Cámara de Representantes aprueba la reforma a la salud del Gobierno de Petro*, 6 December 2023; Caracol, *Senado hundió la Reforma a la Salud del Gobierno de Gustavo Petro*, 3 April 2024.

¹³ El Espectador, *La Corte Constitucional apoyó la Ley de Paz Total con estructura*, 3 December 2023.

¹⁴ The Economist, *How to lose friends and irritate people*, 26 October 2023; ABC News, *Colombia's first leftist president is stalled by congress and a campaign finance scandal*, 8 August 2023.

¹⁵ Barron's, *Colombian President's Son Indicted On Charges Of Money Laundering*, 11 January 2024; Infobae, *Caso Nicolás Petro: audiencias preparatorias del hijo del presidente fueron aplazadas, esta son las nuevas fechas*, 29 April 2024.

¹⁶ The Guardian, *Colombian president's allies resign amid illegal wiretapping scandal*, 4 June 2023.

¹⁷ The Guardian, *Colombian president's allies resign amid illegal wiretapping scandal*, 4 June 2023; AP News, *Colombia's first leftist president is stalled by congress and a campaign finance scandal*, 8 August 2023; The Economist, *How to lose friends and irritate people*, 26 October 2023.

¹⁸ France24, *En Colombia, una movilización sin precedentes contra el presidente Gustavo Petro*, 22 April 2024.

of the treaty. He argued that the treaty was far too forgiving towards the FARC guerrillas. The Duque government saw all illegal armed groups as criminal and not as politically-inspired groups. As a result the Duque government was not inclined to negotiate with them. Duque's policy was to eliminate the leaders of the armed groups and eradicate coca (and coca plantations).¹⁹

Upon taking office, Petro declared that total peace in Colombia was his priority. During the reporting period, his policy was aimed at dismantling illegal armed groups through dialogue, with a focus on protecting the lives of civilians as opposed to measuring success by the number of insurgents killed or arrested. In late December 2022, Petro announced a bilateral ceasefire with the country's five largest illegal armed groups: the *Ejército Nacional de Liberación* (ELN: National Liberation Army), the *Segunda Marquetalia*, the *Estado Mayor Central* (EMC), the *Clan del Golfo*²⁰ and the *Autodefensas Conquistadoras de la Sierra Nevada* (the Self-Defence Forces of the Conquest of Sierra Nevada), also known as *los Pachenca*. The ceasefire with the five groups was initially to last six months.²¹ The peace initiatives with these groups are known as the *Paz Rural* (Rural Peace). The initiatives with smaller criminal structures in the cities of Medellín, Quibdó and Buenaventura were named *Paz Urbana* (Urban Peace).²²

Negotiations with the various groups were not without obstacles. After Petro declared a ceasefire with the five groups in December 2022, the Clan del Golfo and the ELN were no longer part of the ceasefire in spring 2023. The ELN claimed never to have been part of the treaties, and Petro ended the treaty with the Clan del Golfo in March 2023 when the group was allegedly involved in a mine strike.²³ In addition, apparently not all factions of the organised armed groups supported a ceasefire with the government. As reported in an assessment of the impact of the ceasefire, during the first four months of 2023, of the total number of sub-structures that are part of the EMC, 29 (77%) had chosen to avoid confrontations with security forces (this refers to the army, navy, air force and police).²⁴

Despite peace initiatives, the groups continued to engage in illegal practices, including abductions, extortion and fighting amongst themselves. In May 2023, President Petro announced that he was suspending the ceasefire with the EMC in the departments of Meta, Caquetá, Guaviare and Putumayo. The decision to end the truce was taken after it was confirmed that armed men from these dissidents had killed four young indigenous men in Putumayo.²⁵ In late 2023, the government entered into new temporary ceasefires with the ELN and the EMC. Despite this,

¹⁹ The Economist, *Total Chaos*, 15 April 2023; Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, pp. 11–12 March 2022.

²⁰ This is the name used by the Colombian authorities. Until early 2024, the group itself operated under the name *Autodefensas Gaitanistas de Colombia* (AGC: the Gaitanist Self-Defence Forces of Colombia) and, since that time, they have referred to themselves as the *Ejército Gaitanista de Colombia* (EGC: Gaitanist Army of Colombia). Additional information is presented in 1.5.2. Throughout this COI Report, this group is consistently referred to as the *Clan del Golfo* (the Gulf Clan).

²¹ El País, *Petro anuncia un cese al fuego bilateral con cinco grupos armados: 'La paz total será una realidad'*, 1 January 2023; confidential source, 11 January 2024.

²² Confidential source, 13 February 2024; Fundación Ideas para la Paz (FIP), *Paz y seguridad: de la audacia a la eficacia*, 14 August 2023.

²³ The Economist, *Total Chaos*, 15 April 2023.

²⁴ Infobae, *Cómo ha cambiado la seguridad en Colombia entre el último año de Duque y el primero de Petro*, 9 August 2023; JEP, *Análisis de la situación de Derechos Humanos y seguridad en Colombia: impactos de los ceses de fuego y la Paz Total – 2022-2023*, p. 9, 24 November 2023.

²⁵ El País, *Los fuegos nunca pararon: la paz total mantiene solo dos de sus cinco ceses*, 23 May 2023; El País, *El Gobierno de Petro suspende el cese al fuego con una de las disidencias de las FARC por la masacre de cuatro jóvenes indígenas*, 22 May 2023.

incidents continued to occur. For example, in October 2023, the ELN abducted the father of a Colombian footballer (a star player for Liverpool) whilst the newly concluded ceasefire was in force.²⁶

In early March 2024, active ceasefire and peace negotiations were held with the ELN and the EMC. A ceasefire existed with the Segunda Marquetalia, and negotiations were on the table, although not settled. There had been little or no progress with the Clan del Golfo and Los Pachenca.²⁷ In April 2024, the ELN announced the temporary suspension of peace negotiations. According to the ELN, the reason for this suspension was that the Colombian authorities were conducting decentralised negotiations with the group's southern front, the Comuneros del Sur, in parallel with negotiations with the ELN. In early May 2024, the ELN alleged that the government was not honouring agreements concerning a fund that was to be set up. The group announced that, for this reason, it would resume abductions for ransom, which had been suspended since December 2023.²⁸

Throughout the reporting period, the Paz Total remained subject to changes. For example, the EMC's attack on the indigenous population of Toribío, in which a social leader was killed, prompted President Gustavo Petro to suspend the ceasefire in three departments. In April 2024, Petro then confirmed that the government would not engage in further negotiations with the EMC leader, Iván Mordisco. The peace process did proceed with factions of the EMC, which together purportedly comprised less than half of the entire EMC group (see also 1.5.2). The suspension of peace negotiations caused a sharp increase in violence in the departments of Cauca and Valle del Cauca, with incidents including an attack on relatives of Vice-President Francia Márquez on 16 June 2024.²⁹ The Clan del Golfo expressed a desire to sit down with Petro, on the condition that it would be a political negotiation process. Although the government was open to negotiations with the Clan del Golfo, congress did not authorise negotiations with criminal groups. Negotiations were considered possible only for armed groups with a recognised political status. For criminal groups, surrender was the only option for negotiation. The Clan del Golfo refused this. In November 2023, the Constitutional Court confirmed that it was up to the parliament — and not the government — to determine the status of an armed group. It was said that the parliament should pass a law to recognise the political status of the Clan del Golfo and Los Pachenca. Before the political status of these groups was recognised, negotiations could not take place.³⁰ In 2024, the Clan del Golfo subsequently claimed that it had changed into a political organisation

²⁶ France24, *Colombia: ¿hacia la 'paz total' o parcial?*, 14 December 2023; WRadio, *ELN cometió 35 secuestros y 43 homicidios en medio del cese al fuego*, 29 January 2024.

²⁷ Confidential source, 13 February 2024; Fundación Ideas para la Paz (FIP), *Paz y seguridad: de la audacia a la eficacia*, 14 August 2023.

²⁸ Reuters, *Colombia's ELN rebels freeze peace talks planned for April*, 11 April 2024; Reuters, *Colombian ELN rebels lift suspension on kidnapping*, 7 May 2024.

²⁹ El Espectador, *Suspensión del cese al fuego muestra que Cauca es el talón de Aquiles de la negociación con disidencia*, 18 March 2024; El País, *Diálogos con las disidencias de las FARC: cese al fuego, ofensiva militar, división del Estado Mayor Central y otras claves de la negociación*, 21 May 2024; Insight Crime, *High-Level Attack Punctuates Security Crisis in Southwestern Colombia*, 19 June 2024; The New Humanitarian, *Deadly attacks intensify violence in southwest Colombia*, 22 May 2024.

³⁰ El Espectador, *Corte Constitucional pidió cambios y limitó el poder de Petro en la ley de Paz Total*, 3 December 2023; Leiden University, *The Policy of 'Paz Total' (Total Peace) in Colombia: Challenges, Failures and Opportunities*, 12 January 2024; confidential source, 20 February 2024; confidential source, 13 February 2024; confidential source, 7 December 2023.

representing farmers and other citizens in rural areas where state presence was low and few government services were provided.³¹

Some success was achieved in the port city of Buenaventura. Local criminal gangs, the Shottas and the Espartanos, made a pact in September 2022, due in part to the efforts of a local bishop. From then on, the murder rate in Buenaventura dropped, such that it was no longer one of the most violent cities in the world. At one point, gang violence had made the city one of the seven cities in the world with the highest murder rate per 100,000 inhabitants.³² The pact may have led to a drop in the murder rate, but the population still suffered from extortion by the groups during the reporting period.³³ In March 2024 the Espartanos reported that they no longer wished to engage in peace negotiations with the national government. The group claimed that it had fulfilled their obligations with regards to the agreements made, whilst the other party, the Shottas, had not, and had even established ties with the ELN.³⁴

Some sources noted that the Petro government's peace initiatives had little effect on the security situation in Colombia. Whilst the rhetoric in Bogotá had certainly changed compared to the Duque government, the reality in rural areas had remained largely the same. Although there were indeed fewer armed conflicts between the Colombian armed forces and armed groups, the armed groups continued to fight amongst themselves, which had a major impact on the local population (see also 1.5.6). Further details on the security situation are presented in 1.6, based on figures, including numbers of incidents and (civilian) fatalities. The rate of killings of social leaders also remained high (see 1.2 and 3.7.1).³⁵

1.1.3 *Political power relations.*

For additional information on the political system in Colombia, please refer to 1.3 of the General Country of Origin Information Report on Colombia dated 2022.

After the parliamentary elections of March 2022, the Colombian parliament underwent a change, in which the traditional parties — the Liberal Party and the Conservative Party — lost ground.³⁶ The ruling Democratic Centre (CD: *Centro Democrático*)³⁷ of then-President Iván Duque — which went from 19 to 13 seats — had to cede its position as the largest party in the Senate to Petro's Historic Pact. The Liberal Party remained the largest party in the House of Representatives, followed by the Historic Pact. President Petro's party had less than twenty percent of the seats in both the Senate and the House of Representatives. As indicated earlier,

³¹ El País, *El Clan del Golfo acepta la invitación de Petro para sentarse a negociar*, 19 March 2024; International Crisis Group, *The unsolved Crime in 'Total Peace': dealing with Colombia's Gaitanistas*, 19 March 2024; Reuters, *Colombia's Clan del Golfo rules out surrender, but open to talks, lawyer says*, 5 May 2023.

³² El Espectador, *La historia del sacerdote que logró la tregua de bandas criminales en Buenaventura*, 10 December 2023; El Colombiano, *¿Quiénes son Los Shottas y Los Espartanos, las bandas con las que Petro buscará la paz?*, 7 December 2022; France24, *Colombia: ¿hacia la 'paz total' o parcial?*, 14 December 2023.

³³ Confidential source, 20 February 2024

³⁴ Blu Radio, *Los Espartanos' abandonan mesa de diálogo de paz con el Gobierno por supuestos incumplimientos*, 6 March 2024.

³⁵ The Economist, *Total Chaos*, 15 April 2023; confidential source, 11 January 2024; confidential source, 7 December 2023; confidential source, 20 February 2024.

³⁶ The three largest parties in the Senate (108 seats in total) were as follows: 1 – Historic Pact (20 seats), 2 – Conservative Party (15), 3 – Liberal Party (14). The following three were the largest in the House of Representatives (188 seats in total): 1 – Liberal Party (32), 2 – Historic Pact (27) – 3 Conservative Party (25).

³⁷ The Democratic Centre is a party founded by former President Álvaro Uribe Vélez in 2013. The peace negotiations with the FARC were particularly objectionable to Uribe, resulting in his secession from the Social Party of National Unity/Party of the U (Partido Social de Unidad Nacional or Partido de la U) in 2013 and the formation of the CD. Uribe had once started his political career with the Liberal Party.

Petro therefore assembled a broad coalition to secure a government majority in parliament.³⁸ Parties in this coalition included the Liberal Party, the Conservative Party, the Party of the U (*Partido de la U*), the Commons (*Comunes*) — a party emerging from the FARC — and the Green Alliance (*Allianza Verde*). The only political party with more than five seats to declare itself in opposition in both the Senate and the House of Representatives³⁹ was the CD.⁴⁰ In late 2023, former President César Gaviria announced that the Liberal Party would leave the coalition to assume an independent role.⁴¹

In late October 2023, allies of President Petro lost by wide margins in regional and local elections.. Historic Pact candidates failed to win mayorpositions in the country's key cities. In Cali, a city where residents had still voted overwhelmingly for Petro in the 2022 presidential election, the Historic Pact's mayoral candidate received only 10% of the votes. Alejandro Eder, a centre-right businessman, won with 40%. Historic Pact candidates won the governorship in only two departments: Amazonas and Nariño. Elections for governorships were largely won by candidates from traditional (centre-right) parties or coalitions of these parties.⁴²

1.2 Definition of social leader

This COI Report makes many references to the term 'social leader', which has a specific meaning within the Colombian context. The term recurs particularly in the chapter on human rights, within the context of protecting them. However as the term is used in earlier chapters as well, the following sections address the definition of a social leader.

The General Country of Origin Information Report on Colombia dated 2022 states that there was no consensus amongst the Colombian authorities, social institutions and international NGOs on what or who social leaders exactly were. For example, the Public Prosecutor's Office (Fiscalía), which is responsible for investigating crimes against social leaders, maintained a definition⁴³ that included only human rights activists, whereas the Ombudsman (Defensoría) applied a broader definition. The Ombudsman identified eighteen different types of 'social leaders'.⁴⁴ Additional information on the lack of a clear and unambiguous definition and estimates of the resulting number of social leaders, as well as on the various categories of social leaders, is presented in the General Country of Origin Information Report on Colombia dated March 2022, section 1.4.

³⁸ Carnegie Endowment for International Peace, *The Greatest Risk Facing Colombia and Its New Leftist President*, 11 August 2022; CNN, *Así quedó conformado el Congreso de Colombia para el periodo 2022-2026*, 19 July 2022.

³⁹ Following parliamentary elections in Colombia, parties can either join the government coalition, declare themselves independent parties or join the opposition. It is also possible to switch sides during a term of office. For example, a party can switch from the government to the opposition: Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 22, March 2022.

⁴⁰ Infobae, *Así quedó el apoyo del presidente Gustavo Petro en el Congreso: tendría más del 70% de respaldo*, 8 September 2022; El País, *La Cámara de Representantes aprueba la reforma a la salud del Gobierno de Petro*, 6 December 2023; Infobae, *Qué partidos políticos están en el Gobierno de Petro y cuáles en la oposición: CNE dio su fallo definitivo*, 21 September 2022.

⁴¹ Infobae, *El Partido Liberal anuncia su salida de la coalición de Gobierno de Petro en Colombia*, 27 November 2023.

⁴² AP News, *Colombia veers to the right as President Petro's allies lose by wide margins in regional elections*, 31 October 2023; Razón Pública, *Las elecciones para el Pacto Histórico: ¿una desilusión regional?*, 30 October 2023.

⁴³ Those meeting the conditions set out in the 1999 UN Human Rights Declaration.

⁴⁴ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, pp. 22-24, March 2022.

During the reporting period for the present COI Report, there was still no unambiguous definition for the term 'social leader'.⁴⁵ According to a confidential source, there were six million people in Colombia who somehow considered themselves social leaders.⁴⁶ In an article from July 2019, *Semana* magazine addresses a statement by former President Ivan Duque, who claimed that there were seven million social leaders in Colombia. According to the magazine, however, in the absence of a uniform definition, it was not possible to estimate the number of social leaders, and Duque's estimate seemed to be an underestimate. One of the categories that were identified as social leaders — the members of the *Juntas de Acción Comunal*⁴⁷ (JAC: community action boards) — alone was reported to include more than seven million people.⁴⁸

The NGO Indepaz, which annually tracks how many social leaders and human rights defenders have been killed, has the following definition:⁴⁹

'Social leaders are defined as individuals who defend the rights of the collective and develop action for the common good that is recognised in their communities, organisations or territories. All social leaders are regarded as human rights defenders. For these reports [concerning the killings of social leaders and human rights defenders], consideration is also given to the definition of human rights defenders proposed by the Inter-American Commission on Human Rights [CIDH: *Comisión Interamericana de Derechos Humanos*], as well as to the statements of the United Nations. Those managing and promoting peacebuilding and the implementation of the accords are human rights defenders and social leaders'.⁵⁰

With this definition, Indepaz maintains an interpretation almost identical to that of the Ombudsman. In its registration of 'social leaders and human rights defenders' who have been killed, Indepaz lists, amongst others, those working for the environment, LGBTIQ+ rights, fundamental rights, communal interests, interests of Afro-Colombian and indigenous communities, political activists, trade union leaders and those working for the peace process in Colombia. In some cases, individuals may advocate for multiple interests or issues. For example, a leader of a farming community may also advocate for land rights or a particular ethnic community.⁵¹ As far as is known, Indepaz did not provide an estimate of the number of social leaders in Colombia.

1.3 The Ley de Víctimas y Restitución de Tierras (Ley 1448/2011)

1.3.1 Content and purpose of the law

The Victims and Land Restitution Law (Law 1448 of 2011) — *La Ley de Víctimas y Restitución de Tierras* (Ley 1448/2011) — is a regulatory framework establishing a

⁴⁵ Municipio de Armenia, Resolución No. 260, 2 October 2023.

⁴⁶ Confidential source, 20 February 2024.

⁴⁷ A JAC is composed of neighbourhood volunteers based on participatory democracy. About 45,000 juntas exist in both urban and rural areas. Leaders of JACs advocate for the rights of their communities. The juntas played a key role in building infrastructure needed by the communities, including bridges, roads, healthcare and police stations, marketplaces, aqueducts, sewerage systems, power grids, self-build housing programmes and profitable community enterprises.

⁴⁸ *Semana*, ¿Hay 7 millones de líderes sociales en Colombia? 19 July 2019.

⁴⁹ Indepaz, *INFORME ESPECIAL Registro de líderes y personas defensoras de DDHH asesinadas*, 15 July 2020.

⁵⁰ In its reports on the annual number of social leaders killed, Indepaz refers to 'social leaders and human rights defenders'.

⁵¹ Indepaz, *LÍDERES SOCIALES, DEFENSORES DE DD.HH Y FIRMANTES DE ACUERDO ASESINADOS EN 2022*, 31 December 2022; Indepaz, *LÍDERES SOCIALES, DEFENSORES DE DD.HH Y FIRMANTES DE ACUERDO ASESINADOS EN 2023*, 14 December 2023.

series of judicial and administrative, social and economic, individual and collective measures in favour of victims of the internal armed conflict⁵² in Colombia. The law is intended to treat with dignity those who have suffered harm as a result of the conflict, to guarantee their right to the truth, to compensate them for the harm suffered (not only in the form of financial compensation, but also in the form of physical and psychological rehabilitation, symbolic reparation and restitution of land), to bring about justice and to ensure that the events that have harmed them will not be repeated.⁵³

1.3.2 *Victims according to Law 1448/2011*

Within the meaning of this law, victims are people who have individually or collectively suffered harm due to the events on or after 1 January 1985, resulting from violations of international humanitarian law or serious violations of international human rights law resulting from the internal armed conflict. Furthermore, the husband or wife, permanent partner, same-sex partner, parents or children (including adopted children) of the direct victim are considered victims in case the direct victim has died or is missing. If these relatives are not present, grandparents are considered victims.⁵⁴

According to the Colombian Ministry of Justice, victims of events prior to 1 January 1985 are entitled to the measures for symbolic reparations⁵⁵ and guarantees of non-repetition, as provided by law. This does not require them to be registered in the victim registry (see 1.3.4). These individuals can also claim their rights through the ordinary judicial process.⁵⁶

1.3.3 *La Unidad para la Atención y Reparación Integral a las Víctimas*

The Unit for the Attention and Integral Reparation to the Victims (*Unidad para la Atención y Reparación Integral a las Víctimas*) — also known as the Unit for Victims (UPV: *Unidad para las Víctimas*) — has a mission to guarantee the implementation of the Victims and Land Restitution Law. This law and policy resulting from it are intended to address the vulnerable situation of victims and ensure that victims can effectively exercise their rights, rebuild their lives, recover their territory and play a leading role in building peace.⁵⁷

1.3.4 *Registro Único de Víctimas*

Victims have access to measures under Law 1448 of 2011, on condition that they are registered in the Single Registry of Victims (RUV: *Registro Único de Víctimas*) (see 2.4).⁵⁸

1.3.5 *El Sistema Nacional de Atención y Reparación Integral a las Víctimas*

⁵² This refers to the war that the Colombian government has waged with various armed guerrilla groups and paramilitary and neo-paramilitary organisations beginning around the 1950s.

⁵³ Ministerio de Justicia, ABC de Ley de Víctimas y Restitución de Tierras: <https://www.minjusticia.gov.co/programas-co/justicia-transicional/Paginas/ABC.aspx> (accessed on 28 November 2023).

⁵⁴ Unidad para la Atención y Reparación Integral a las Víctimas, *Orientaciones para los colombianos víctimas frente a la Ley 1448 de 2011 y su implementación en el exterior*, p. 3, September 2020; Ministerio de Justicia, ABC de Ley de Víctimas y Restitución de Tierras: <https://www.minjusticia.gov.co/programas-co/justicia-transicional/Paginas/ABC.aspx> (accessed on 28 November 2023).

⁵⁵ Article 141 of the *Ley 1448 de 2011*: Symbolic reparation refers to any benefit provided to the victims or the community at large that leads to the preservation of historical memory, non-repetition of the events, public acceptance of the facts, request for public forgiveness and restoration of the victims' dignity.

⁵⁶ Ministerio de Justicia, ABC de Ley de Víctimas y Restitución de Tierras: <https://www.minjusticia.gov.co/programas-co/justicia-transicional/Paginas/ABC.aspx> (accessed on 7 February 2024).

⁵⁷ UPV: <https://www.unidadvictimas.gov.co/es/la-unidad-institucional-misional/> (accessed on 4 March 2024).

⁵⁸ Ministerio de Justicia, ABC de Ley de Víctimas y Restitución de Tierras: <https://www.minjusticia.gov.co/programas-co/justicia-transicional/Paginas/ABC.aspx> (accessed on 28 November 2023).

The UPV is charged with coordinating the assistance, relief and rehabilitation measures provided by the state. The unit is further responsible for directing the bodies that make up the National System of Care and Reparation for Victims (SNARIV: *Sistema Nacional de Atención y Reparación Integral a las Víctimas*), which resulted from Law 1448 of 2011. The SNARIV consists of several national and territorial public bodies,⁵⁹ as well as victim participation tables and organisations charged with implementing plans, programmes and projects aimed at attention and integral reparation for victims.⁶⁰

1.4 Plan de acción oportuna (PAO)

The Plan for Opportune Action for the Prevention and Protection of Human Rights Defenders, Social Leaders, Community Leaders and Journalists (PAO: *Plan de acción oportuna de prevención y protección para los defensores de derechos humanos, líderes sociales, comunales y periodistas*), which was created in 2018 under then-President Duque, was intended to reduce violence in Colombia and enhance clarity concerning responsibility for protecting human rights defenders, social leaders, community leaders and journalists in the country. As stated in the General Country of Origin Information Report on Colombia 2022, the International Crisis Group (ICG) has stated that the PAO had merely added another layer of bureaucracy. Furthermore, the PAO consisted only of government officials and did not allow the participation of civil society institutions.⁶¹

According to public sources, the PAO did not meet its targets. The plan was in line with Duque's policy, which focused on fighting armed and criminal groups. In August 2022, President Petro devised a new plan: the Emergency Plan for Protecting Social Leaders, Human Rights Defenders and Peace Agreement Signatories (*El plan de emergencia para la protección a líderes sociales y firmantes de paz*). This plan reflected a change from the approach taken by the Duque government, as it came about in direct collaboration with civil society organisations, including human rights defenders and social leaders. One of the measures was the implementation of the Unified Operations Centres for Life (PMU: *Puestos de Mando Unificado por la Vida*). The PMU is a local consultative body in which various agencies (Armed forces, police, UNP, municipality, Office of the High Commissioner for Peace) serve to improve public order in the region and enhance the protection of social leaders. Despite Petro's new policies and the creation of PMUs, the rate of killings of social leaders and peace agreement signatories remained high in Colombia during the reporting period (see also 3.7.1).⁶²

1.5 Illegal Armed Groups

1.5.1 Classification of illegal armed groups

⁵⁹ These bodies include various ministries, the National Police, Banks, the National Archive, the Ombudsman, the Fiscalía, the Procuraduría and the Unidad Nacional de Protección, amongst others.

⁶⁰ Unidad de Víctimas, *The Unit's Review*, 23 November 2016: [The Unit's Review | Unidad para las Víctimas \(unidadvictimas.gov.co\)](https://www.unidadvictimas.gov.co/) (accessed on 1 December 2023).

⁶¹ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 82, March 2022.

⁶² Razón Pública, *El plan de Emergencia de Petro: ¿será que funciona?*, 11 September 2022; la Silla Vacía, *PLAN DE PROTECCIÓN A LÍDERES: 100 DÍAS NO ALCANZARON PARA FRENAR LAS MUERTES*, 15 November 2022; Comisión Internacional de Juristas (CIJ), *¿Cuál es la situación de las personas defensoras de derechos humanos en Colombia?*, 28 February 2023: <https://www.youtube.com/watch?v=WEYxXbytlMI&t=2s>; El País, *Director de Indepaz: 'La violencia es muy rápida y el Gobierno va muy lento, por eso matan tantos líderes'*, 11 December 2023; confidential source, 13 February 2024.

Since 2016, the Colombian government has drawn distinctions between various types of groups, including *Grupos Armados Organizados* (GAO: Organised Armed Groups), *Grupos Delictivos Organizados* (GDO: Organised Criminal Groups) and *Grupos de Delincuencia Común Organizada* (GDCO: Organised General Crime Groups). The size, degree of violence and scope of a group are amongst the factors determining whether it is categorised as GAO, GDO or GDCO. In general, the activities of GAOs extends across departments; the activities of GDOs is often limited to a city and its surrounding areas; and GDCOs are gangs that carry out criminal activities at the neighbourhood level, usually in relation to theft and micro-trade. The differences between these classifications include the equipment and personnel that the Colombian government deploys against specific groups. According to the guidelines of the Ministry of Defence, only police⁶³ can be deployed against GDOs, whereas GAOs are counteracted by both the Colombian armed forces and the police. During the reporting period, the ELN, the Clan del Golfo and dissident factions of the FARC were⁶⁴ classified as GAOs.⁶⁵

Illegal armed groups are additionally classified according to their origins and the organisations from which they emerged (e.g. paramilitaries, guerrillas or drug cartels). Leftist guerrilla groups emerged in Colombia in the 1960s to oppose the established elite. Paramilitary groups emerged in the 1980s and 1990s in response to the guerrilla movement. After the demobilisation of paramilitary organisations in the early years of this century, groups emerged consisting mainly of paramilitaries who had never been disarmed or who had taken up arms again — neo-paramilitaries/narco-paramilitaries.⁶⁶ The largest current illegal armed groups — including the ELN, the dissident FARC and the Clan del Golfo — stem from these guerrilla and paramilitary organisations. It is important to note, however, that the dividing lines between the various groups have blurred, and it is common for members of one group to move to another.⁶⁷ Furthermore, many of these groups have lost their political agenda and have been acting increasingly like criminal organisations.⁶⁸

In this report, any mention of **illegal armed group(s)/organisations** refers to any type of organisation that is non-state and operates outside the law.

1.5.2

The five most powerful illegal armed organisations

The ELN, the Clan del Golfo, two factions of the dissident FARC and the Autodefensas Conquistadores de la Sierra Nevada (also known as Los Pachenca) all emerged from guerrilla or paramilitary organisations, and they are generally regarded as the largest and most powerful illegal armed organisations⁶⁹ in terms of

⁶³ The Colombian police fall under the Ministry of Defence (see section 3.13).

⁶⁴ The dissident factions of the FARC are also referred to as *Grupos Armados Organizados Residuales* (GAOR: Residual Organised Armed Groups).

⁶⁵ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 31, March 2022; confidential source, 19 February 2024.

⁶⁶ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, pp. 8 and 37, March 2022.

⁶⁷ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 37, March 2022.

⁶⁸ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, pp. 34 and 38, March 2022.

⁶⁹ Because of the ongoing fighting between the various groups and the mobility of some of these groups in certain areas, it is not possible to provide a completely clear overview of which areas are under the control of the various organised armed groups. While public sources are largely similar in their approach to the control areas, there are differences between them. The image outlined below attempts to approximate reality as much as possible. In no case does an armed group have a full presence within a department. Where the presence of a group in a department is mentioned, this should be read as partial presence (unless stated otherwise).

interdepartmental scope.⁷⁰ The Colombian authorities classify the ELN, the Clan del Golfo and the dissident FARC as GAOs, whereas the *Autodefensas Conquistadores de la Sierra Nevada* is classified as a GDO.⁷¹ All groups — regardless of any ideology they may hold — can be said to have an interest in exercising political control over the local population. By controlling land, trade, through involvement in mediation in local conflicts and juridical decision-making, illegal armed organisations are, in effect, the local authorities in certain areas (see also 1.5.6).⁷²

In May 2024, the NGO PARES charted which illegal armed groups were present in which areas of Colombia in 2024. This interactive map can be accessed through the following link: [Presencia EAI en Colombia 2024 | Tableau Public](#).⁷³

1: Ejército de Liberación Nacional (ELN):

According to an April 2023 intelligence report⁷⁴ from the Colombian security apparatus, the ELN was the largest and most powerful illegal armed organisation, with about 6,000 individuals in its ranks. About half of the ELN's 6,000 members were armed, and the other half were part of support networks. Although some sources state that the ELN continues to have a leftist ideology, it has increasingly become a criminal organisation in recent years, and its political agenda has been pushed into the background. In this regard, the ICG wrote that the leadership of the ELN continued to hold a far-left outlook, while the various regional fronts' practices differed greatly on this point.⁷⁵

During the reporting period, the ELN guerrillas were operating in at least 23 of Colombia's 32 departments. They also had a foothold in Venezuela, where they were reportedly cooperating with the Venezuelan government. The ELN was active primarily in the departments bordering the Pacific Ocean and along the Colombian-Venezuelan border. It also had a foothold in urban areas and universities^{76,77}

Some sources claim that, during the current reporting period, the ELN has been outflanked by the Clan del Golfo as the group with the most fighters and the largest

⁷⁰ Infobae, *Así han crecido los grupos armados ilegales en Colombia: el clan del Golfo es el más grande y tiene 9,000 hombres*, 19 April 2023; El Colombiano, *Cinco megacarteles y 23 narcobandas: así es el mapa criminal en Colombia*, 22 April 2023; PARES, *Se organizan diálogos entre el Gobierno y las Autodefensas de la Sierra Nevada en los próximos días*, 16 June 2023.

⁷¹ Pares, *Inventario de organizaciones delinuenciales en aglomeraciones urbanas en 2023*, 15 December 2023; confidential source, 19 February 2024; El Tiempo, *Así están organizadas las disidencias de 'Iván Mordisco', se financian de mover cocaína*, 21 March 2024.

⁷² International Crisis Group, *The unsolved Crime in 'Total Peace': dealing with Colombia's Gaitanistas*, 19 March 2024; ICG, *Trapped in Conflict: Reforming Military Strategy to Save Lives in Colombia*, p. 6, 27 September 2023; EUAA, *Colombia: Country Focus*, p. 46, 50 December 2022.

⁷³ PARES, *Presencia EAI en Colombia 2024*, May 2024, [Presencia EAI en Colombia 2024 | Tableau Public](#), accessed on 8 June 2024.

⁷⁴ This report had come into the hands of Reuters and was shared with other news sources, including Infobae and El Colombiano.

⁷⁵ For example, based on its own research, the ICG argues that the ELN in Arauca held a deep ideological conviction, which served as a base for its support for the community economy. In areas like Chocó, the new generation of commanders was less interested in indoctrinating residents and focused more on income generation. DW, *Las nuevas dinámicas del conflicto armado en Colombia*, 16 March 2023; France24, *In the Colombian jungle with ELN rebels*, 16 November 2023; Infobae, *Así han crecido los grupos armados ilegales en Colombia: el clan del Golfo es el más grande y tiene 9,000 hombres*, 19 April 2023; El Colombiano, *Cinco megacarteles y 23 narcobandas: así es el mapa criminal en Colombia*, 22 April 2023; ICG, *Trapped in Conflict: Reforming Military Strategy to Save Lives in Colombia*, p. 5, 27 September 2022; La Silla Vacía, *'LA EMPRESA' DEL CLAN: ASÍ CRECIÓ LA MAYOR AMENAZA ARMADA DE COLOMBIA*, 2 February 2024; confidential source, 7 December 2023.

⁷⁶ The group was founded in the 1960s, mostly by left-wing students.

⁷⁷ El Colombiano, *Cinco megacarteles y 23 narcobandas: así es el mapa criminal en Colombia*, 22 April 2023.

nationwide scope.⁷⁸ The ELN purportedly lost ground to the Clan del Golfo, particularly in the departments of Chocó and Bolívar.⁷⁹ By early 2024, the ELN was said to have a presence in 231 of Colombia's approximately 1,100 municipalities. This means that it was operational in almost twenty percent of all Colombian municipalities.⁸⁰

2: Clan del Golfo:

The most powerful neo-paramilitary/narco-paramilitary group is the *Clan del Golfo*. The group refers to itself as the Gaitanist Self-Defence Forces of Colombia (AGC: *Autodefensas Gaitanistas de Colombia*), but it is also known by the name Los Urabeños or Clan Úsuga.⁸¹ According to several sources, the group did not pursue any political ideology, and the authorities did not attribute any political status to the Clan del Golfo, which impeded peace negotiations.⁸² According to a report by the International Crisis Group, in its own rhetoric, the Clan del Golfo claimed to be a political organisation of armed civil resistance.⁸³ Since early 2024, the group has referred to itself as the Gaitanist Army of Colombia (EGC: *Ejército Gaitanista de Colombia*).⁸⁴ After changing its name to EGC, the armed group claimed (once again) to be a politico-military organisation and to want to negotiate with the Petro government.⁸⁵

In October 2021, when security forces arrested the group's leader, Dairo Antonio Úsuga (also known as Otoniel), the former President Iván Duque stated, 'This blow marks the end of the Clan del Golfo'. Even without Otoniel's leadership, the organisation grew and managed to gain an increasing foothold in Colombia.⁸⁶ After Otoniel's arrest, an internal power struggle within the Clan del Golfo was eventually won by the current leader, Jobanis de Jesús Ávila Villadiego (nicknamed Chiquito Malo). His direct opponent (nicknamed Siopas) and others were eliminated in the process.⁸⁷

In accordance with the aforementioned April 2023 intelligence report, the Clan del Golfo purportedly had around 4,000 individuals in its ranks, about 1,600 of whom

⁷⁸ DW, *Las nuevas dinámicas del conflicto armado en Colombia*, 16 March 2023; France24, *In the Colombian jungle with ELN rebels*, 16 November 2023; Infobae, *Así han crecido los grupos armados ilegales en Colombia: el clan del Golfo es el más grande y tiene 9,000 hombres*, 19 April 2023; El Colombiano, *Cinco megacarteles y 23 narcobandas: así es el mapa criminal en Colombia*, 22 April 2023; ICG, *Trapped in Conflict: Reforming Military Strategy to Save Lives in Colombia*, p. 5, 27 September 2023; confidential source, 7 December 2023; La Silla Vacía, 'LA EMPRESA' DEL CLAN: ASÍ CRECIÓ LA MAYOR AMENAZA ARMADA DE COLOMBIA, 2 February 2024.

⁷⁹ DW, *Las nuevas dinámicas del conflicto armado en Colombia*, 16 March 2023; France24, *In the Colombian jungle with ELN rebels*, 16 November 2023; Infobae, *Así han crecido los grupos armados ilegales en Colombia: el clan del Golfo es el más grande y tiene 9,000 hombres*, 19 April 2023; El Colombiano, *Cinco megacarteles y 23 narcobandas: así es el mapa criminal en Colombia*, 22 April 2023; ICG, *Trapped in Conflict: Reforming Military Strategy to Save Lives in Colombia*, p. 5, 27 September 2023; La Silla Vacía, 'LA EMPRESA' DEL CLAN: ASÍ CRECIÓ LA MAYOR AMENAZA ARMADA DE COLOMBIA, 2 February 2024; confidential source, 7 December 2023; La Silla Vacía, 'LA EMPRESA' DEL CLAN: ASÍ CRECIÓ LA MAYOR AMENAZA ARMADA DE COLOMBIA, 2 February 2024.

⁸⁰ Defensoría del Pueblo, Colombia, *La expansión y consolidación de los grupos armados ilegales son la principal amenaza para el país*, 23 March 2024.

⁸¹ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 37, March 2022.

⁸² DW, *Las nuevas dinámicas del conflicto armado en Colombia*, 16 March 2023.

⁸³ International Crisis Group, *The unsolved Crime in 'Total Peace': dealing with Colombia's Gaitanistas*, 19 March 2024.

⁸⁴ FIP, *La última Negociación del Clan, antecedentes, contexto y lecciones de la negociación del gobierno Colombiano con el Clan del Golfo (2015-2018)*, p.20, March 2024.

⁸⁵ El Colombiano, *El Clan del Golfo se cambió el nombre, por qué?*, 1 April 2024.

⁸⁶ La Silla Vacía, 'LA EMPRESA' DEL CLAN: ASÍ CRECIÓ LA MAYOR AMENAZA ARMADA DE COLOMBIA, 2 February 2024; confidential source, 6 December 2023.

⁸⁷ ICG, *Trapped in Conflict: Reforming Military Strategy to Save Lives in Colombia*, p. 27, 27 September 2022; confidential source, 23 January 2024; Insight Crime, *Murder of Gaitanista Leader Shows Internal Divisions Ahead of Colombia Peace Talks*, 6 March 2023.

were armed.⁸⁸ In contrast, Danilo Rueda — who was the Colombian High Commissioner for Peace until November 2023 — stated that the Clan del Golfo had more than 9,000 members around that time and estimated the number at 14,000 at the beginning of 2024.⁸⁹ The exact number of members in the Clan del Golfo is difficult to estimate. Most sources nevertheless agree that the Clan del Golfo has grown during the reporting period.⁹⁰ According to a confidential source, their numbers are harder to estimate because they operate in a less visible way than other groups do. In addition, the Clan del Golfo has many groups that are affiliated with the Clan as a kind of franchise, but that also often operate under their own names.⁹¹

Insight Crime distinguishes between ‘blocs’ and ‘franchise’ groups, which have been deployed by the Clan del Golfo to increase their territorial presence in recent years. Blocs are part of the central organisation of the Clan del Golfo, and they receive direct orders from the central leadership. The blocs are present in specific areas and have their own command structure. Some blocs also command smaller substructures or franchise groups with a more local focus. According to Insight Crime, these groups usually operate in the areas where the Clan del Golfo conducts its most significant drug trafficking and illegal mining activities. Franchise groups also operate in a manner that is semi-autonomous from the Clan del Golfo leadership. In general, these groups were pre-existing local criminal organisations hired by the Clan del Golfo to operate on their behalf. The subcontracting of franchise groups gives the Clan del Golfo access to income from criminal activities, hitmen and a greater territorial presence, albeit indirectly. For franchise groups, the Clan del Golfo is an important ally for gaining local dominance and overcoming rivals.⁹² There were also reports that the Clan del Golfo was also using this franchise technique across the border in Panama and Venezuela to gain a foothold there.⁹³

In early 2024, the *Defensoría* declared that the Clan del Golfo was the group that had most extended its territorial influence in 2023. It had purportedly increased its presence from 253 municipalities in 2022 to 392 in 2023.⁹⁴ The group’s main stronghold is in the region of Urabá, in the department of Antioquía. The group is also present in Medellín, the capital of Antioquía. In northern Colombia, the group has a dominant presence in Córdoba and Sucre, in addition to having influence in other departments in the north (e.g. Bolívar, Atlántico, Chocó, Magdalena, La Guajira, Santander, Norte de Santander and César). On Colombia’s Pacific coast, its influence is concentrated in the departments of Chocó and Valle del Cauca, with a minimal presence in Cauca and Nariño. The group is nevertheless trying to expand its influence along this coastline. The Clan is also present in such departments as Meta, Casanare, Boyacá, Tolima, Quindío, Risaralda, Caldas and Huila, although its

⁸⁸ DW, *Las nuevas dinámicas del conflicto armado en Colombia*, 16 March 2023; El Tiempo, ‘¿Cuántos hombres se someterían?: no cuadran cifras de Comisionado y las Fuerzas’, 24 April 2023; Infobae, *Así han crecido los grupos armados ilegales en Colombia: el clan del Golfo es el más grande y tiene 9,000 hombres*, 19 April 2023; El Colombiano, *Cinco megacarteles y 23 narcobandas: así es el mapa criminal en Colombia*, 22 April 2023

⁸⁹ La Silla Vacía, ‘LA EMPRESA’ DEL CLAN: ASÍ CRECIÓ LA MAYOR AMENAZA ARMADA DE COLOMBIA, 2 February 2024.

⁹⁰ Infobae, *Así han crecido los grupos armados ilegales en Colombia: el clan del Golfo es el más grande y tiene 9,000 hombres*, 19 April 2023; La Silla Vacía, ‘LA EMPRESA’ DEL CLAN: ASÍ CRECIÓ LA MAYOR AMENAZA ARMADA DE COLOMBIA, 2 February 2024; FIP, *Pistas para entender qué hacer con el Clan del Golfo en la Paz Total*, 18 March 2024.

⁹¹ Confidential source, 23 January 2024; confidential source, 7 December 2023.

⁹² Insight Crime, *Gaitanistas – Gulf Clan*, 5 December 2023; Insight Crime, *The Gaitanistas After Otoniel – What Becomes of Colombia’s Largest Criminal Threat?*, 1 November 2021; see also FIP, *Ni Paz ni guerra*, p. 24, May 2022.

⁹³ Insight Crime, *Raids Reveal Gaitanistas’ Grasp Reaches Panama*, 6 December 2021;

⁹⁴ La Silla Vacía, ‘LA EMPRESA’ DEL CLAN: ASÍ CRECIÓ LA MAYOR AMENAZA ARMADA DE COLOMBIA, 2 February 2024.

influence there is not great.⁹⁵ In the image below, the InSight Crime think tank mapped the areas where the Clan del Golfo was present or trying to increase its presence in November 2023. The think tank notes that areas in which criminal groups are present are subject to constant change, and they may therefore differ from current reality.⁹⁶

⁹⁵ Confidential source, 23 November 2023; Infobae, *Así han crecido los grupos armados ilegales en Colombia: el clan del Golfo es el más grande y tiene 9,000 hombres*, 19 April 2023; El Colombiano, *Cinco megacarteles y 23 narcobandas: así es el mapa criminal en Colombia*, 22 April 2023; Insight Crime, *Gaitanistas – Gulf Clan*, 5 December 2023.

⁹⁶ Insight Crime, *Q&A: How the AGC Threatens Colombia's Plans for Total Peace*, 2 April 2024.



Source: Insight Crime⁹⁷

⁹⁷ Insight Crime, Q&A: *How the AGC Threatens Colombia's Plans for Total Peace*, 2 April 2024.

3 and 4. Dissident FARC:

In 2016, the FARC and the Colombian government entered into a peace agreement, demobilising around 13,000 fighters. The fighters who continued the armed struggle in the name of the FARC after the 2016 peace agreement are known as the dissident FARC (*disidencias*). There were fighters from the FARC who had never participated in the peace process, who took up arms again after signing the agreement, and there were fighters who joined the dissident FARC as new recruits after the peace process.⁹⁸ During the reporting period, the dissident FARC was subdivided into the Central General Staff (EMC: *Estado Mayor Central*) and the Second Marquetalia (*Segunda Marquetalia*):

3: Estado Mayor Central (EMC)

The EMC, which refers to itself as the *Fuerzas Armadas Revolucionarias de Colombia — Ejército Popular* (FARC-EP: Revolutionary Armed Forces of Colombia — People's Army), has a national scope with a regional coordination system, with around 3,500 members, about 2,200 of whom are armed. In 2022, the Colombian government started using the name EMC to refer to this group. The group emerged through the efforts of the dissident faction of the never-demobilised Eastern Bloc (*el Bloque Oriental*) to form alliances with other dissident factions so that a national outreach could be achieved. The main instigator of this plan was the Eastern Bloc leader Gentil Duarte, who died in Venezuela in May 2022. Dissident groups (e.g. Dagoberto Ramos, Jaime Martínez and Carlos Patiño), which had previously been considered somewhat autonomous (e.g. they were in contact with Gentil Duarte), became part of the EMC's command structure during the reporting period (see also 1.6.2 of the General Country of Origin Information Report 2022). The EMC is led by Nestor Gregorio Vera, also known as Ivan Mordisco.⁹⁹

The EMC has expanded in recent years, and it has a national scope. During the reporting period, the EMC was present in southern, eastern and western Colombia, with strongholds in the departments of Guaviare, Meta, Caquetá, Vaupés and Guainía. The EMC was also active in border areas: in the department of Amazonas, on the border with Brazil and Peru; Putumayo, on the border with Ecuador and Casanare, Arauca and Norte de Santander, on the border with Venezuela. Some of the most violent factions were active in Cauca, Valle del Cauca and Nariño.¹⁰⁰ In October 2023, the *Fundación Ideas para la Paz* (FIP)¹⁰¹ charted the areas where the various factions of the EMC were active. This Spanish-language map is included below.¹⁰²

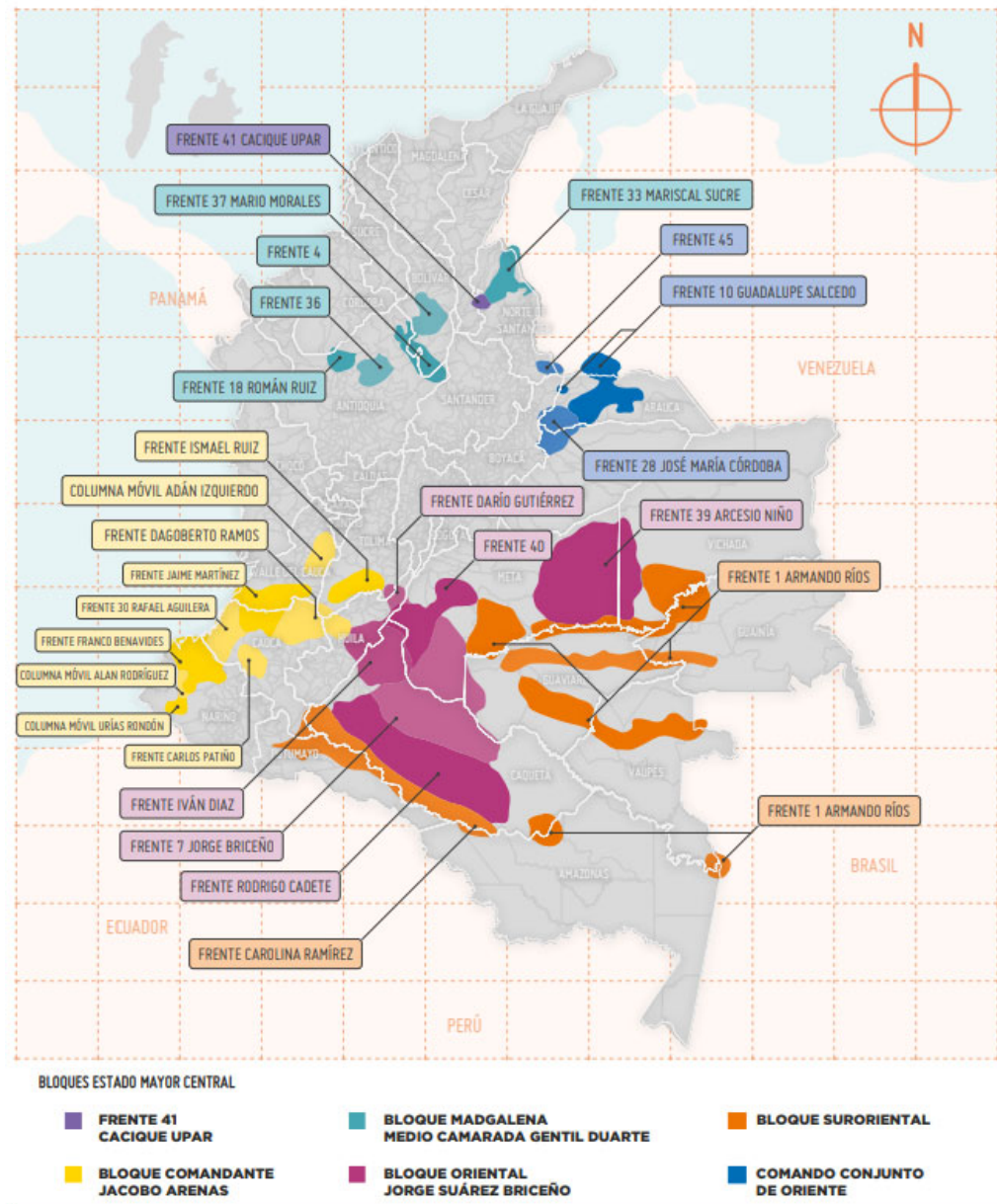
⁹⁸ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 32, March 2022.

⁹⁹ Fundación Ideas para la Paz (FIP), *El proyecto 'Estado Mayor Central' Un intento de unificación disidente*, pp. 4-5, October 2023; DW, *Las nuevas dinámicas del conflicto armado en Colombia*, 16 March 2023; Indepaz, *Acciones del Estado Mayor Central Enero a Julio de 2023*, 31 July 2023; Infobae, *Así han crecido los grupos armados ilegales en Colombia: el clan del Golfo es el más grande y tiene 9,000 hombres*, 19 April 2023.

¹⁰⁰ Swissinfo, *El Estado Mayor Central, el grupo que quiso mantener viva a las FARC y ahora busca la paz*, 6 October 2023; FIP, *El proyecto 'Estado Mayor Central' Un intento de unificación disidente*, p. 28, October 2023; FIP, *Paz Total: los grupos armados ganan con cara y con sello*, 13 February 2024.

¹⁰¹ This NGO monitors and reports on Colombia's internal conflict.

¹⁰² FIP, *El proyecto 'Estado Mayor Central' Un intento de unificación disidente*, October 2023.



Map: Territorial influence of the various factions of the EMC

Source: FIP¹⁰³

4: Segunda Marquetalia

The Segunda Marquetalia¹⁰⁴ was led by Luciano Marín Arango (alias 'Iván Márquez'), who took up arms again in 2019 after opposing the final peace agreement. The group operates mainly in mountainous areas along the Colombian-Venezuelan border. The group purportedly had around 1,700 members during the reporting period, slightly more than 1,000 of whom were armed. Some of the group's leaders, including Hernán Darío Velásquez (alias El Paisa), have died in Venezuela in recent

¹⁰³ FIP, *El proyecto 'Estado Mayor Central' Un intento de unificación disidente*, October 2023.

¹⁰⁴ Named after the region where the FARC was once founded in the 1960s.

years.¹⁰⁵ According to a confidential source, the framework of the Segunda Marquetalia was still in Venezuela and was directing factions in Colombia from there.¹⁰⁶ In July 2023, sources close to Márquez reportedly confirmed that the latter had died in Venezuela from injuries sustained in an assassination attempt in 2022.¹⁰⁷ In late March 2024, the head of Colombia's national police declared that Márquez was still alive and was purportedly in Colombian territory.¹⁰⁸ In mid-May 2024, Márquez resurfaced in a video expressing support for proposals by the Petro government.¹⁰⁹ In late April 2024, Colombian authorities announced the suspension of nine arrest warrants of leaders of the Segunda Marquetalia.¹¹⁰ In early June, photographs confirmed that Márquez had been seen. Márquez announced negotiations with the government for late June 2024.¹¹¹

The Segunda Marquetalia had initially exercised influence in areas where the founders had maintained an armed presence with the FARC before the 2016 peace treaty, such as the states of Apure and Zulia (Venezuela), as well as areas of the Colombian departments of Caquetá, Guaviare, La Guajira and Cesar. During the reporting period, the group expanded its presence to other departments, including Antioquia, Cauca, Nariño and Putumayo.¹¹²

In the southern departments of Caquetá, Putumayo, Amazonas, Nariño and Cauca, dissident members of the FARC, members of the mobilised paramilitary organisation *El Bloque Putumayo* (The Putumayo Bloc), and individuals who had been in the service of drug gangs (e.g. La Constru) form the group *Comandos de la Frontera*. Although this group is often seen as part of the Segunda Marquetalia, it is also seen as an independent organisation with close ties to the Segunda Marquetalia. Colombian authorities are said to be negotiating with the *Comandos* within the framework of the Paz Total through the Segunda Marquetalia.¹¹³

5: *Autodefensas Conquistadoras de la Sierra Nevada*

The Self-Defence Forces of the Conquest of Sierra Nevada (ACSN), also known as Los Pachencia, are active on Colombia's Caribbean coast, particularly in the departments of César, Atlántico, Magdalena and La Guajira, where they are engaged in cocaine exports and other organised criminal practices. In the area where they

¹⁰⁵ DW, *Las nuevas dinámicas del conflicto armado en Colombia*, 16 March 2023; Insight Crime, *Second Marquetalia*, 5 July 2022; Colombia Reports, *Audio would prove guerrilla leader did not die as reported*, 2 August 2023; Infobae, *Iván Márquez está vivo, aseguró el canciller Álvaro Leyva*, 3 August 2023; Infobae, *Así han crecido los grupos armados ilegales en Colombia: el clan del Golfo es el más grande y tiene 9,000 hombres*, 19 April 2023.

¹⁰⁶ Confidential source, 20 February 2024.

¹⁰⁷ DW, *Las nuevas dinámicas del conflicto armado en Colombia*, 16 March 2023; Insight Crime, *Second Marquetalia*, 5 July 2022; Colombia Reports, *Audio would prove guerrilla leader did not die as reported*, 2 August 2023; Infobae, *Iván Márquez está vivo, aseguró el canciller Álvaro Leyva*, 3 August 2023; Infobae, *Así han crecido los grupos armados ilegales en Colombia: el clan del Golfo es el más grande y tiene 9,000 hombres*, 19 April 2023.

¹⁰⁸ Noticias Caracol, *Iván Márquez e Iván Mordisco están en Colombia, afirma el general William Salamanca*, 27 March 2024.

¹⁰⁹ De Morgen, *Dood gewaande leider Colombiaanse guerrillabeweging FARC duikt weer op*, 12 May 2024; Infobae, *'Iván Márquez' reapareció en un video tras haber sido dado por muerto: respaldó la polémica propuesta de Petro sobre una constituyente*, 11 May 2024.

¹¹⁰ Reuters, *Colombia arrest warrants suspended for nine Segunda Marquetalia leaders*, 26 April 2024.

¹¹¹ Infobae, *Reapareció Iván Márquez: así luce el cabecilla de 'La segunda Marquetalia' en una imagen junto a Otty Patiño*, 5 June 2024.

¹¹² Razón Pública, *Las negociaciones con la Segunda Marquetalia: ¿más cerca o más lejos de la 'Paz Total'?*, 18 February 2024; FIP, *Paz Total: los grupos armados ganan con cara y con sello*, 13 February 2024.

¹¹³ El Espectador, *Comandos de Frontera: ¿dónde están ubicados y quiénes son?*, 14 March 2023; confidential source, 20 February 2024; Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 39, March 2022.

operate, they compete with the Clan del Golfo for control of illegal practices. There are approximately 250 fighters in the ACSN.¹¹⁴

1.5.3 Other illegal groups

In addition to the groups mentioned above, there were numerous other illegal armed organisations in Colombia during the reporting period. During a survey of seven urban agglomerations (Bogotá, Valle de Aburrá, Cali, Barranquilla, Cúcuta, Buenaventura and Quibdó), the NGO PARES identified 196 criminal organisations, five of which were GAOs¹¹⁵ (3%), 61 GDOs (31%) and 130 GDCOs (66%). In June 2022, the newspaper *El Colombiano* reported that there were more than 2,000 organisations in Colombia that could be classified as GAOs, GDOs or GDCOs. The organisations mentioned in this section do not comprise an exhaustive list, but are intended to give an impression of the organisations that exist in addition to those mentioned in 1.5.2:¹¹⁶

The previous COI Report mentioned the *Ejército Popular de Liberación* (EPL, People's Liberation Army), also known as *Los Pelusos*, although it was already experiencing losses in terms of members and strength. This was the result of internal strife, fighting with the Colombian armed forces and rival illegal armed groups.¹¹⁷ During the previous reporting period, in April 2021, Colombian authorities determined that the group no longer posed a major threat. It therefore reclassified the EPL as a GDO instead of a GAO. During the current reporting period, the group was still operating in the department of Norte de Santander, where it was competing with the ELN for control of drug trafficking.¹¹⁸

Other illegal armed groups (e.g. *Los Caparros*, *Los Puntilleros* and *Los Rastrojos*) are rooted in paramilitary groups. During the current reporting period, *Los Rastrojos* purportedly still had about sixty armed fighters. The group was reported to have been absorbed by the Clan del Golfo, but this has not been confirmed. 'Los Caparros' or 'Los de Abajo', who have split off from the Clan del Golfo, are a criminal structure with a power base in northern Antioquia (the Bajo Cauca subregion) and in southern Córdoba, where they battle with the Clan del Golfo for control of illegal activities (e.g. drug trafficking and illegal gold mining). In April 2022, the Colombian armed forces announced that the group had been decimated by fighting with the Clan del Golfo and Colombian forces, but that they were trying to regroup again in Bajo Cauca. The extent to which their efforts have succeeded is not known.¹¹⁹

During the current reporting period, *Los Puntilleros* renamed themselves the Reborn Popular Revolutionary Anti-Subversive Army of Colombia (ERPAC:¹²⁰ *Renacer Ejército Revolucionario Popular Antisubversivo de Colombia*). The ERPAC operates

¹¹⁴ Colombia Reports, *Los Pachencas/ACSN*, 2 January 2023; Insight Crime, *The Pachencas*, 7 December 2023; Infobae, *Fear in the Sierra Nevada de Santa Marta over clashes between the Gulf Clan and Los Pachencas*, 16 April 2022.

¹¹⁵ See 1.4.2.

¹¹⁶ PARES, *Inventario de organizaciones delincuenciales en aglomeraciones urbanas en 2023*, 15 December 2023; *El Colombiano*, *Las 7 bandas que más amenazan la seguridad urbana en Colombia*, 13 June 2022.

¹¹⁷ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 36, March 2022.

¹¹⁸ Insight Crime, *Colombia Decides EPL is No Longer Major Threat*, 19 April 2021; Infobae, *Ultimatum for 'Los Pelusos': Authorities reported the capture of its main leader in Norte de Santander*, 6 April 2022; Infobae, *Cayó alias Barbas, presunto cabecilla de Los Pelusos y auspiciador de una disputa por control del narcotráfico con el ELN*, 2 September 2023.

¹¹⁹ Insight Crime, *Los Rastrojos*, 20 July 2022; Infobae, *A la cárcel presunto cabecilla de Los Caparros, habría cometido un homicidio múltiple al interior de una casa en Antioquia*, 22 May 2023; Insight Crime, *Caparros*, 4 October 2023; Caracol, *El ejército dice a que Los Caparros buscan rearmarse en el Bajo Cauca*, 27 April 2022.

¹²⁰ The ERPAC began as a paramilitary organisation fighting left-wing guerrillas. The ERPAC officially surrendered to the government in December 2011, but less than half of its members surrendered their weapons, leaving the rest to continue fighting in Colombia's eastern plains.

primarily in the eastern departments of Meta, Guaviare and Vichada, where it controls drug-smuggling routes and reportedly engages in illegal activities, including arms trafficking, extortion and abductions. According to the Colombian police, the ERPAC purportedly has around seventy armed members.¹²¹ In its overview of the various illegal armed organisations and their scope, the FIP, also includes Los Puntilleros under the Clan del Golfo.¹²²

Many criminal groups have their power base in cities, but cooperate with organisations that operate nationally or internationally. According to Colombia Reports, the *Oficina de Envigado*, which stems from Pablo Escobar's Medellín cartel, which led the drug trade in Colombia in the 1980s and which had its power base in Medellín, is part of an international drug network with ties in the United States, Mexico and Europe, including the Netherlands.¹²³ The El Mesa organisation is also originally from Medellín and, more specifically, from the northern district of Bello. In the 21st century, the organisation has extended its activities to the suburbs of Bogotá. El Mesa cooperates with the ELN and the dissident FARC.¹²⁴

During the reporting period, the *Shottas* and the *Espartanos* (Spartans), which together have a total of approximately 800 to 1,500 members, were fighting with each other for control over the drug-smuggling routes in the port city of Buenaventura. Both organisations stem from the criminal organisation La Local, which in turn has paramilitary roots. As a result of an internal struggle and the arrest of the organisation's leadership, La Local split into two factions in 2020: the Shottas and the Espartanos. According to Insight Crime, the Shottas have ties to the Clan del Golfo and the dissident FARC.¹²⁵

The *Águilas Negras* (Black Eagles) were also active again during the reporting period. As was the case during the previous reporting period, it is not known exactly who is behind this group. Some sources believe that the name is used only to make threats and cause unrest for the benefit of right-wing (or ultra-right-wing) interests. The group has no physical presence anywhere, and it makes its presence felt mainly through pamphlets. This was purportedly done in 20 of Colombia's 32 departments. The group is said to be linked to elements within the Colombian security service, which has not been confirmed.¹²⁶

Foreign criminal organisations (e.g. the Venezuelan *Tren de Aragua* and the Mexican Sinaloa cartel) have also gained a foothold in Colombia in recent years. In Colombia, the Tren de Aragua first operated in the border region with Venezuela, between Táchira and Norte de Santander. It then expanded to other Colombian regions, including Bogotá. In the Colombian capital, it fights with other criminal groups for

¹²¹ El País, *Cabecillas del grupo 'Los Puntilleros' que operaban en Meta, Guaviare y Valle del Cauca fueron capturados este lunes: vea lo que les incautaron*, 20 November 2023; Policía Nacional de Colombia, *Contundente golpe contra Grupo Delincuencial Organizado 'Los Puntilleros'*, 10 February 2023; Revista Semana, *Exclusivo: operativo de película para capturar a cabecilla de los puntilleros* | Semana: <https://www.youtube.com/watch?v=U9gFnhMos6E>, 9 February 2023.

¹²² FIP, *Paz Total: los grupos armados ganan con cara y con sello*, 13 February 2024: <https://ideaspaz.org/publicaciones/investigaciones-analisis/2024-02/paz-total-los-grupos-armados-ganan-con-cara-y-con-sello>.

¹²³ Colombia Reports, *Los Pachenca* / ACSN, 2 January 2023.

¹²⁴ El Colombiano, *Las 7 bandas que más amenazan la seguridad urbana en Colombia*, 13 June 2022.

¹²⁵ Insight Crime, *The Shottas*, 24 November 2023; El Colombiano, *¿Quiénes son Los Shottas y Los Espartanos, las bandas con las que Petro buscará la paz?*, 7 December 2022; Infobae, *Así han crecido los grupos armados ilegales en Colombia: el clan del Golfo es el más grande y tiene 9,000 hombres*, 19 April 2023; EUAA, *Colombia: Country Focus*, pp. 53–54, December 2022.

¹²⁶ Confidential source, 6 December 2023; Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 38, March 2022; confidential source, 16 February 2024.

control of the drug trade. The organisation is purportedly also involved in gota a gota lending in Bogotá (see 3.7). According to a confidential source, it was only a matter of time before the group would expand its purview to the Colombian countryside. Although its leaders are Venezuelan, many Colombians have joined the group. The Mexican Sinaloa cartel purportedly consolidated its presence in the Colombian port cities of Cartagena, Barranquilla and Santa Marta in order to gain control over drug exports. It is said to have ties to other groups, including the Clan del Golfo.¹²⁷

1.5.4

Size and organisational structure of armed groups

The illegal armed groups have purportedly grown in numbers in recent years. Compared to the figures presented in the previous COI Report (see 1.6.2 and 1.6.3 of the General Country of Origin Information Report on Colombia 2022), the ELN had grown by several hundred fighters — from about 2,500 to 3,000 during the current reporting period, according to reports from the Colombian intelligence apparatus. The total number of dissident FARC members had also grown: from 2,500 in 2000 to slightly more than 3,000 in 2023. During the previous reporting period, the Clan del Golfo had about 1,600 fighters. According to an April 2023 intelligence report, the organisation still had 1,600 fighters at that time. Most sources nevertheless agree that the Clan del Golfo grew during the reporting period and gained a substantial amount of additional members. Although the exact number of fighters by which the organisation has grown is not known, it is purportedly several thousand. For example, the Clan del Golfo has formed alliances with smaller gangs present throughout the country, and it uses these gangs to achieve military and economic goals. As a result, the Clan is believed to have influence over more than 6,000 armed men who do not belong to the Clan.¹²⁸

The larger organised armed groups (e.g. the ELN, the EMC, the Segunda Marquetalia and the Clan del Golfo) all have a general staff that has a degree of authority over the various factions operating across the country. The extent to which the various factions have some form of autonomy cannot be represented with an unambiguous overview, but several sources have confirmed that the leaders of the various groups do not have full control over all factions. For example, a confidential source stated that the armed branch of the Clan del Golfo was scrupulously following the leadership's orders. This refers to fighters from the Urubá region, where the Clan has its power base. The source nevertheless noted that the further away from this power base a faction is, the less control the leadership has over it. According to both public and confidential sources, this applies to the various organised armed groups. Such decentralisation of the groups could complicate negotiations with the government, as some factions of a group have failed to see any point in the peace process.¹²⁹ In 2024, the government decided to engage in

¹²⁷ Infobae, *Cártel de Sinaloa: líder criminal colombiano enviaba semisumergibles con droga al grupo mexicano*, 19 December 2023; BBC News, *Cómo opera el temido Tren de Aragua, la sangrienta megabanda de Venezuela que se ha expandido por América Latina*, 21 September 2023; Noticias Caracol, *Así cobran los gota a gota de Soacha: cámaras de seguridad captaron su violento accionar*, <https://www.youtube.com/watch?v=Q2GtIXdp-oQ>, 6 July 2023; Infobae, *Así fue como Los Chapitos y el Cártel de Sinaloa consolidaron su presencia en Colombia*, 23 October 2023; confidential source, 23 February 2024.

¹²⁸ Infobae, *Así han crecido los grupos armados ilegales en Colombia: el clan del Golfo es el más grande y tiene 9,000 hombres*, 19 April 2023; La Silla Vacía, *'LA EMPRESA' DEL CLAN: ASÍ CRECIÓ LA MAYOR AMENAZA ARMADA DE COLOMBIA*, 2 February 2024; El Tiempo, *¿Cuántos hombres se someterían?: no cuadran cifras de Comisionado y las Fuerzas*, 24 April 2023; El Colombiano, *Cinco megacárteles y 23 narcobandas: así es el mapa criminal en Colombia*, 22 April 2023; El Colombiano, *Cinco megacárteles y 23 narcobandas: así es el mapa criminal en Colombia*, 22 April 2023.

¹²⁹ Confidential source, 23 January 2024; El Colombiano, *Cinco megacárteles y 23 narcobandas: así es el mapa criminal en Colombia*, 22 April 2023; France24, *In the Colombian jungle with ELN rebels*, 16 November 2023; DW, *Las nuevas dinámicas del conflicto armado en Colombia*, 16 March 2023; El País, *Los fuegos nunca pararon: la paz total mantiene solo dos de sus cinco ceses*, 23 May 2023.

decentralised negotiations with the ELN's southern front: the *Comuneros del Sur*. This ELN front demonstrated a willingness to negotiate concrete agreements for the south-west of the country, in a process parallel to the central negotiations with the ELN.¹³⁰ In early May 2024, the *Comuneros del Sur* announced the severing of its relationship with the ELN.¹³¹

Armed groups also formed alliances with smaller groups that sometimes operate under the flag of the larger group and sometimes under their own flag. According to a confidential source, it used to be clearer which group was operational in a given area. Since the 2016 peace treaty with the FARC, new groups and alliances have emerged, thus making the actual situation more difficult to interpret.¹³²

In contrast to the larger groups, the *Pachenca* — who have a local power base in the Sierra Nevada and consist primarily of individuals from this region — have a clear and strong hierarchy. Because of this strong unity, they were able to withstand attacks from both the Colombian armed forces and the *Clan del Golfo*.¹³³

Certain criminal organisations such as the *Tren de Aragua* and *la Oficina* are controlled from Colombian and Venezuelan prisons. The leaders of these groups are regularly moved around within the prison system to complicate their coordination activities.¹³⁴

1.5.5 *Criminal activities of illegal armed groups*

The main criminal activity of the illegal armed groups is drug trafficking and everything related to it. For example, they are involved in the cultivation of coca leaves, the processing of the coca leaves, the production of the final product (i.e. cocaine) and the domestic distribution of the product. Distribution abroad is said to be largely in the hands of Mexican cartels. There are slight differences between the groups. For example, the *Clan del Golfo* purportedly focuses on controlling domestic drug routes and the ports from which drugs are exported. In contrast, the dissident FARC factions are said to be particularly involved in coca cultivation and cocaine production. This distinction nevertheless does not lend itself to precise delineation. As a result of their territorial control, illegal armed organisations have a broad source of income. In addition to growing coca and producing cocaine, they engage in activities including illegal mining, extortion, abductions, burglaries, robberies and arms trafficking.¹³⁵

Smaller criminal organisations, including the *Oficinas de sicariato* (Hitman Network) or *Oficinas de Cobro* (Collection Network) are used by larger organisations for activities such as contract killings and the collection of extortion money. They do this in areas where they do not have presence or to stay out of range.¹³⁶

1.5.6 *Impact of territorial control by armed groups on civilians*

¹³⁰ La Silla Vacía, *Carlos Erazo: de Comandante de Petro a Impulsar la Paz Total en Nariño*, 12 April 2024; Infobae, *El Frente Comuneros del Sur de ELN confirma su deseo de desarme antes del fin del mandato de Petro*, 27 April 2024.

¹³¹ El Espectador, *Frente Comuneros del Sur de Nariño rompe relaciones con el Comando Central del ELN*, 8 May 2024.

¹³² El Colombiano, *Cinco megacarteles y 23 narcobandas: así es el mapa criminal en Colombia*, 22 April 2023; confidential source, 20 February 2024.

¹³³ Insight Crime, *The Pachencas*, 10 May 2022.

¹³⁴ El Colombiano, *Las 7 bandas que más amenazan la seguridad urbana en Colombia*, 13 June 2022.

¹³⁵ France24, *In the Colombian jungle with ELN rebels*, 16 November 2023; Infobae, *Así han crecido los grupos armados ilegales en Colombia: el clan del Golfo es el más grande y tiene 9,000 hombres*, 19 April 2023; confidential source, 23 February 2024; DW, *Las nuevas dinámicas del conflicto armado en Colombia*, 16 March 2023; Insight Crime, *The Shottas*, 24 November 2023; Insight Crime, *The Pachencas*, 10 May 2022; confidential source, 13 February 2024.

¹³⁶ El Colombiano, *Las 7 bandas que más amenazan la seguridad urbana en Colombia*, 13 June 2022; confidential source, 23 January 2024.

Although the various groups have increasingly lost their political ideology, they continue to have an interest in exerting control over local communities. Controlling land and trade, mediating local disputes and punishing opponents are essential components of the arsenal of territorial rule.¹³⁷ They exercise this control with a heavy hand, not shying away from violence (in some cases, extreme) against the population.¹³⁸ Several sources indicated that the various groups have used the Paz Total to consolidate or expand their control over territories.¹³⁹

During the reporting period, the population in several parts of the country was confronted with armed actors who did not respect international humanitarian law and other humanitarian principles. In 2022, the International Committee of the Red Cross (ICRC) documented 400 alleged violations of international humanitarian law and other humanitarian norms, more than half of which involved killings, threats, sexual violence, use of landmines or other explosives, recruitment and other serious violations, including the use and involvement of children and youth in hostilities, the arbitrary deprivation of liberty and cruel, inhuman or degrading treatment.¹⁴⁰ The ICRC documented 444 such violations during 2023.¹⁴¹

In some regions, the illegal armed groups have such control over the area that they can determine who can or cannot travel into or out of the region. They do this by setting up their own checkpoints, as well as by issuing their own travel documents. In some cases, groups also place mines around certain areas for purposes including controlling the population.¹⁴² Civilians are regularly killed by mines or unexploded ordnance. Extorting the population is also a means of maintaining control.¹⁴³ In the map below, for the period January 2023 to September 2023, OCHA mapped the areas in which there was confinement (the circles indicate how many people were affected by confinement), restrictions on freedom of movement (areas with diagonal stripes) and cases of restrictions on humanitarian access (red x's).¹⁴⁴

¹³⁷ ICG, *Trapped in Conflict: Reforming Military Strategy to Save Lives in Colombia*, p. 5; 27 September 2022.

¹³⁸ ICG, *Trapped in Conflict: Reforming Military Strategy to Save Lives in Colombia*, p. 6; 27 September 2022.

¹³⁹ El País, *Los fuegos nunca pararon: la paz total mantiene solo dos de sus cinco ceses*, 23 May 2023; Confidential source, 7 December 2023.

¹⁴⁰ CICR, *Retos Humanitarios 2023 Colombia*, p. 3, 22 March 2023.

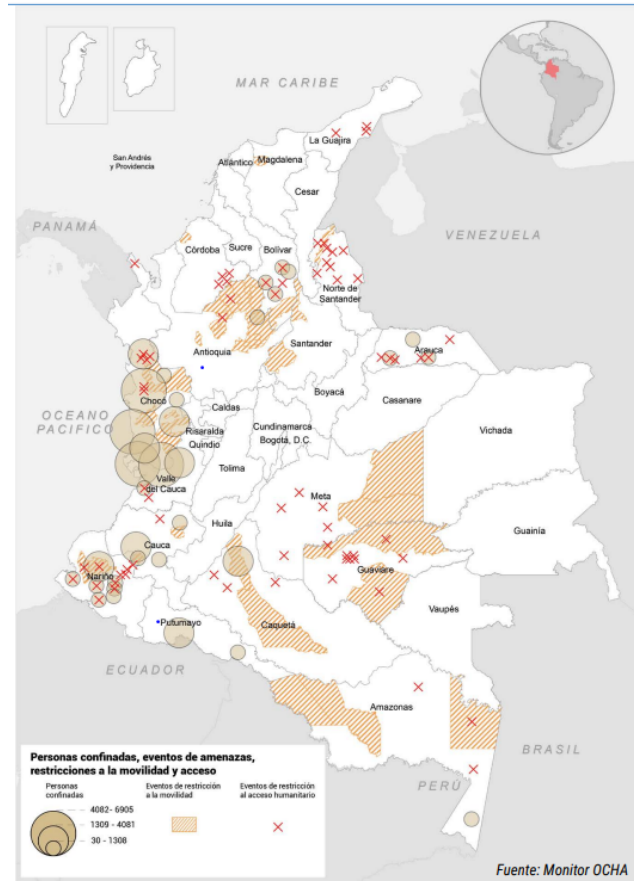
¹⁴¹ CICR, *Colombia: Balance Humanitario*, 3 April 2024.

¹⁴² In the first half of 2023, the International Committee of the Red Cross (ICRC) recorded 162 casualties from various types of explosives, including anti-personnel mines, explosive remnants of war, dropped munitions and controlled detonation devices. According to a confidential source, in 2023, Nariño was the region with the highest density of mines in the world. Civilians, including children, are regularly killed by mines or unexploded ordnance. Many of these tragic events occur in the territory of indigenous reservations: confidential source, 23 February 2024; Alto Comisionado para la Paz, *El uso de minas antipersonal atenta contra las comunidades de Nariño y constituye un crimen de guerra*, 14 August 2023; CICR, *El miedo y la zozobra siguen condicionando la vida de miles de personas en Colombia*, 1 August 2023.

¹⁴³ Insight Crime, *The Pachencas*, 10 May 2022; El Espectador, *Shottas y Espartanos: así es el entramado criminal y las alianzas entre bandas*, 28 July 2023; ONU: Consejo de Derechos Humanos, Informe de la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos sobre Colombia, A/HRC/52/25, 27 February 2023; confidential source, 14 February 2024; De Volkskrant, *Een linkse president in Colombia? Het zou voor het eerst zijn*, 27 May 2022.

¹⁴⁴ The map was only available in Spanish. OCHA, *Informe, Tendencias e impacto Humanitario en Colombia 2023*, 1 November 2023.

VÍCTIMAS DE CONFINAMIENTO, EVENTOS O INCIDENTES POR MAP/MSE Y
RESTRICCIONES AL ACCESO HUMANITARIO, RESTRICCIONES A LA MOVILIDAD Y ACCESO



The armed groups also impose their own norms and values. Due to the mostly conservative nature of the groups, the LGBTIQ+ community faces additional threats and violence in the areas controlled by illegal armed groups (see also 3.7.2.8).¹⁴⁵

The local population is at risk of being perceived by organised armed groups — often wrongly — as infiltrators or supporters of other groups or the Colombian army.¹⁴⁶ This impression can arise due to a simple fact, like having sold food items to a particular group or being seen in the presence of the Colombian army or a rival group. One source noted that children had been killed by a dissident faction of the FARC because they had received money from Colombian military personnel to buy groceries.¹⁴⁷

¹⁴⁵ Insight Crime, *The Pachencas*, 10 May 2022; El Espectador, *Shottas y Espartanos: así es el entramado criminal y las alianzas entre bandas*, 28 July 2023; ONU: Consejo de Derechos Humanos, Informe de la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos sobre Colombia, A/HRC/52/25, 27 February 2023; confidential source, 14 February 2024; De Volkskrant, *Een linkse president in Colombia? Het zou voor het eerst zijn*, 27 May 2022.

¹⁴⁶ The Colombian armed forces may also deem local people to be supporters or members of illegal armed groups based solely on the fact that they are living in areas where these groups are active. Young men in particular are detained for this reason: ICG, *Trapped in Conflict: Reforming Military Strategy to Save Lives in Colombia*, p. 26, 27 September 2022.

¹⁴⁷ ICG, *Trapped in Conflict: Reforming Military Strategy to Save Lives in Colombia*, pp. 25–26, 27 September 2022; confidential source, 17 February 2024.

Where illegal armed groups have firm control of an area and their control is not threatened by other armed groups or the Colombian authorities, relatively little open fighting takes place. The population nevertheless continues to face repression and violence. People in these areas must still pay extortion money (known as *vacuna*) and abide by the rules of the armed group, but they are less vulnerable to other risks such as being perceived as infiltrators or supporters of another group.¹⁴⁸ In departments such as Cauca, Putumayo, Nariño, Norte de Santander and Chocó, illegal armed groups have forced the population to surround military columns on their behalf and force soldiers to release members of the aforementioned groups captured by them.¹⁴⁹

1.5.7 *Alleged links between government and neo-paramilitary organisations*

Most sources agree that the ties between the national government and neo-paramilitary organisations are no longer of the same level as the ties that had once existed between paramilitary organisations and the government. At the height of paramilitary organisations at the turn of the century, about 30% of all members of congress had ties to paramilitary organisations. Although dignitaries still occasionally have ties to neo-paramilitary organisations, the organisations can no longer put their stamp on national policy in the same way they could in the past.¹⁵⁰

Several sources have reported contact between neo-paramilitary organisations and elements of the Colombian security apparatus (police and military). Unlike the situation in the past (as described above), this involves local (specific to a particular region) and informal ties that depend on the level of corruption and interests amongst local security forces.¹⁵¹ According to the ICG, the most common form of infiltration into the security apparatus is corruption within the lower ranks, where an illegal armed organisation pays soldiers for information, having patrols detoured or not checking drug shipments. It is also common for former militants to join illegal armed organisations. Corruption within the higher ranks continues to occur as well, albeit on a much smaller scale. For example, the Public Prosecutor's Office (*Fiscalía*) has launched an investigation into the former army commander, General Leonardo Barrero, who allegedly represented the interests of a criminal organisation linked to the Clan del Golfo.¹⁵²

In April 2024, former president Álvaro Uribe was accused of fraud and witness manipulation. Uribe and several individuals close to him were investigated following allegations of fraud and witness manipulation to downplay allegations of links between Uribe and neo-paramilitary groups.¹⁵³

1.5.8 *Relations between various armed groups and between these groups and the government*

It is not possible to provide a clear overview of relations between the various armed groups. They fight each other in some regions and coexist in others. In yet other

¹⁴⁸ Insight Crime, *The Pachencas*, 10 May 2022; El Espectador, *Shottas y Espartanos: así es el entramado criminal y las alianzas entre bandas*, 28 July 2023; DW, *Las nuevas dinámicas del conflicto armado en Colombia*, 16 March 2023; ICG, *Trapped in Conflict: Reforming Military Strategy to Save Lives in Colombia*, p. 31, 27 September 2022; CICR, *Retos Humanitarios 2023 Colombia*, p. 5), 22 March 2023.

¹⁴⁹ ICG, *Trapped in Conflict: Reforming Military Strategy to Save Lives in Colombia*, p. 17, 27 September 2022.

¹⁵⁰ Confidential source, 7 December 2023; confidential source, *Sara García – Insight Crime Medellín*, 23 January 2024; confidential source, 13 February 2024; confidential source, 13 February 2024.

¹⁵¹ Confidential source, 7 December 2023; France24, *In the Colombian jungle with ELN rebels*, 16 November 2023; EUAA, *Colombia: Country Focus*, p. 77, December 2022; ICG, *The unsolved Crime in 'Total Peace': Dealing with Colombia's Gaitanistas*, 18 March 2024.

¹⁵² ICG, *Trapped in Conflict: Reforming Military Strategy to Save Lives in Colombia*, pp. 28–32, 27 September 2022.

¹⁵³ Reuters, *Colombia ex-President Uribe will face trial, attorney general's office says*, 9 April 2024.

regions, they have formed alliances to fight a common enemy (see 1.6.3).¹⁵⁴ The larger illegal armed organisations collaborate with or hire smaller organisations for certain jobs (e.g. contract killings and extortion).¹⁵⁵

Like neo-paramilitary organisations, other illegal armed groups also have ties to authorities and the security apparatus at the local level. Although this cooperation is sometimes voluntary in nature, it may also be enforced by the armed organisations. In Arauca — on the border with Venezuela — the ELN and the dissident FARC who were present forced municipal councillors to consult them first when making important decisions, according to ICG.¹⁵⁶ In regions where local authorities are controlled by organised armed groups, individuals have limited access to reporting or obtaining state protection in the event of threats from these groups (see also 3.2 and 3.5).

1.6 Security situation (who is in power/control, and where)

In the following sections, data from the Armed Conflict Location and Event Data Project (ACLED)¹⁵⁷ have been used to explicate trends in the security situation in Colombia. ACLED collects information on incidents of violence (especially political) and demonstrations, relying primarily on public sources, including traditional media, reports by INGOS/NGOs and new media (e.g. social media). Most of the graphs in this chapter indicate both the number of incidents and the number of fatalities by year. The ACLED conflict data provide an incomplete overview of the numbers of violent incidents and fatalities. ACLED relies on secondary reporting for these figures and states that it uses the most conservative estimates. If the death toll in a reported incident of violence is unknown, ACLED records no fatalities. Reports referring to 'dozens' or 'hundreds' of deaths are translated into records of ten and one hundred deaths, respectively. The ACLED database does not include information on the number of victims of non-fatal violence such as injured individuals and survivors of rape. This can create a distorted image of the level of violence in a particular region. The ACLED conflict data thus provide at best an indication of developments in patterns of violence.¹⁵⁸ The disclaimer provided above should be taken very seriously when considering the information presented below.

1.6.1 Armed conflicts

As noted in 1.1.2, Petro's peace initiatives had been of little impact on the security situation in Colombia by the end of the reporting period. President Petro's Paz Total led to a decrease in armed clashes between the Colombian armed forces and illegal armed groups in 2023, but not yet in a complete halt to the fighting. The illegal armed groups have continued their illegal activities unabated, and there has been no decrease in fighting between illegal groups. These have even increased.¹⁵⁹

¹⁵⁴ CICR, *Retos Humanitarios 2023 Colombia*, p. 5, 22 March 2023; FIP, *Paz Total: los grupos armados ganan con cara y con sello*, 13 February 2024; El Colombiano, *Cinco megacarteles y 23 narcobandas: así es el mapa criminal en Colombia*, 22 April 2023.

¹⁵⁵ El Colombiano, *Las 7 bandas que más amenazan la seguridad urbana en Colombia*, 13 June 2022; confidential source, 23 January 2024.

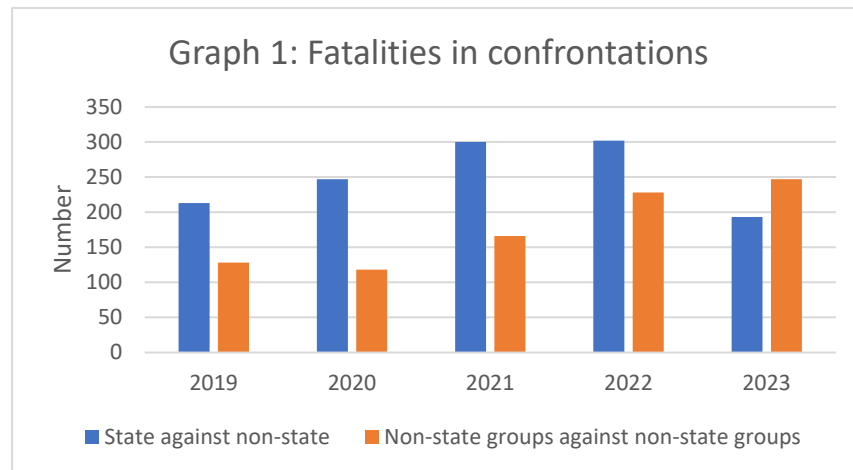
¹⁵⁶ BBC Monitoring (La Silla Vacía), *Colombian president used spy agency to purge 'corrupt' army officers-report*, 20 November 2023; ICG, *Trapped in Conflict: Reforming Military Strategy to Save Lives in Colombia*, pp. 7–8, 27 September 2022.

¹⁵⁷ The NGO ACLED is engaged in collecting, analysing and charting conflict data. Additional information about ACLED is available at the following website: <https://acleddata.com>

¹⁵⁸ ACLED, *Fatalities, Uses and limitations of ACLED data*, published on 27 February 2023; last updated on 7 May 2024.

¹⁵⁹ El País, *Los fuegos nunca pararon: la paz total mantiene solo dos de sus cinco ceses*, 23 May 2023; CICR, *Retos Humanitarios 2023 Colombia*, p. 5, 22 March 2023.

Graph 1 — which is based on ACLED figures¹⁶⁰ — reveals the trend that has been reported by several sources. The graph below displays the number of fatalities in confrontations between security forces and armed groups, as well as amongst armed groups themselves. The incident category 'battles' in the ACLED data was used for this purpose^{161, 162}



Despite the Petro government's peace initiatives, there were seven non-international armed conflicts in Colombia by March 2023, according to the International Committee of the Red Cross (ICRC).¹⁶³ Three of these were between the Colombian state and the ELN, between the state and the Clan del Golfo, and between the state and one of the dissident FARC-EP groups, the EMC. The other four conflicts were between armed groups. One was between the ELN and the Clan del Golfo, and the other three were between the EMC and the Segunda Marquetalia, between the EMC and the Comandos de la Frontera, and between the EMC and the ELN. In addition to these conflicts, numerous other conflicts occurred on a smaller or more local scale.¹⁶⁴

1.6.2 *Violence against civilians*

The impact of territorial control by illegal armed groups on the civilian population in these regions has been discussed previously in 1.5.6. The following sections present a broader examination of violence against civilians as a result of armed conflict and the impact of the Paz Total on the security situation for civilians. It also discusses available figures on violence against civilians.

¹⁶⁰ Most of the data collected by the ACLED (Armed Conflict Location and Event Data Project) are from publicly available secondary sources. These data may therefore underestimate actual figures. Data on casualty numbers may reflect subjectivity and inaccurate reporting. ACLED states that it uses the most conservative estimates available: ACCORD (Austrian Centre for Country of Origin & Asylum Research and Documentation): Sudan, year 2020: Update on incidents according to the Armed Conflict Location & Event Data Project (ACLED), p. 3, 23 March, 2021

¹⁶¹ ACLED defines a 'Battles' event as a violent interaction between two organized armed groups at a particular time and location. ACLED, *ACLED introduces new event types and sub-event types*, 14 March 2019.

¹⁶² Armed Conflict Location & Event Data Project (ACLED): <https://acleddata.com/dashboard/#/dashboard> (accessed on 7 March 2024)

¹⁶³ The ICRC is based on the IHR, which has established two criteria for classifying a situation of violence as a non-international armed conflict: the armed groups must be sufficiently organised, and hostilities between the parties must reach a minimum level of intensity. Both conditions must be present. The ICRC analyses — both technically and objectively — whether these two criteria are met based on information collected directly on the ground in the areas.

¹⁶⁴ CICR, *Retos Humanitarios 2023 Colombia*, p. 5, 22 March 2023; El Colombiano, *Las 7 bandas que más amenazan la seguridad urbana en Colombia*, 13 June 2022; PARES, *Inventario de organizaciones delinquentes en aglomeraciones urbanas en 2023*, 15 December 2023.

Several sources agree that the Paz Total has not led to a significant improvement in the situation for the local population living in regions where armed conflict is taking place. The struggle for territory has exacerbated the plight of the civilian population. Communities have faced the direct consequences of confrontations (e.g. detention, mass displacement, presence of explosives, damage to civilian property). In addition, communities face pressure from armed organisations that have regularly accused local people of participating in, or providing aid and favours to, this or that party in the conflict, purely because they were living in the region and were in the midst of armed confrontation.¹⁶⁵

In contrast, the decrease in confrontations (albeit temporary) between the Colombian state and certain armed groups reduced the direct effects of hostilities on the population, thus resulting in a slight improvement to their situation. Organised armed groups tried to avoid confrontations with Colombian security forces, as the latter were often the superior party in terms of personnel and military strength. In some cases, however, the situation remained complicated for the local population, as the social control exercised by the armed actors had not disappeared. Armed groups have also taken advantage of a ceasefire to expand their territory.¹⁶⁶

In March 2023, the Deutsche Welle wrote that the conflict between the Clan del Golfo and the ELN had caused the most negative effects on the daily lives of Colombians. After these groups, the internal struggle between the two dissident factions — the EMC and the Segunda Marquetalia — and the ELN's separate struggles with the EMC and with the Segunda Marquetalia had the second and third (respectively) greatest impact on the lives of Colombians.¹⁶⁷

The numbers of violent incidents and fatalities classified as 'Violence against civilians'¹⁶⁸ by ACLED are presented in Graph 2. The graph also displays the number of incidents of abduction or enforced disappearance. The latter figures are also part of the total number of incidents. As shown in Graph 2, the number of fatalities due to violence against civilians¹⁶⁹ in 2023 had decreased by about 13% relative to 2022. The number of fatalities had increased since 2019, reaching a peak in 2022. The number of incidents of violence against civilians in 2023 was almost the same as it had been in the previous year. It is noteworthy that the number of abductions/enforced disappearances almost doubled in 2023 compared to 2022 (see 1.5.6).¹⁷⁰

¹⁶⁵ Confidential source, 17 February 2024; CICR, *Retos Humanitarios 2023 Colombia*, p. 5, 22 March 2023; ICG, *Trapped in Conflict: Reforming Military Strategy to Save Lives in Colombia*, p. 6, 27 September 2023.

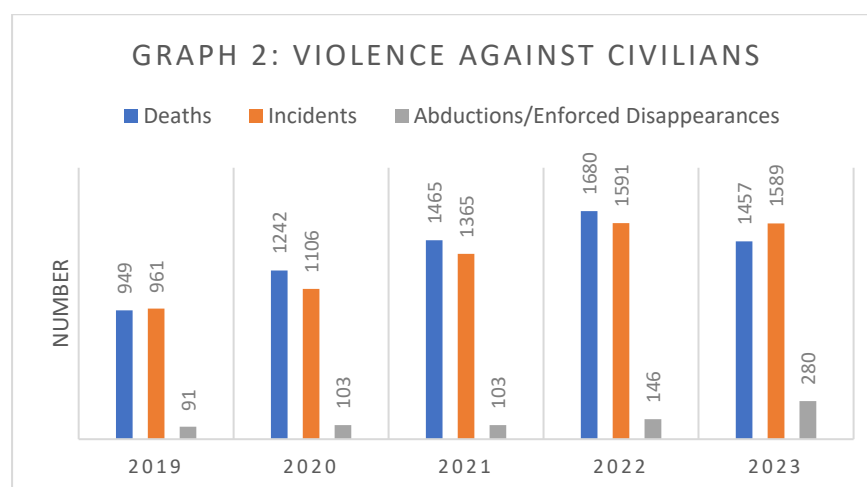
¹⁶⁶ Confidential source, 17 February 2024; CICR, *Retos Humanitarios 2023 Colombia*, p. 5, 22 March 2023; confidential source, 19 February 2024; ICG, *Trapped in Conflict: Reforming Military Strategy to Save Lives in Colombia*, pp. 7–8, 27 September 2022; Infobae, *Cómo ha cambiado la seguridad en Colombia entre el último año de Duque y el primero de Petro*, 9 August 2023.

¹⁶⁷ DW, *Las nuevas dinámicas del conflicto armado en Colombia*, 16 March 2023.

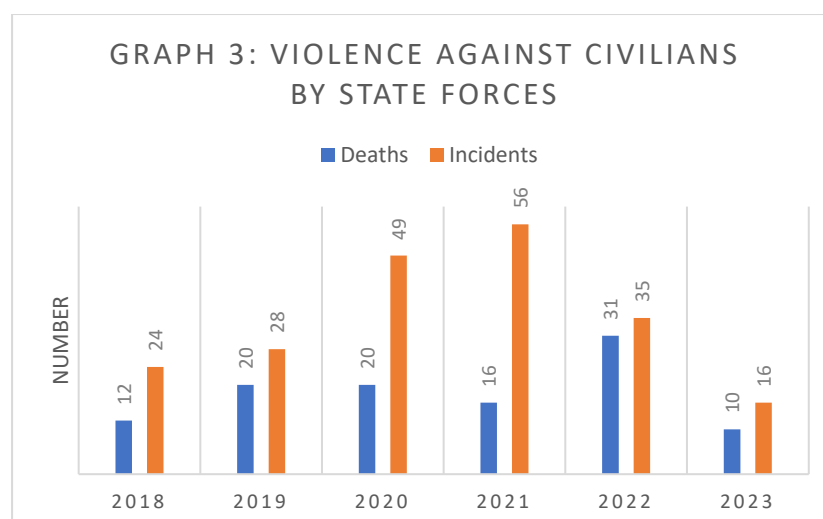
¹⁶⁸ 'Violence against civilians' refers to the deliberate use of force by an armed group against unarmed civilians. ACLED, *ACLED introduces new event types and sub-event types*, 14 March 2019.

¹⁶⁹ ACLED defines 'Violence against civilians' as violent events where an organized armed group inflicts violence upon unarmed non-combatants. By definition, civilians are unarmed and cannot engage in political violence. Therefore, the violence is understood to be asymmetric as the perpetrator is assumed to be the only actor capable of using violence in the event. The perpetrators of such acts include state forces and their affiliates, rebels, militias, and external/other forces. ACLED, *Armed Conflict Location & Event Data Project (ACLED) Codebook*, p. 18, 9 November 2023.

¹⁷⁰ Armed Conflict Location & Event Data Project (ACLED): <https://acleddata.com/dashboard/#/dashboard> (accessed on 7 March 2024); Infobae, *Cómo ha cambiado la seguridad en Colombia entre el último año de Duque y el primero de Petro*, 9 August 2023.



According to ACLED figures, most civilians (more than 90%) had been killed by violence perpetrated by actors ACLED describes as rebel forces and political militias. This includes the various illegal armed organisations mentioned in section 1.4. Colombian security forces were also responsible for civilian fatalities. As indicated by figures from ACLED, after the Petro government came to power in Colombia in August 2022, the number of civilian fatalities due to violence by the Colombian security apparatus decreased. With regard to 2022, it should be noted that the vast majority of deaths (more than 95%) occurred before September 2022.¹⁷¹ The number of incidents of violence against civilians (ACLED) by Colombian State Forces (ACLED) and resulting fatalities are presented in Graph 3.



1.6.3

Presence of groups and the relations between them:

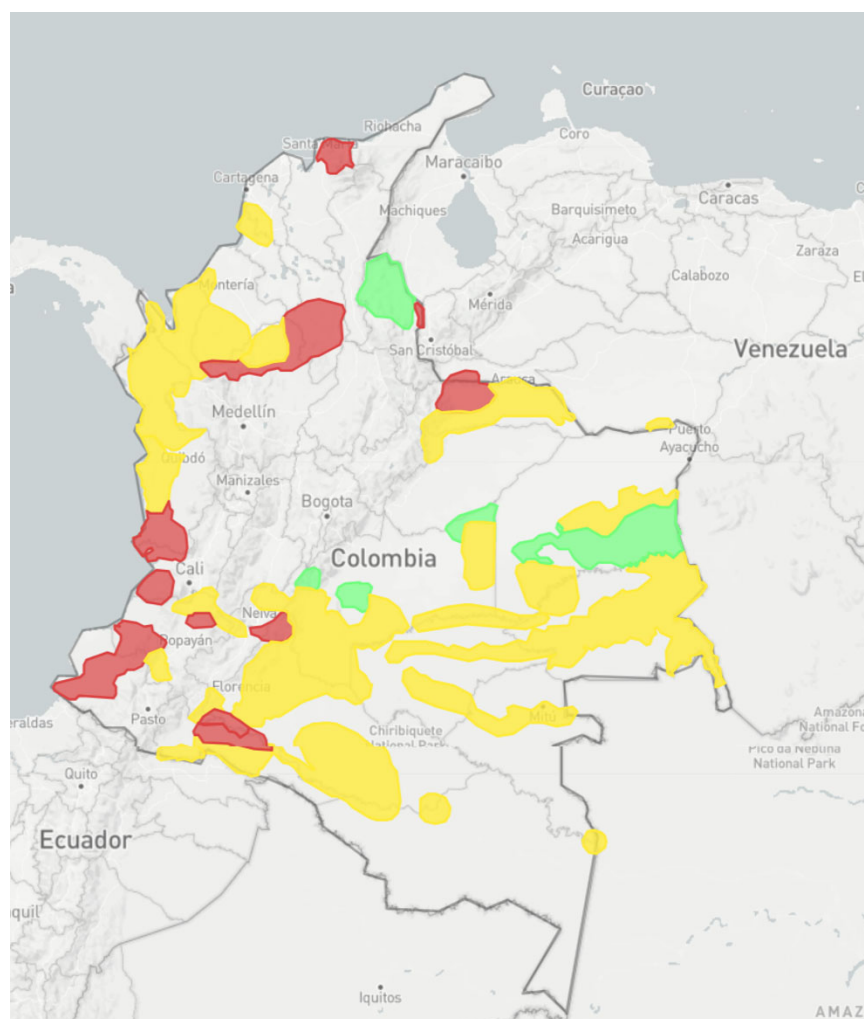
According to the Colombian newspaper *El Colombiano*, at least three major criminal groups (e.g. the GAOs and GDOs) were present in 31 of Colombia's 32 departments. They were absent only on the islands of San Andrés y Providencia.¹⁷² The areas in which the various large illegal armed groups operate in Colombia or where they

¹⁷¹ Armed Conflict Location & Event Data Project (ACLED): <https://acleddata.com/dashboard/#/dashboard> (accessed on 7 March 2024).

¹⁷² *El Colombiano*, *Las 7 bandas que más amenazan la seguridad urbana en Colombia*, 13 June 2022.

maintain their power bases are indicated in 1.5.2 and 1.5.3. This section provides a closer examination of the relations between them.

The NGO *Fundación Ideas para la Paz* (FIP) produced an interactive map to clarify the relations between the various larger illegal armed organisations (see 1.5.2). The areas shaded in red are those in which the organisations are fighting each other; the areas shaded in green are those in which they coexist; and the areas shaded in yellow are those in which a group has some level of autocratic power.¹⁷³ The map does not represent the presence or territorial control of these groups over the regions shown. Information on this point is presented in 1.5.2.¹⁷⁴



Source: Interactive map by FIP (accessed on 1 April 2024)

Inter-group confrontations

¹⁷³ FIP, *Paz Total: los grupos armados ganan con cara y con sello*, 13 February 2024. The map can be accessed through the following link: <https://ideaspaz.org/publicaciones/investigaciones-analisis/2024-02/paz-total-los-grupos-armados-ganan-con-cara-y-con-sello>. This map also indicates which groups are active in certain areas, which groups are fighting each other, and the intensity of the conflict.

¹⁷⁴ In October 2023, the newspaper *Blu Radio* published a report including several maps showing where the ELN, the Clan del Golfo and the dissident FARC were present in various departments of Colombia. According to the newspaper, the source of these maps is the military intelligence service. This could not be verified, however, and these maps are therefore not included in this COI Report. *Blu Radio, Los peligrosos planes de expansión del ELN, el Clan del Golfo y las disidencias de las Farc*, 9 October 2023.

According to the FIP interactive map, the following battles between armed groups in 2023 were of high intensity. High-intensity battles are defined as conflicts in which continuous confrontations between actors take place and which involve high levels of violence (e.g. killings, displacement and other types of violence).

1. In northern Cauca: between factions of the EMC and the ELN
2. In Bajo Cauca — in the north and north-east of Antioquia, as well as in a part of southern Bolívar — between factions of the Clan del Golfo and the EMC, in alliance with a faction of the ELN
3. In the south and centre of Chocó and north of the town of Buenaventura in Valle del Cauca — between factions of the Clan del Golfo and the ELN
4. In Sierra Nevada de Santa Marta in Magdalena — between factions of the Clan del Golfo and the Autodefensas Conquistadores de la Sierra Nevada
5. On the Pacific coast of Nariño — between factions of the EMC and the Segunda Marquetalia
6. On the Pacific coast of Cauca and the countryside around Buenaventura — between factions of the EMC and the Segunda Marquetalia, in alliance with a faction of the ELN

The following battles were of low intensity, according to FIP. Within this context, low-intensity battles are defined as conflicts that do not involve constant confrontation or action by the actors involved. Within these conflicts, incidents are irregular and are used in a more selective and less visible manner. The type of incident could include threats, selective killings and individual displacement. In regions where low-intensity battles occur (according to FIP), actors generally have strong control over the population and territory.

1. In southern Cauca — between factions of the EMC and the ELN, in alliance with a faction of the Segunda Marquetalia
2. In Putumayo — between factions of the EMC and the Comandos de la Frontera of the Segunda Marquetalia (see 1.5.2 for the status of the Comandos)
3. In the municipality of San Vicente del Caguán, as well as in a part of Huila — between factions of the EMC and the Segunda Marquetalia
4. In the mountains and the Guambuyaco region of Nariño — between factions of the EMC and the ELN
5. In parts of Arauca — the 10 and 28 Fronts of the EMC against the Eastern War Front of the ELN

Alliances or co-existence

In addition, FIP reports that, in 2023, there were regions in which groups coexisted without fighting amongst each other:¹⁷⁵

1. In Catatumbo, both the EMC and the ELN were present.

¹⁷⁵ FIP, *Paz Total: los grupos armados ganan con cara y con sello*, 13 February 2024: <https://ideaspaz.org/publicaciones/investigaciones-analisis/2024-02/paz-total-los-grupos-armados-ganan-con-cara-y-con-sello>.

2. In Meta, both the EMC and the Gonzalo Oquendo Urrego Front of the Clan del Golfo (also known as Puntilleros) were present (additional information about the Puntilleros and their denomination is provided in 1.5.3).
3. In northern Antioquia and southern Bolívar, there was an alliance between factions of the EMC and one faction of the ELN.
4. On the Pacific coast of Nariño, there was an alliance between the Coordinadora Guerrillera del Pacífico of the Segunda Marquetalia and a faction of the ELN.
5. In the countryside surrounding the city of Buenaventura, there was an alliance between a faction of the Segunda Marquetalia and one from the ELN.

Absolute rule

According to the FIP, there were also areas in which a single group faced no opposition from other groups and had acquired some level of autocratic rule:¹⁷⁶

1. In parts of the departments of Guaviare, Vaupés and Amazonas, the EMC's 1° Armando Ríos Front has a stable position.
2. In parts of Valle del Cauca, Tolima and Huila, factions of the EMC have a stable position.
3. In southern Meta and Caquetá, a faction of the EMC has a stable position.
4. In Bajo Cauca and southern Córdoba, Sucre, the Urabá sub-region in Antioquia and the municipality of Bajo Atrato in Chocó, three factions of the Clan del Golfo have a stable position, with the group's hegemony threatened only in specific parts of Antioquia and Bolívar.
5. In almost all of Arauca, a faction of the ELN holds a stable position, although its hegemony is threatened by factions of the EMC in certain parts of the department.

It should be mentioned that the overview outlined above (according to the FIP interactive map) is merely a snapshot in time, and the situation in many areas is dynamic. For example, as mentioned earlier in this report, the Clan del Golfo expanded its territory in 2023, particularly at the expense of the ELN. In addition, the image sketched by the FIP may differ slightly from that of other organisations.¹⁷⁷

1.7 Humanitarian situation

In Colombia, the gap between rich and poor is amongst the widest of any country in the world.¹⁷⁸ According to figures from the National Administrative Department of

¹⁷⁶ FIP, *Paz Total: los grupos armados ganan con cara y con sello*, 13 February 2024: <https://ideaspaz.org/publicaciones/investigaciones-analisis/2024-02/paz-total-los-grupos-armados-ganan-con-cara-y-con-sello>.

¹⁷⁷ FIP, *Paz Total: los grupos armados ganan con cara y con sello*, 13 February 2024: <https://ideaspaz.org/publicaciones/investigaciones-analisis/2024-02/paz-total-los-grupos-armados-ganan-con-cara-y-con-sello>; confidential source, 17 June 2024.

¹⁷⁸ World Inequality Database, *Three ways to look at global income inequality in 2023 – Insights from the World Inequality Database*, 22 November 2023; Statista, *Income distribution inequality based on Gini coefficient in Colombia between 2000 and 2022*, www.statista.com, accessed on 7 May 2024, direct link.

Statistics (DANE: *Departamento Administrativo Nacional de Estadística*), the percentage of Colombians living in poverty in 2022 decreased to 36.6% — which corresponds to 18.3 million people in the country of 50 million — as compared to 39.7% in 2021. In 2022, the country's rate of multidimensional poverty¹⁷⁹ was 12.9%. This was 3.1 percentage points lower than in 2021 (16.0%). Whereas poverty declined overall, the share of the population living in extreme poverty increased slightly from 13.7% in 2021 to 13.8% in 2022 — about 7 million people.¹⁸⁰ The departments with the highest poverty rates in 2022 were Chocó (66.7%), followed by La Guajira¹⁸¹ (65.4%).¹⁸² After exhibiting growth in 2021, 2022 and the first two quarters of 2023, the Colombian economy declined by 0.3 percent in the third quarter of 2023.¹⁸³

In March 2023, the International Committee of the Red Cross wrote that the deterioration of the humanitarian situation and the weak presence of state institutions created a difficult scenario for the humanitarian, living and security conditions of the civilian population. This applied in particular to the regions that were most affected by armed conflict.¹⁸⁴ According to the UN, the departments most affected by displacement were Bolívar, Cauca, Nariño and Valle del Cauca, and by confinement Caquetá, Cauca, Chocó and Nariño.¹⁸⁵

According to figures from DANE, in 2022, the socio-economic status of citizens in rural Colombia was worse than it was in major cities. For example, the national illiteracy rate was 7.7%, whereas the rates for rural Colombia and urban Colombia were 16.7% and 5.2%, respectively. In that year, 9.8% of the entire Colombian population had no access to clean drinking water. This applied to 37.3% of the population in rural Colombia, and it applied to 2.2% of the population in major cities. There was also a large difference in access to a functioning sewerage system. Nationwide, 9.7% of the population had none. This was the case for 6.8% of the urban population and 20.2% of the rural population. In terms of access to health services, however, the difference between the various areas was minimal: 2% of the urban population and 1.9% of the rural population had poor access to healthcare. It should be mentioned that, in the period from 2018 to 2022, there had been improvement at the national level in all areas mentioned above. For example, illiteracy had declined from 10.0% to 7.7%. Whereas 6.2% of the population was

¹⁷⁹ Multidimensional poverty involves considering five factors 1) Educational conditions; 2) Situation of minors; 3) Labour market; 4) Healthcare and 5) Living conditions and public services.

¹⁸⁰ DANE, *Pobreza multidimensional Resultados 2022*, p. 9, May 2023; Reuters, *Colombia poverty fell in 2022, extreme poverty rose slightly, government says*, 23 September 2023; DANE, *En 2022, en el total nacional, la pobreza monetaria fue del 36.6% y la pobreza monetaria extrema fue del 13.8%*, 22 September 2023: <https://www.dane.gov.co/index.php/estadisticas-por-tema/pobreza-y-condiciones-de-vida/pobreza-monetaria> (accessed on 29 January 2024).

¹⁸¹ Chocó and La Guajira have large Afro-Colombian and indigenous communities, respectively. The majority (85%) of the population of Chocó is of Afro-Colombian origin, and about 45% of the population of La Guajira is indigenous.

¹⁸² Radio Nacional de Colombia, *La diversidad cultural en Colombia, una hermosa realidad*, 12 October 2023; IWGIA, *Entre Colombia y Venezuela: los wayúu frente a la pobreza, la sequía, el despojo y la violencia*, 6 December 2021.

¹⁸³ The World Bank, *The World Bank in Colombia – last updated 7 June 2023*: <https://www.worldbank.org/en/country/colombia/overview#1> (accessed on 25 January 2024); DANE, *En el tercer trimestre de 2023 el Producto Interno Bruto de Colombia decrece 0.3%*, 15 November 2023.

¹⁸⁴ Within this context, the report does not explicitly mention which regions these were. For different CICR, see *Retos Humanitarios 2023 Colombia*, p. 5, 22 March 2023.

¹⁸⁵ Although various sources often mention these departments as the most affected, some sources also mention others (e.g. Norte de Santander and Arauca) as regions in which the population is being displaced. OHCHR, *Situation of human rights in Colombia — Report of the United Nations High Commissioner for Human Rights (A/HRC/55/23) (Unofficial English version)*, p. 3, 14 February 2024; Infobae, *Colombia en la encrucijada: desplazamientos forzados continúan en aumento*, 5 November 2023; CICR, *Retos Humanitarios 2023 Colombia*, p. 5, 22 March 2023.

still experiencing limited access to healthcare in 2018, this applied to only 2.0% in 2022.¹⁸⁶

Despite the improvements reflected in the DANE figures, children in Colombia continued to die of acute malnutrition. In 2023, there were 246 such instances. According to the organisation *Sistema de Vigilancia en Salud Pública* (Sivigila: National Public Health Surveillance System), this was a decline of 32.1% relative to the 325 registered cases in 2022. La Guajira was the department with the highest rates of child malnutrition. The department of La Guajira — one of Colombia's driest and least fertile departments — is inhabited primarily by indigenous Wayú communities living in precarious conditions, with difficult access to water, food and other amenities. In La Guajira, 58 children under five years of age died of malnutrition in 2023. This was 34 fewer than in 2022, when 92 died of acute malnutrition.¹⁸⁷

According to the *Instituto Colombiano de Bienestar Familiar* (ICBF: Colombian Institute of Family Welfare), the efforts made by relevant entities for the early detection of malnutrition in remote areas had led to an increase in reports of acute, moderate and severe malnutrition in children under five years of age. This led to the decline in deaths. Although there were fewer deaths from malnutrition, there was an increase in cases of acute malnutrition in children under five years of age. This rose from 21,337 registered cases in 2022 to 24,226 in 2023. In particular, the departments of Vichada, La Guajira and Chocó had high rates of malnutrition amongst children younger than five years of age. The Infobae news medium wrote that these figures indicated the presence of persistent challenges in acute malnutrition amongst children in the country.¹⁸⁸

The ICRC reported on attacks on healthcare (and healthcare workers) in 2022, with particularly serious incidents in regions where armed actors are active. These included the killing of healthcare workers and patients, threats, sexual violence, extortion and the blocking of ambulances. According to the ICRC, some of these incidents were not reported, because of the fear of those involved.¹⁸⁹ In 2022, the Colombian Ministry of Health and Social Protection (*Ministerio de Salud y Protección Social*) registered a total of 426 attacks on the healthcare system (and healthcare workers). Some of these incidents (38%) occurred within the context of armed conflict and potentially involved violations of international humanitarian law. At least seven killings of patients and healthcare workers were recorded in 2022. By way of comparison, the ICRC reports that six cases were counted between 2018 and 2021.¹⁹⁰ In 2023, Colombian authorities recorded 511 attacks, 27% of which were potentially violations of international humanitarian law.¹⁹¹

¹⁸⁶ DANE, *Pobreza multidimensional Resultados 2022*, p. 14, May 2023.

¹⁸⁷ ICBF, *Disminuye la mortalidad por desnutrición aguda en niños y niñas menores de cinco años en el país*, 25 January 2024; Infobae, *Más de 200 niños menores de 5 años murieron por desnutrición aguda en 2023*, 25 January 2024.

¹⁸⁸ ICBF, *Disminuye la mortalidad por desnutrición aguda en niños y niñas menores de cinco años en el país*, 25 January 2024; Infobae, *Más de 200 niños menores de 5 años murieron por desnutrición aguda en 2023*, 25 January 2024.

¹⁸⁹ CICR, *Retos Humanitarios 2023 Colombia*, p. 4, 22 March 2023.

¹⁹⁰ The source did not address the circumstances of the killings. CICR, *Retos Humanitarios 2023 Colombia*, p. 8, 22 March 2023.

¹⁹¹ CICR, *Un aumento preocupante de la violencia contra la salud en Colombia*, 3 April 2024.

2 Identity, nationality and documents

2.1 Identification requirement and identifying documents

The *Tarjeta de identidad* (identity card) is the document of identification for minors between seven and seventeen years of age. The *Cédula de ciudadanía* (citizenship card) is the document used by Colombians of eighteen years of age and older to identify themselves. Documents that can be used instead of the cédula in some cases include the driving licence, the student card and the *carne laboral* (work permit). The Colombian passport counts as a means of identification if the holder is abroad. In December 2020, Colombian authorities launched a digital cédula. The document was not intended to replace the physical document, however, but could be requested by people wishing to have a duplicate of the physical document (for a detailed description of the identification requirement and identifying documents, see 2.1 of the [COI Report](#) dated 2022).¹⁹²

As far as is known, there have been no new developments regarding the identification requirement and identifying documents during the current reporting period. Although Colombian authorities intend to switch completely to the digital variant in the future, both the physical and digital cédula could be used during the reporting period.¹⁹³

2.2 Nationality

2.2.1 Nationality by operation of law

According to Article 96 of the Colombian Constitution, Colombian nationality is acquired by birth if at least one of the parents is Colombian. A child of foreigners can obtain Colombian citizenship if one of the parents can prove having been a resident, or with official registration in Colombia at the time of the child's birth.¹⁹⁴

Since 25 September 2023, Law 2332 has been in force. This law provides that children of foreigners who were born in Colombian territory and to whom no state grants nationality may acquire Colombian nationality by birth without the requirement that one of the parents be domiciled in Colombia.¹⁹⁵

The temporary¹⁹⁶ project Children First (*Primero la Niñez*) from 2019 previously allowed children born in Colombian territory to Venezuelan parents who did not meet the residency requirement to acquire Colombian citizenship in order to prevent statelessness. This project was aimed at children of Venezuelan parents who were residing legally or illegally in Colombia, as well as those of parents with a pending asylum application.¹⁹⁷

2.2.2 Nationality through naturalisation

¹⁹² Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 49, March 2022; [Ministerio de Relaciones Exteriores — Normograma \[DECRETO 19 de 2012 Presidencia de la República\] \(cancilleria.gov.co\)](#)

¹⁹³ El País, *Cédula digital colombiana: ventajas, costo y cómo tramitarla*, 13 February 2023; Cancillería, https://www.cancilleria.gov.co/tramites_servicios/tramites_exterior/cert (accessed on 23 January 2024).

¹⁹⁴ Constitución de Colombia, Article 96.

¹⁹⁵ Ley 2332 de 2023, article 4, section 2.

¹⁹⁶ Temporary resolutions for the purpose of this project were repeatedly extended.

¹⁹⁷ <https://www.cancilleria.gov.co/primero-la-ninez> (accessed on 15 December 2023).

Law 2332 of 2023 provides that foreigners residing in Colombia and wishing to start the naturalisation procedure must have lived in the country for an uninterrupted period of five years, counted from the date of application for the residence visa. The residence period is reduced to two years if the foreigner meets certain conditions (1. Be married to a person of Colombian nationality or have a permanent Colombian partner; 2. Have Colombian children; 3. Have Spanish nationality).¹⁹⁸

The new law replaced Law 43 of 1993 and relaxed several requirements for stateless persons to gain easier access to nationality through naturalisation.¹⁹⁹ The 1993 law did not mention statelessness.²⁰⁰

2.2.3 *Loss of Colombian nationality*

Individuals who have acquired Colombian nationality by birth or naturalisation can renounce their nationality on a voluntary basis at the offices of the Ministry of Foreign Affairs or Colombian missions (i.e. consulates and embassies) abroad.²⁰¹

Colombian nationality acquired through naturalisation is lost if the person is convicted of crimes that affect or endanger the existence and security of the state and constitutional regime.²⁰²

2.2.4 *Re-acquisition of Colombian nationality*

The following Colombians can re-acquire their Colombian nationality:

- Colombians who lost their nationality because they were naturalised in another country before the 1991 political constitution entered into force and whose citizenship card was cancelled
- those who have renounced their Colombian nationality in accordance with the provisions of Law 2332 of 2023²⁰³

2.2.5 *Statelessness*

The extent to which statelessness occurs in Colombia is not known, nor are the groups experiencing it. In contrast, Colombian authorities have taken steps to combat statelessness (see also 2.2.3). Law 2332 of 2023 allows stateless persons to acquire Colombian nationality through naturalisation and grants Colombian nationality to stateless children born in Colombian territory. These are children of parents recognised as stateless and of parents protected by temporary regularisation mechanisms for migration.²⁰⁴

2.3 **Central database/inspection of documents**

2.3.1 *Inspection upon entry and exit to determine whether a traveller is criminally wanted*

At the various airports, both international and domestic, employees of the Colombian migration service (*Migración Colombia*) check whether travellers have outstanding criminal cases. The extent to which this system is flawless was not revealed during the investigation. Between January and August 2023, the

¹⁹⁸ Infobae, *Así puede obtener la nacionalidad colombiana por adopción*, 17 October 2023;

¹⁹⁹ El Tiempo, *El duro mensaje de la CIDH a Colombia por la nueva ley de nacionalidad*, 3 November 2023.

²⁰⁰ Ley 43 de 1993; Ley 2332 de 2023.

²⁰¹ Ley 2332 de 2023, Article 36.

²⁰² Ley 2332 de 2023, Article 33.

²⁰³ Ley 2332 de 2023, Article 33; El Tiempo, *¿Perdió la nacionalidad colombiana y quiere recuperarla? Le explicamos cómo hacerlo*, 4 November 2023.

²⁰⁴ OEA, *Colombia: CIDH saluda nueva ley de nacionalidad*, 1 November 2023.

Colombian migration service detained 586 Colombian and foreign nationals because of court orders or arrest warrants issued against them. Those detained were turned over to the relevant authorities. Most cases involved forgery or the fraudulent use of official stamps (81 cases: 13.8%), theft with aggravating circumstances (69 cases: 11.8%), forgery of material in public documents (61 cases: 10.4%) and murder (36 cases: 6.1%). The majority of all cases (73.2%) were registered at Bogotá's El Dorado airport, with Nariño regional airport (12.6%) and Antioquia (4.6%) in second and third place, respectively.²⁰⁵

In early June 2023, a new automatic identification system was introduced at Bogotá's El Dorado international airport. This system allows foreign travellers to be identified through iris scanning, facial features and fingerprints. It allows migration authorities to establish an individual's identity, verify whether an individual has any administrative or judicial antecedents, and store the individual's migration records. In 2018, such a system had been launched to speed up the migration process for Colombian nationals. In addition to this system, travellers can also use border posts staffed by migration workers.²⁰⁶

Confidential sources noted that border control at airports worked better than at land borders with the various neighbouring countries. These borders were porous and also passable through *trochas* (illegal crossings). Corruption amongst government officials also occurred upon entry and exit. According to the confidential sources, this made it possible for individuals with criminal antecedents to travel out of the country. It was not possible to quantify the scale on which corruption existed within the civil service.²⁰⁷

2.3.2 *Availability of central lists (e.g. through a digital system)*

Colombian authorities have access to the Operational Information System (SIOPER: *Sistema de Información Operativo*) and the Personal Authentication Systems (APOLO: *Autenticación Personal*). SIOPER is a database of the National Police of Colombia, which provides access to a range of information, including court records on individuals, assets and information on missing persons. The database is linked to other databases, thereby allowing records to be accessed and modified online.²⁰⁸ Through APOLO, the National Police have access to the fingerprint database produced and managed by the National Civil Registry (Registraduría Nacional del Estado Civil). This is made possible by an agreement between the National Police and the National Civil Registry to facilitate the identification of citizens.²⁰⁹

2.3.3 *Bodies with access to these systems*

Several Colombian authorities are known to work closely together and share data with each other. The extent to which the various authorities have access to each other's data or to central databases is nevertheless unclear. Colombia's migration

²⁰⁵ Radio Nacional, *Migración Colombia entregó el balance del control migratorio en lo corrido de 2023*, 13 October 2023; Migración Colombia, *VERIFICACIÓN Y CONTROL MIGRATORIO 1 de enero — 31 de agosto de 2023*, p. 3, 2023; Publimetro, *Alias 'Mbappé', uno de los narcotraficantes más buscados de Europa, fue capturado en el Aeropuerto Dorado*, 5 October 2023.

²⁰⁶ El Tiempo, *Nuevas medidas en El Dorado: instalan biometría facial para turistas extranjeros*, 2 June 2023; Infobae, *En un avión de la DEA extraditaron a Omar Ambuila, el funcionario de la Dian investigado por corrupción después de que su hija presumiera un Lamborghini*, 15 November 2023.

²⁰⁷ Confidential source, 19 February 2024; confidential source, 23 February 2024; Infobae, *Procuraduría sancionó a la exjefa de telemática de la Dijin*, 10 March 2023.

²⁰⁸ Infobae, *Procuraduría sancionó a la exjefa de telemática de la Dijin*, 10 March 2023; Policía Nacional de Colombia, *'Billy' uno de los más buscados, tras las rejas*, 9 December 2023.

²⁰⁹ La Razón, *Sistema APOLO permitirá a Policía verificar base de datos dactilar de ciudadanos*, 18 May 2018.

agency can verify whether an entering or exiting traveller is the subject of an Interpol alert or has criminal antecedents. It is not known whether this is done through SIOPER. From a 2016 directive issued by Colombia's migration agency (*DIRECTIVA 29 DE 26 DE DICIEMBRE DE 2016*), it can be inferred that this agency does not have the power to retain criminal records provided by other agencies independently and without support.²¹⁰

2.3.4 *Ban on wanted persons leaving the country*

As can be inferred from subsection 2.3.1, individuals who are wanted by the judicial authorities can be stopped at various airports in Colombia. The extent to which this system is flawless was not revealed during the investigation.

2.3.5 *Withholding passports of criminally wanted persons*

It is not known whether the passports of criminally wanted persons are withheld. It is known that wanted persons may face difficulties leaving Colombia (see subsection 2.3.1). As was the case during the previous reporting period, no information was found during the current reporting period in the relevant Colombian legislation indicating that passports are denied to wanted persons. When applying for a new passport and collecting the document, the applicant must appear in person, which could pose an obstacle to a wanted person.²¹¹

2.4 **Registro Único de Víctimas and issuance of documents**

As indicated in section 1.3, victims must be registered with the Single Registry of Victims (RUV: *Registro Único de Víctimas*) in order to gain access to the measures of Law 1448 of 2011. This law applies to victims of abuses that have taken place since 1 January 1985.

As stated in the previous COI Report, 9,113,500 individuals were registered in the RUV at the beginning of April 2021. In April 2024, the registry included 9,702,896 individuals.²¹²

2.4.1 *Registration in the RUV*

To be included in the registry, potential victims must go to the regional offices of the *Procuraduría*, *Defensoría* or the *Personerías* (further details on these organisations are presented in subsection 3.1.1). Here, they must file a statement (*declaración*) about the abuses they have suffered. The Single Declaration Form (*Formato único de declaración*) is used for the statement. Once the statement has been filed with any of the organisations listed above, the statement is forwarded to the Victims' Unit, which verifies the relevant facts to decide whether the individual will or will not be included in the victim registry.²¹³ Individuals residing abroad and wishing to have

²¹⁰ Radio Nacional, *Migración Colombia entregó el balance del control migratorio en lo corrido de 2023*, 13 October 2023; Migración Colombia, *VERIFICACIÓN Y CONTROL MIGRATORIO 1 de enero - 31 de agosto de 2023*, p. 3, 2023; Publimetro, *Alias 'Mbappé', uno de los narcotraficantes más buscados de Europa, fue capturado en el Aeropuerto Dorado*, 5 October 2023; confidential source, 19 February 2024; *DIRECTIVA 29 DE 26 DE DICIEMBRE DE 2016*.

²¹¹ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 55, March 2022.

²¹² Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 18, March 2022; Unidad para las Víctimas, *Registro Único de Víctimas*, *Registro Único Víctimas – Datos para la paz* (unidadvictimas.gov.co), accessed on 29 May 2024.

²¹³ Ministerio de Justicia, *ABC de Ley de Víctimas y Restitución de Tierras*: <https://www.minjusticia.gov.co/programas-co/justicia-transicional/Paginas/ABC.aspx> (accessed on 28 November 2023); <https://bogota.gov.co/servicios/guia-de-tramites-y-servicios/declaracion-de-victimas-del-conflicto-armado> (accessed on 11 December 2023).

a statement prepared can contact a Colombian mission (i.e. consulate or embassy) abroad. The mission will send the statement to the Victims' Unit.²¹⁴

Events through which a person can be classified as a victim of the internal conflict include: 1) Acts of terrorism / Attacks / Battles / Harassment; 2) Threats; 3) Crimes against liberty and sexual integrity; 4) Enforced disappearance; 5) Forced displacement; 6) Homicide – Massacre; 7) Anti-personnel mines, unexploded ordnance and improvised explosive devices; 8) Abduction; 9) Torture; 10) Recruitment of minors; 11) Expropriation and/or forced abandonment of movable and immovable property; and 12) Personal physical or psychological injury.²¹⁵

2.4.2 *Time period and investigation*

The unit examines the application and takes a decision on whether the person will or will not be included in the registry within a maximum of sixty working days from receipt of the application.²¹⁶ According to a confidential source, the examination performed by this unit is an administrative reference, and not an actual investigation.²¹⁷

2.4.3 *Supporting documents accompanying the statement*

If there is documentary evidence to support the potential victim's statement, copies of it can be submitted. This is optional, however, and not mandatory.²¹⁸ Supporting documents may include reports of abuses to the Public Prosecutor's Office (*Fiscalía*) or photographs.²¹⁹

2.4.4 *Verification of the statement*

See 2.4.1.

2.4.5 *Proof of the statement filed*

According to the website of the *Personaría* (analogous to a municipal ombudsman; see subsection 3.1.1) of the City of Bogotá, a document proving completion of the Single Declaration Form is obtained within one hour of registration.²²⁰

2.4.6 *No inclusion in the Registro Único de Víctimas*

The potential victim must be informed in writing of the unit's decision concerning whether the person will or will not be included in the registry. Those who have not been included in the registry have five working days to file the legal appeals.²²¹ A

²¹⁴ Cancillería, *ORIENTACIONES PARA LOS COLOMBIANOS VÍCTIMAS FRENTE A LA LEY 1448 DE 2011 Y SU IMPLEMENTACIÓN EN EL EXTERIOR*, p. 4, September 2020.

²¹⁵ Cancillería, *ORIENTACIONES PARA LOS COLOMBIANOS VÍCTIMAS FRENTE A LA LEY 1448 DE 2011 Y SU IMPLEMENTACIÓN EN EL EXTERIOR*, p. 4, September 2020.

²¹⁶ Ministerio de Justicia, *ABC de Ley de Víctimas y Restitución de Tierras*: <https://www.minjusticia.gov.co/programas-co/justicia-transicional/Paginas/ABC.aspx> (accessed on 28 November 2023); https://www.policia.gov.co/sites/default/files/procedimiento_inscripcion_registro_unico_victimas.pdf (accessed on 11 December 2023).

²¹⁷ Confidential source, 19 February 2024.

²¹⁸ Ministerio de Justicia, *ABC de Ley de Víctimas y Restitución de Tierras*: <https://www.minjusticia.gov.co/programas-co/justicia-transicional/Paginas/ABC.aspx> (accessed on 28 November 2023); Cancillería, *ORIENTACIONES PARA LOS COLOMBIANOS VÍCTIMAS FRENTE A LA LEY 1448 DE 2011 Y SU IMPLEMENTACIÓN EN EL EXTERIOR*, p. 4, September 2020.

²¹⁹ <https://bogota.gov.co/servicios/guia-de-tramites-y-servicios/declaracion-de-victimas-del-conflicto-armado> (accessed on 11 December 2023).

²²⁰ <https://bogota.gov.co/servicios/guia-de-tramites-y-servicios/declaracion-de-victimas-del-conflicto-armado> (accessed on 11 December 2023).

²²¹ Ministerio de Justicia, *ABC de Ley de Víctimas y Restitución de Tierras*: <https://www.minjusticia.gov.co/programas-co/justicia-transicional/Paginas/ABC.aspx> (accessed on 28 November 2023).

person will not be included in the registry if the unit's investigation indicates that the person in question does not meet the conditions for being classified as a victim.²²²

2.4.7

Digital RUV environment (e.g. for downloading documents)

The Victims' Unit has a website where individuals registered with them have their own environments. From the website, these individuals can manage and update their own data. It is possible to download a certificate from the site showing that the person in question is registered.²²³

Victims can use the number of their identity card or passport, and other personal data (e.g. name and address) to create an account on the unit's website. To log in, the number of the identity card or passport must be entered, along with a self-chosen password.²²⁴

Persons living outside Colombia can also create accounts, provided they have been recognised as victims.²²⁵

²²² Cancillería, *ORIENTACIONES PARA LOS COLOMBIANOS VÍCTIMAS FRENTE A LA LEY 1448 DE 2011 Y SU IMPLEMENTACIÓN EN EL EXTERIOR*, pp. 4–5, September 2020.

²²³ <https://www.facebook.com/unidadvictimas/videos/-ahora-obtener-su-certificado-del-registro-%C3%BAnico-de-v%C3%ADctimas-es-muy-f%C3%A1cil-y-r%C3%A1pi/172244668421770/>

²²⁴ <https://datospaz.unidadvictimas.gov.co/registro-unico-de-victimas/>; <https://unidadenlinea.unidadvictimas.gov.co/> (accessed on 11 December 2023).

²²⁵ <https://unidadenlinea.unidadvictimas.gov.co/> (accessed on 11 December 2023).

3 Human rights

3.1 Supervisory and/or government agencies

3.1.1 *Supervisory and/or government agencies*

An extensive discussion of the various agencies in Colombia with a supervisory or control function is presented in subsection 3.1.1 of the General Country of Origin Information Report on Colombia dated 2022. A brief summary of that section is provided below:

The **Fiscalía General** (Public Prosecutor's Office) is a component of the judiciary. The mission of the Public Prosecutor's Office includes guaranteeing the right of access to the judicial system for the people of Colombia through the investigation of criminal conduct within the context of due process of law.

The most important duty of the **Procuraduría General de la Nación**²²⁶ is to monitor the actions of public employees and announcing any act of these employees that may be in violation of the law. The organisation is responsible for initiating, promoting and completing investigations into the wrongful conduct of public officials and private individuals performing public functions or handling public money. Together with *Defensoría del Pueblo* and the *Personería*, it forms the *Ministerio Público*.²²⁷ The Ministerio Público is headed by the *Procurador General* (National Inspector²²⁸).

The **Defensoría del Pueblo** (the office of the National Ombudsman) serves to protect the human rights and freedoms of all individuals against illegal, unjust, unreasonable, negligent or arbitrary acts, threats or actions of any authority or private individual. The Defensoría monitors the activities of government institutions and some individuals to whom government tasks have been delegated. The Defensoría cannot initiate criminal proceedings itself, but it can submit its findings to the Fiscalía or request the police to take over the case and initiate prosecution. The Defensoría's *Sistema de Alertas Tempranas* (SAT: 'early warning' system) is tasked with identifying early threats against individuals, groups and other social actors, and channelling them to the relevant agencies.

The **personero municipal** (analogous to a municipal ombudsman) is a public official whose duties include monitoring and promoting human rights, protecting the public interest, supervising the official conduct of those holding public office and

²²⁶ In Colombia, there is a distinction between the attorney general for 'official affairs' (Procurador General) and the attorney general for general affairs (Fiscal). The term *Procuraduría* is difficult to translate. Although it could be translated literally as 'Office of the Prosecutor', the function of public prosecutors in many European countries is quite different from that of the procurador in Colombia. For this reason, the Spanish term *Procuraduría* has been adopted throughout this General Country of Origin Information Report. The term 'National Inspector' is used when referring to the head of the institution: the Procurador.

²²⁷ Although the literal translation of Ministerio Público is 'Public Ministry', the duties of the Colombian Ministerio Público are quite different from those of the Public Ministry (or Public Prosecutor's Office) in many European countries, which is better suited as a translation for Fiscalía General.

²²⁸ The literal translation of *Procurador General* is 'Prosecutor General'. In many European countries, however, the function of the Prosecutor General is quite different from that of the Procurador General in Colombia. Moreover, the term 'Prosecutor General' could also be applied to the head of the Fiscalía, the *Fiscal*. For this reason, 'National Inspector' has been chosen as the translation to be used in this report.

exercising administrative control in the municipality. The agency for which the personero municipal works is known as the **Personaría**.²²⁹

The previous COI Report stated that both public and confidential sources have questioned the independence of the Fiscalía, the Defensoría and the Procuraduría.²³⁰ During the current reporting period, the Duque-appointed *defensor del pueblo* (ombudsman), *fiscal general* (attorney general) and *procurador general* (national inspector) were still in their positions and regularly criticised the actions and policies of the new government. The attorney general, Francisco Barbosa, was particularly critical of the current government.²³¹

In early 2024, Barbosa's term ended, and he had to handover the position of attorney general. As the Supreme Court had not approved any of President Petro's nominees at the time Barbosa's term ended, Deputy Attorney General Martha Mancera temporarily took over as acting attorney general.²³² Finally, in March 2024, the Supreme Court chose Luz Adriana Camargo, one of President Petro's candidates, as the new attorney general.²³³

3.1.2 *Jurisdicción Especial para la Paz (JEP)*

It can be added to the above that, under the law, the Fiscalía is the primary agency responsible for investigating allegations of human rights violations by security forces. This does not apply to crimes related to the internal conflict and committed before the 2016 peace agreement between the Colombian government and the FARC. These crimes fall under the jurisdiction of the *Jurisdicción Especial para la Paz* (JEP: Special Jurisdiction for Peace).²³⁴ This jurisdiction of 'transitional justice' is intended to safeguard the rights of victims of the internal conflict. In addition to ensuring justice, the JEP must also guard the right to truth, reparations and non-repetition. Any person who has been involved in the conflict in a direct or indirect manner and has committed a crime may be tried by the JEP. This includes guerrillas, government officials and individuals who were part of neither the guerrilla movement nor the government, but were nevertheless somehow involved in a crime within the context of the armed conflict (e.g. through financing or collaboration).²³⁵

The JEP may request competent authorities to investigate crimes committed after 2016. In December 2023, the JEP requested Colombian authorities to investigate the killings of leaders of the Nasa people that had been committed that year.²³⁶

3.1.3 *Juntas de Acción Comunal (JAC)*

²²⁹ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, pp. 61–62, March 2022.

²³⁰ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 61, March 2022.

²³¹ Halfway through the term of office, the incumbent President nominates three candidates, from whom the Supreme Court subsequently chooses a new attorney general. La Gaceta, *El defensor del pueblo de Colombia, contrario a que el Estado financie a grupos armados que negocian la «paz»*, 3 January 2024; El Tiempo, *Aceptar que extranjeros vengan a investigar desconoce la judicatura del país: Fiscal*, 18 November 2023; Infobae, *Gustavo Petro respondió las críticas de Francisco Barbosa por decreto sobre consumo de drogas: 'Señor fiscal, capture a los narcotraficantes'*, 12 December 2023; El Tiempo, *Petro le responde a fiscal Barbosa luego de crítica: 'El país merece respuestas'*, 4 May 2023.

²³² El Colombiano, *'Petro no representa la institucionalidad': Fiscal Barbosa crítica al presidente y admite que usa aviones comerciales por temor*, 11 January 2024; El Colombiano, *Fiscal (e) Mancera nombró nuevo vicefiscal, ¿quién es el poderoso Hernán Toro Parra?*, 13 February 2024; El País, *Francisco Barbosa, el camaleón*, 12 February 2024.

²³³ El Tiempo, *Corte Suprema de Justicia elige a Luz Adriana Camargo como la nueva Fiscal General*, 12 March 2024.

²³⁴ The JEP was established under the 2016 peace agreement and became operational in 2018.

²³⁵ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 6, March 2022; US DOS, *COLOMBIA 2022 INTERNATIONAL RELIGIOUS FREEDOM REPORT*, p. 6, 20 March 2023; <https://www.jep.gov.co/Paginas/mision-vision-funciones-y-deberes.aspx> (accessed on 3 January 2023).

²³⁶ WRadio, *JEP rechaza asesinato de dos líderes indígenas del Pueblo Nasa, Cauca*, 6 December 2023; confidential source, 13 February 2024.

The *Juntas de Acción Comunal* (JAC: community action boards) are composed of the social and political leaders of a given community. About 45,000 juntas exist in both urban and rural areas. The juntas play a key role in building infrastructure in their regions, including bridges, roads, healthcare and police stations, marketplaces, aqueducts, sewerage systems, power grids, self-build housing programmes and profitable community enterprises. Leaders of JACs advocate for the rights of their communities. The members of the JAC were deployed primarily to promote the peace agreement between the Colombian government and the FARC amongst the local population. After the agreement, the JACs were involved in the implementation of the agreements (e.g. replacing illegal crops with legal ones).²³⁷ Members of the JACs are pressured to cooperate with illegal armed groups in their areas.²³⁸ Additional information on this point is presented in 3.7.1.2.

3.2 Reporting a crime

3.2.1 *With which agencies can reports be filed?*

The previous General Country of Origin Information Report on Colombia 2022 (3.2.2) provides further details on filing reports. A brief summary of that section is provided below.

As stated on the website of the Ministry of Justice, anyone who is a victim of a crime or is aware of it should report it, in order to bring the crime to the attention of the competent authorities. The complaint is submitted to the nearest office of the Public Prosecutor's Office (Fiscalía) and can be made either orally or in writing. This report should include the day and time of filing, and the complaint should include a detailed description of the facts known to the person filing the report. If the Public Prosecutor's Office does not have an office nearby, reports can be filed with the police. A report can be made in person, by telephone or online.²³⁹

3.2.2 *Fiscalía versus the National Police*

The Directorate of Criminal Investigation and Interpol (DIJIN:²⁴⁰ *Dirección de Investigación Criminal e INTERPOL*) of the National Police and the *Cuerpo Técnico de Investigaciones* (CTI: Technical Investigation Team) of the Public Prosecutor's Office share the task of conducting law enforcement investigations. Judicial police investigators and CTI staff are charged with criminal investigations. The army has no mandate to conduct criminal investigations.²⁴¹

According to a confidential source, the allocation of certain criminal cases often involved the capacity or presence of the DIJIN or the CTI in a particular area. For example, the DIJIN was purportedly better represented in rural areas than the CTI was, and it was therefore the appropriate entity to conduct criminal investigations in these areas. As the DIJIN also has many cooperative relationships with international partners (e.g. Interpol), it also usually took the lead in criminal cases with an

²³⁷ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, pp. 25–26, March 2022.

²³⁸ ICG, *Trapped in Conflict: Reforming Military Strategy to Save Lives in Colombia*, p. 7, 27 September 2023.

²³⁹ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, pp. 63–64, March 2022.

²⁴⁰ This entity was previously known as the Central Directorate of the Judicial Police and Intelligence (DIJIN: *Dirección Central de Policía Judicial e Inteligencia*). Although this name has disappeared, the acronym has remained.

²⁴¹ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 66, March 2022; <https://www.policia.gov.co/dijin> (accessed on 11 March 2024).

international component. The CTI was not allowed to investigate its own members of the Fiscalía, and the DIJIN was not allowed to investigate police officers.²⁴²

3.2.3 SPOA system

As noted in the previous COI Report, after a report had been filed, the individual filing the report received a reference number. This number was generated by the *Sistema Penal Oral Acusatorio* (SPOA: oral-adversarial system of criminal justice).²⁴³

The status of the report can be verified on the Fiscalía SPOA website. This applies to reports of criminal offences made to the Fiscalía or the National Police. Reports filed with other agencies are not entered into the SPOA. The SPOA has two domains: a public domain and a private domain, to which only Fiscalía employees have access. The public domain indicates the stage at which a particular report is being handled. The public SPOA system does not provide any substantive information or personal data. After the number generated by the SPOA has been entered, only metadata and the status of a report can be viewed.²⁴⁴

In certain cases — especially in the case of threats — a report will not be entered into the SPOA. Many people go to the Defensoría first to file a report there, and they do not proceed further to the Fiscalía. The actual initiation of criminal proceedings requires that a report be filed with the Fiscalía or the National Police. Although filing a report with the Fiscalía is not necessary to start the process of protection with the National Protection Unit (UNP: *Unidad Nacional de Protección*), filing a report with the Fiscalía could potentially have a positive influence on a request for protection (see 3.6).²⁴⁵

A declaration can also be filed retrospectively. This can be done through the Fiscalía website, including from abroad.²⁴⁶

3.2.4 Follow-up on reports

Both public and confidential sources referred to the high level of impunity in terms of following up on reports. Many reports do not result in cases. If a report does lead to a criminal investigation, the outcome of this investigation often remains unknown. A confidential source reported being unable to provide exact figures, as the Fiscalía does not make figures public. Some NGOs provide estimates of impunity based on their own research. For example, in July 2023, Swissinfo wrote that, according to the NGO *Transparencia*, Colombia had a 94% impunity rate for reports of corruption against the public administration.²⁴⁷ The National Police and the Fiscalía do achieve some success (e.g. in catching extortionists or contract killers). According to confidential sources, however, the main actors behind the extortion and killings often remain unpunished.²⁴⁸

²⁴² Confidential source, 19 February 2024.

²⁴³ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 63, March 2022.

²⁴⁴ Confidential source, 19 February 2024; <https://www.policia.gov.co/denuncia-virtual> (accessed on 11 March 2024).

²⁴⁵ Confidential source, 19 February 2024.

²⁴⁶ Confidential source, 19 February 2024.

²⁴⁷ FLIP, *Últimos tres homicidios a periodistas en Colombia permanecen en total impunidad*, 3 November 2023; Colombia Diversa, *La realidad de la discriminación Situación de derechos humanos de las personas LGBTQ+ en Colombia*, pp. 74 and 124, 6 December 2023; El País, *Director de Indepaz: 'La violencia es muy rápida y el Gobierno va muy lento, por eso matan tantos líderes'*, 11 December 2023; confidential source, 14 February 2024; Swissinfo, *Colombia suma 94 % de impunidad en denuncias por corrupción contra administración pública*, 17 July 2023; confidential source, 12 February 2024.

²⁴⁸ Confidential source, 19 February 2024; confidential source, 20 February 2024; confidential source, 12 February 2024.

One of the main reasons for the failure to follow up on reports is the understaffing of the Fiscalía and the National Police, along with a shortage of qualified personnel and the fact that access to the legal system is limited in remote areas. In addition, many people do not file reports for criminal offences, as they lack confidence in the Colombian authorities or fear adverse consequences from filing a report. In areas where illegal armed organisations are present, there is a chance that they have contacts at the Fiscalía. According to a confidential source, in some cases, investigators from the Fiscalía have been threatened when investigating. The source noted that this is particularly likely to occur in rural areas where Colombian authorities have little foothold (see subsection 1.5.8).²⁴⁹

3.3 Update on legislation relating to the filing of reports

As far as is known, no new legislation was passed in Colombia during the current reporting period relating to the filing of reports.

3.4 Current state of the judicial process in Colombia

With a score of 0.48 points, Colombia was ranked 94th of 142 countries in the 2023 Rule of Law Index published by the World Justice Project (WJP).²⁵⁰ The neighbouring country of Venezuela was ranked last, with 0.26 points, and Denmark was ranked first, with 0.90 points. Of the 32 countries in the Caribbean region and Latin America that were included in the research, Colombia was in 22nd place, between the neighbouring countries of Ecuador (0.47 points: 23rd place) and Peru (0.49 points: 21st place). According to the WJP index, Colombia showed a slight decrease in the number of points scored in recent years (2020: 0.50; 2021: 0.49; 2022: 0.48; 2023: 0.48), thus reflecting deterioration in the system. Factors on which Colombia scored poorly were Absence of Corruption within the government (0.38 points)²⁵¹ and Effective Criminal Justice System (0.32).²⁵² Colombia scored clearly better on the factor Open Government²⁵³ — 0.60 — for which it ranked 4th in the region.²⁵⁴

The index figures are consistent with what various sources — both public and confidential — have stated about the rule of law in Colombia. In terms of legislation, mechanisms and government intentions, Colombia appears to have a functioning legal framework, although the system still leaves much to be desired in practice. The level of impunity in Colombia is high, due to corruption and an ineffective

²⁴⁹ ICG, *Trapped in Conflict: Reforming Military Strategy to Save Lives in Colombia*, p. 22, 27 September 2022; confidential source, 13 February 2024; confidential source, 19 February 2024; confidential source, 20 February 2024; ICG, *Trapped in Conflict: Reforming Military Strategy to Save Lives in Colombia*, pp. 33–34, 27 September 2022; confidential source, 20 February 2024.

²⁵⁰ The rule of law is a durable system of laws, institutions, norms and community engagement that adopts four universal principles: accountability, just law, open government, and accessible and impartial justice.

²⁵¹ Factor 2 measures the absence of corruption in the government. The factor takes into account three forms of corruption: bribery, undue influence by public or private interests, and misappropriation of public funds or other resources.

²⁵² Factor 8 evaluates a country's criminal justice system. An effective criminal justice system is an important aspect of the rule of law, as it provides the conventional mechanism to redress grievances and charge individuals with offences against society.

²⁵³ Factor 3 measures government transparency as defined by the extent to which a government shares information, gives people the means to hold government accountable, and encourages citizen participation in public policy. This factor measures whether basic laws and information on legal rights are made public and evaluates the quality of information published by the government.

²⁵⁴ World Justice Project: <https://worldjusticeproject.org/rule-of-law-index/country/2023/Colombia/> (accessed on 11 March 2024).

criminal justice system (see also subsection 3.2.4). As noted by a confidential source, although the government may be open and transparent towards the public, there is too little transparency on the progress of criminal cases from the Fiscalía. In addition, the army is equally unlikely to disclose criminal cases pending against military personnel involved in human rights violations.²⁵⁵

3.5 Protection

3.5.1 *General protection*

The absence of the state in conflict zones (including in Chocó, Bolívar, Arauca, Cauca, Antioquía and Nariño; see subsection 1.6.3) has been identified by many sources as a factor in the lack of protection opportunities. When the state — in many cases, the army — enters a conflict zone, it is often for a short-term operational action against an illegal armed group and not with the goal of establishing a permanent presence. In turn, this often has an adverse effect on the local population. In Arauca, the army purportedly focuses primarily on securing oil pipelines rather than on protecting the local population.²⁵⁶

In December 2023, the Colombian Constitutional Court declared that the Colombian state had failed to protect social leaders. The various responsible entities (e.g. the government, regional governments and the Fiscalía) apparently did not cooperate enough. According to the court, the violence faced by social leaders and leaders in Colombia was contrary to the constitution. Protection was said to be too reactive and not sufficiently focused on preventing risks to social leaders.²⁵⁷ Colombian authorities apparently do not have a proper system for monitoring the killings of social leaders, thereby preventing proper assessment.²⁵⁸

3.5.2 *Filing reports in case of threat and requesting protection from government*

People who are threatened in Colombia can turn to the Colombian authorities to file police reports and request protection. Additional information on filing reports is presented in section 3.2.

3.5.3 *Actual protection*

Colombian authorities — including the UNP and the Ministry of Interior — offer individual protection measures for threatened individuals and collective protection measures²⁵⁹ for communities (e.g. the provision of mobile phones, cars, bullet-proof vests, boats and bodyguards), with an emphasis on individual protective measures.²⁶⁰

Many sources agree that the Colombian government is of good will to improve protection for people at risk — particularly social leaders/human rights defenders — but that its policies have yet to pay off. The protection offered is largely reactive and focused on the individual. The policy does not adequately address risk mitigation within a context of widespread and systematic violence, especially in rural and

²⁵⁵ ICG, *Trapped in Conflict: Reforming Military Strategy to Save Lives in Colombia*, pp. 33–34, 27 September 2022; confidential source, 14 February 2024; confidential source, 20 February 2024.

²⁵⁶ ICG, *Trapped in Conflict: Reforming Military Strategy to Save Lives in Colombia*, p. 25, 27 September, 2022.

²⁵⁷ El Espectador, *Corte Constitucional reconoce que el Estado fracasó en la protección de líderes*, 11 December 2023.

²⁵⁸ CIJ, *Colombia: defensores de derechos humanos continuaron bajo presión y ataques*, 1 March 2023; confidential source, 20 February 2024.

²⁵⁹ Collective protection measures target groups rather than individuals. Examples of collective protection measures include the provision of means of transport (e.g. boats, donkeys, horses), means of communication (telephones), material assistance (e.g. boots and truncheons) to local protection units (e.g. the *guardia indígena*) and training sessions (including in self-protection).

²⁶⁰ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 88, March 2022.

remote areas with little infrastructure. The underlying causes of conflict and violence (e.g. drug trafficking, state absences, slow legal processes, lack of implementation of the peace treaty and weak institutions) are not addressed sufficiently. Moreover, the government's responsiveness in the event of an acute threat — especially in remote areas — is too slow or completely absent. Although rapid action is sometimes taken in the event of a threat, in many cases, the authorities are failing. As indicated before, there is a lack of coordination between the various agencies involved. In December 2023, the newspaper *El País* wrote that social leaders had been killed, whilst the Defensoría had issued early warnings (*Alertas Tempranas*) concerning the risk faced by the communities to which the leaders belonged.²⁶¹

In addition, the demand for protection exceeds what the Colombian government can offer in terms of protection, due in part to the large number of applications and the limited budget. According to UNP figures, the organisation had received 107,225 protection requests in 2020, 2021 and 2022 (35,226 in 2020; 30,101 in 2021 and 41,898 in 2022). About 33,000 of these requests were from social leaders.²⁶² In February 2024, the Office of the United Nations High Commissioner for Human Rights (OHCHR) reported that the UNP had received 64,581 requests for protection in 2023. In 2023, the UNP protected between 7,000 and 8,000 people.²⁶³ It should be noted that the figures on requests for protection and protection granted (as presented above) differ by the sources consulted, despite the fact that all sources referred to the UNP as the underlying source.

Not all applications concerned threats to a social leader or other category that could be protected by the UNP. The background of applications for protection also involved neighbour quarrels or false reports of threats. The Colombian state is apparently unable to actually provide protection to all those who should receive it. According to a confidential source, more than 70% of killings of social leaders take place in areas where the UNP cannot provide individual protection, as there is a lack of statewide presence.²⁶⁴

3.5.4 Protection in urban and rural areas by authorities or other actors

The protection that Colombian authorities can provide and the limitations of such protection are addressed in the section above.

²⁶¹ *El País*, *Director de Indepaz: 'La violencia es muy rápida y el Gobierno va muy lento, por eso matan tantos líderes'*, 11 December 2023; Comisión Internacional de Juristas (CIJ), *¿Cuál es la situación de las personas defensoras de derechos humanos en Colombia?*, 28 February 2023: <https://www.youtube.com/watch?v=WEYxXbytlMI&t=2s>; Caracol Radio, *En 2023 se dispararon las solicitudes de protección ante la UNP: USAID*, 29 December 2023; EUAA, *Colombia: Country Focus*, pp. 128–129, December 2022.

²⁶² EUAA, *Colombia: Country Focus*, pp. 128–129, December 2022. These figures were not further broken down by categories of protection requests in the sources consulted. The following website of the Colombian authorities has figures available for the number of protection requests received in 2021. Through a visualisation, it is possible to split the figures into different categories and subcategories. For example, there were more than a thousand applications from members of indigenous communities. There is no category for 'social leaders'. For the year 2021, it is notable that more than 12,000 requests were not assigned to any specific category. [\[Datos Abiwerkdagenertors Colombia \]](#)

²⁶³ According to a report published by the UNP in late May 2024, there were 50,825 requests for protection in 2023. UNP, *Solicitudes, beneficiarios y medidas de protección, UNP 2020 – 2024*, 27 May 2024. OHCHR, *Situation of human rights in Colombia — Report of the United Nations High Commissioner for Human Rights (A/HRC/55/23) (Unofficial English version)*, p. 10, 14 February 2024; Caracol Radio, *En 2023 se dispararon las solicitudes de protección ante la UNP: USAID*, 29 December 2023; *El País*, *El director de la UNP: hay 'mafias cartelizadas' en la protección de las personas amenazadas*, 3 February 2023; *El Espectador*, *Irregularidades y corrupción en UNP: los casos en los que no se protegió a líderes*, 12 December 2022; confidential source, 14 February 2024; EUAA, *Colombia: Country Focus*, pp. 128–137, December 2022. *El Espectador* reports fewer requests for 2022 than *El País* does. One reason may be that the article in *El Espectador* was written in early December 2022, such that not all requests could have been counted yet.

²⁶⁴ Confidential source, 14 February 2024; confidential source, 19 February 2024; confidential source, 20 February 2024.

The protection of citizens is generally better in urban areas than it is in rural areas. As explained in the section above, the UNP focuses in particular on individual protection measures. Individual protection measures are more applicable to urban areas than they are to rural areas. For example, an armoured car is much less noticeable in a city than it is in a rural area. In many areas where threatened social leaders are active, armoured cars are actually impractical, due to poor roads. As mentioned before, the UNP also cannot provide individual protection in remote areas, due to the lack of statewide presence. In rural areas, communities often benefit more from collective protection measures that are also better suited to the environment, such as boats in areas where people tend to travel by water or donkeys (instead of cars) in mountain areas. For example, one community had requested donkeys in order to be able to travel across a mountain pass, making it possible to escape an illegal armed group. Sources agree that much more attention should be devoted to the collective protection of communities rather than to the individual protection of specific social leaders, as has been the case in recent years.²⁶⁵ The UNP was behind in processing applications for collective protection measures, and it also had a budget shortage.²⁶⁶

At the same time, however, the fact that the protection of citizens is better regulated in urban areas than it is in rural areas does not mean that a protected person in urban areas is automatically safe. For example, in its report on Colombia, the EUAA stated that the complaints and concerns of individuals at high risk of violence, even in urban areas, were not always addressed in time to provide them with effective protection.²⁶⁷

Organisations like Peace Brigades International (PBI), *Somos Defensores*, the Catholic Church in Colombia and Front Line Defenders also have programmes to defend social leaders/human rights activists. These organisations often receive financial support from organisations (e.g. Amnesty International), and they enter areas with little to no state presence. The primary means by which PBI tries to protect individuals is through the presence of the organisation's employees. In cooperation with other NGOs, the Catholic Church provides various protections, including temporary relocation for people facing threats.²⁶⁸

3.5.5 *Relocation following threats*

One of the measures for reducing risks to individuals facing threats is relocation to another area of Colombia or to another district in the city. In many cases, the threat decreases when a person is staying elsewhere. According to some sources, however, it is difficult to arrive at a precise overview of the effects of relocation. Illegal armed organisations exert more effort into finding individuals they regard as posing a greater risk to their activities or interests. Some illegal armed organisations are national in scope, but even those that are not can use Oficinas de Sicariato to possibly track down and kill people (see subsection 1.5.3).²⁶⁹

²⁶⁵ Confidential sources, 13 February 2024; confidential source, 14 February 2024; confidential source, 20 February 2024.

²⁶⁶ EUAA, *Colombia: Country Focus*, p. 133, December 2022.

²⁶⁷ EUAA, *Colombia: Country Focus*, p. 137, December 2022. See also the killing of the journalist Jaime Vásquez in the departmental capital of Cucúta: FLIP, *Asesinato de Jaime Vásquez afecta el cubrimiento de temas de interés público*, 24 April 2024.

²⁶⁸ PBI: <https://www.peacebrigades.nl/landen/colombia/pbi-in-colombia/> (accessed on 12 March 2024); Front Line Defenders: <https://www.frontlinedefenders.org/en/location/colombia> (accessed on 12 March 2024); confidential source, 20 February 2024; confidential source, 13 February 2024; confidential source, 14 February 2024; confidential source, 20 February 2024.

²⁶⁹ Confidential source, 17 February 2024; confidential source, 9 February 2024; confidential source, 6 December 2024; confidential source, 20 February 2024; confidential source, 23 January 2024; Colombia Diversa, *La realidad de la discriminación Situación de derechos humanos de las personas LGBTQ+ en Colombia*, p. 82, 6 December 2023.

Whether from the Colombian government or from NGOs, however, all relocation measures are temporary. Although temporary relocation does offer a brief respite for the individual, it often does not eliminate the threat. In addition, many social leaders do not wish to leave their environments. The impact of their activities would be lost if they were to move to another area. Colombian authorities provide financial assistance for up to six months to individuals who are temporarily housed elsewhere. Thereafter, these individuals must take care of their own finances. Given the state of Colombia's labour market, it is not easy to find jobs. In addition, individuals are removed from their social environments and housed in environments where they have no social network.²⁷⁰ In the period from 2019 to July 2022, the UNP provided 185 grants for the relocation of social leaders.²⁷¹

Based on its own research, the EUAA mentions that UNP protective measures are generally not extended to the families of individuals under protection.²⁷² It is not known whether this also applies to relocation. When asked, a confidential source indicated that the provision of protection (including relocation) is assessed on a case-by-case basis to determine the appropriateness of including at least some part of the family in the protection programme as well. As far as is known, it is not standard practice for relatives to be included in protective measures.²⁷³

3.6 Unidad Nacional de Protección (UNP)

3.6.1 *Functioning of the UNP*

The General Country of Origin Information Report on Colombia 2022 devotes extensive consideration to the *Unidad Nacional de Protección* (UNP: National Protection Unit) and the applicable procedures for obtaining protection from this unit (see the General Country of Origin Information Report on Colombia 2022, subsection 3.6.10 and section 3.7).

Established in 2011, the UNP falls under the Ministry of Interior and is charged with the protection of at-risk individuals and groups.²⁷⁴ As described in the previous COI Report, the UNP had a shortage of funds, and various sources had reservations with regards to the measures provided. As discussed in subsection 3.5.4, the UNP was more focused on security measures in urban areas, in addition to being poorly equipped to deal with challenges posed by rural areas and lacking the focus and budget needed for taking measures.²⁷⁵

During the previous reporting period, the UNP faced scandals, amongst other problems. In early 2023, UNP director Augusto Rodríguez (who had been put in charge of the organisation by President Petro) said that the organisation had been infiltrated by mafia gangs. According to the current director, the following practices occurred within the organisation: the armouring of vehicles with incorrect means, the discovery of drugs in protection cars, the hiring out of bodyguards to people who

²⁷⁰ Confidential source, 17 February 2024; confidential source, 9 February 2024; confidential source, 6 December 2024; confidential source, 20 February 2024; confidential source, 23 January 2024; Colombia Diversa, *La realidad de la discriminación Situación de derechos humanos de las personas LGBTQ+ en Colombia*, p. 82, 6 December 2023.

²⁷¹ Colombia, CERD – Combined twentieth and twenty-first periodic reports submitted by Colombia under article 9 of the Convention, due in 2022 (CERD/C/COL/20-21), p. 30, 5 December 2022.

²⁷² EUAA, *Colombia: country focus*, p. 136, December 2022.

²⁷³ Confidential source, 17 February 2024.

²⁷⁴ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 88, March 2022.

²⁷⁵ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 88, 92–93, March 2022.

did not need them, the use of vehicles to transport alias 'Matamba', a drug trafficker who had escaped from prison, and the existence of 'contract mafias'. He was referring to the fact that seventy percent of the UNP's annual budget — 1.12 trillion pesos²⁷⁶ — went to armoured car rental companies and bodyguards. Poorly maintained cars were purportedly rented for too much money from rogue companies. Endangered individuals were said not to be able to use their armoured cars, as they were frequently broken. Many UNP employees were said to be working for the Administrative Department of Security (DAS: *Departamento Administrativo de Seguridad*), which was dissolved in 2011. The DAS was dissolved after a series of scandals. The scandals that had surfaced at the time included ties between the service and paramilitary factions. Because of this negative image, threatened persons were said to be reluctant to accept protection from the UNP.²⁷⁷

3.6.2 *Who and how many people received protection from the UNP?*

The number of requests for protection received by the UNP in recent years is addressed in subsection 3.5.3.

Individuals can receive protection from the UNP if they are threatened due to the social or political activities they perform. Former members of the FARC who laid down their arms in 2016 may also receive protection from the UNP. This was purportedly the case for 5,000 social leaders and 3,000 politicians and demobilised members of the FARC, according to a confidential source.²⁷⁸

On 10 August 2023, UNP had 8,067 individuals under their protection. This was about three hundred more than the number 7,714 protected individuals in December 2022. In 2023, the following persons were protected: 1,637 leaders, representatives or members of ethnic groups; 1,310 leaders, representatives or activists of organisations advocating for human rights or for the rights of communities; 926 civil servants other than those working for human rights and peace policies of the National Government; 899 leaders, members or survivors of the Patriotic Union and the Colombian Communist Party; 892 victims of human rights violations and breaches of international humanitarian law; 707 have received protection because of their positions;²⁷⁹ 501 demobilised persons in the reintegration process (former FARC); 269 leaders or activists of political groups; 237 trade union leaders or activists; 165 journalists and persons on social media; 133 former officials with responsibility for human rights or peace policies of the national government; 112 teachers; 84 nominated by the JEP; 52 leaders, representatives or activists of trade organisations; 41 magistrates from the chambers of the Peace Tribunal and prosecutors for the chambers and sections and the executive secretary of the JEP; 36 staff of the UNP itself; 16 forensic professionals investigating human rights violations; 11 leaders of the 'M-19' group; 9 for risk assessment by court order; 9 witnesses to human rights violations and violations of international humanitarian law; 8 government officials with responsibility for human rights or peace policy; 5 candidates for Congress elected in 2022; 3 members of the medical mission; 3 from the family unit; 1 religious leader certified by the Ministry of Foreign Affairs and 1 former official member of the National Security Council.²⁸⁰

3.6.3 *Killings of individuals under UNP protection*

²⁷⁶ Converted to the March 2024 exchange rate, that was almost €300 million.

²⁷⁷ El País, *El director de la UNP: hay 'mafias cartelizadas' en la protección de las personas amenazadas*, 3 February 2023; El País, *La corrupción que carcome la Unidad Nacional de Protección*, 22 December 2022.

²⁷⁸ Confidential source, 14 February 2024.

²⁷⁹ The meaning of this category was unclear.

²⁸⁰ UNP, *Protegidos y medidas de protección activas por población de la UNP*, 17 October 2023; El Espectador, *Irregularidades y corrupción en UNP: los casos en los que no se protegió a líderes*, 12 December 2022.

The Office of the United Nations High Commissioner for Human Rights (OHCHR) counted eleven killings of social leaders/human rights defenders who had received UNP protection in some form for the year 2023. In addition, five people who were killed had applied for protection but not received it, according to the OHCHR.²⁸¹

The Colombian journalist Rafael Emiro Moreno was amongst those killed while under UNP protection. In 2019, he had approached the UNP for receiving death threats. The UNP concluded that his request was justified and gave Moreno a panic button, a bulletproof vest and a bodyguard. These measures were still in place when the journalist was killed in October 2022. The bodyguard was purportedly not present when Moreno was killed.²⁸² In January 2024, José Enrique Roa Cruz, a UNP-protected former member of the FARC, was assassinated after his two UNP bodyguards were killed first.²⁸³ The journalist Jaime Vásquez was assassinated in April 2024. The UNP had granted him the protection measure of one bodyguard, who was not present at the time he was killed.²⁸⁴ According to a report by Amnesty International, the protection that is granted is not sufficiently coordinated to the routines of the individuals protected. For example, individuals with UNP protection are sometimes not able to take their bodyguards with them when they move outside the city, as it would require prior authorisation from the UNP.²⁸⁵

3.6.4 *Threats due to invoking UNP protection*

Individuals who are protected by the UNP have received this protection because threats towards them have been made in the past. The extent to which UNP protection itself increases the level of threat is not known.²⁸⁶ According to a confidential source, some individuals do not want UNP protection, because it would give them an even higher profile within their community. As noted in a report by the EUAA, cooperation with the authorities (e.g. reporting the activities of illegal armed groups to the police) increased the risk of violence for social leaders. This could result in social leaders being declared targets by armed groups. Some protectees were said not to want to use the protection they had been granted, as it would increase their visibility. For example, armoured cars are easier to identify by illegal armed groups.²⁸⁷

3.6.5 *Protection by/with other (higher) authorities*

The UNP and the police are the agencies²⁸⁸ that can provide actual physical protection to threatened persons. According to a confidential source, authorities (e.g. municipalities and departments) are charged with being the first to act in the event of acute threats. In many cases, however, municipalities and departments have neither the personnel nor the financial resources to act.²⁸⁹ According to a

²⁸¹ OHCHR, *Situation of human rights in Colombia - Report of the United Nations High Commissioner for Human Rights (A/HRC/55/23) (Unofficial English version)*, p. 10, 14 February 2024.

²⁸² RSF, *Journalist receiving state protection gunned down in Colombia*, 19 October 2022; confidential source, 12 February 202.

²⁸³ Infobae, *Un firmante de paz secuestrado y dos escoltas de la UNP fueron asesinados por las disidencias de las Farc*, 15 January 2024; Infobae, *Agencia para la Reincorporación habló del asesinato de firmantes de paz: 'Preocupa la lentitud de la Fiscalía'*, 16 January 2024.

²⁸⁴ FLIP, *Asesinato de Jaime Vásquez afecta el cubrimiento de temas de interés público*, 24 April 2024.

²⁸⁵ Amnesty International, *Hope at risk: The lack of a safe space to defend human rights in Colombia continues*, p. 35, November 2023.

²⁸⁶ Confidential source, 19 February 2024.

²⁸⁷ EUAA, *Colombia: country focus*, p. 136, December 2022; confidential source, 19 February 2024.

²⁸⁸ The police are deployed for the protection of persons who do not meet the UNP's selection criteria (i.e. the reason for protection stems from the social and political activities of the person under threat).

²⁸⁹ Confidential source, 19 February 2024; confidential source, 20 February 2024.

confidential source, the Procuraduría can intervene if a report of a threat is not picked up. The source noted, however, that this rarely happens.²⁹⁰

Some communities have their own protection units. The indigenous and Afro-Colombian communities have their own protection units: the *Guardia Indígena* (Indigenous Guard) and the *Guardia Cimarrona* (Cimarrona Guard), respectively. Some farming communities also have their own protection units, aptly named *Guardia Campesina* (Farmers' Guard). These units are geared more towards collective protection than individual protection, and are armed only with a stick (i.e. the *bastón*). They are supported by the UNP. The main mission of the guards is to protect their territory and inhabitants from threats from armed groups and illegal resource extraction. They monitor through security patrols and checkpoints at approach roads. In addition, the guards can mediate in conflicts and apply their own legislation²⁹¹ to impose sanctions for criminal offences.²⁹²

In some cases, these protection units set up their own alarm systems. When there are unknown or armed men near schools, the *Guardia Indígena* is on the spot to protect the children from forced recruitment. Although this system has been successful, the indigenous community remains the most vulnerable group to recruitment amongst minors (see section 3.11). One negative effect of the self-protection of ethnic groups is that it makes members of the guard into enemies of the illegal groups. Members of the guards and social leaders of the communities were killed by illegal armed groups during the reporting period (see also 3.7.5).²⁹³

3.6.6 *Protection of NGOs or international organisations*

As mentioned in subsection 3.5.4, a number of NGOs and international organisations have protection programmes in Colombia, including Front Line Defenders, Somos Defensores and Peace Brigades International. This often involves the temporary relocation of endangered individuals — either within or outside Colombia — or the physical presence of NGO members in the area where an endangered individual resides. A confidential source noted that the resources of these organisations are limited, and they cannot meet all requests for protection.²⁹⁴

3.6.7 *Protection options in case of fear of authorities*

Individuals requesting protection from the UNP because of threats that they believe come from the authorities have the possibility of receiving protection from the UNP. A confidential source noted that he had received protection because, as a human rights activist, he was receiving alleged threats from authorities.²⁹⁵ In some cases, individuals who fear the authorities do not turn to the UNP or do not want UNP protection, as they believe that the authorities who were apparently threatening them had ties to the UNP.²⁹⁶

²⁹⁰ Confidential source, 14 February 2024.

²⁹¹ The indigenous community has its own legislation that exists alongside national legislation.

²⁹² Comisión de Verdad (Facebook), *Guardia indígena y Guardia cimarrona: prácticas de justicia ancestral*, 14 July 2022; confidential source, 19 February 2024; confidential source, 17 February 2024; Broederlijk Delen, *Guardias beschermen natuur, mens en gemeenschap tegen geweld in Colombia*: <https://broederlijkdelen.be/nl/impact/projecten/guardias-beschermen-natuur-mens-en-gemeenschap-tegen-geweld-in-colombia> (accessed on 13 March 2024).

²⁹³ El País, *La lucha contra el reclutamiento forzado en el norte del Cauca*, 13 December 2023; CRIC, *No cesan los homicidios de líderes indígenas en el Cauca, Colombia: llamado urgente*, 23 June 2023; OHCHR, *Situation of human rights in Colombia - Report of the United Nations High Commissioner for Human Rights (A/HRC/55/23) (Unofficial English version)*, p. 9, 14 February 2024.

²⁹⁴ Confidential source, 13 February 2024.

²⁹⁵ Confidential source, 14 February 2024.

²⁹⁶ Confidential source, 6 December 2023; confidential source, 13 February 2024.

3.7 Position of specific groups

The various specific groups are discussed in section 3.7.

3.7.1 *Risks for social leaders*

During the reporting period, Colombia continued to be one of the most dangerous countries for social leaders/human rights defenders (hereinafter: social leaders). As established by the OHCHR, social leaders are killed if they speak out in public against illegal armed organisations and obstruct the social control exercised by non-state armed actors in the regions. The killings are also intended to block social processes for the defence of human rights and to spread fear within communities.²⁹⁷ According to the NGO Indepaz, most of the killings were against leaders who had defended the environment and their territory, opposed large-scale mining projects, promoted the implementation of the peace agreement with the now-defunct FARC, and denounced the presence of illegal armed actors. The leaders were an important part of the social reforms within their territories, thereby harming the economic interests of illegal armed groups and other actors. This not only made them targets of attacks on their own lives, but also on their communities and families.²⁹⁸

With 181 social leaders killed in 2023, the Defensoría counted a 16% drop in killings compared to 2022. In contrast, according to figures from Indepaz,²⁹⁹ the total number of killings of social leaders in 2023 (188) had remained virtually unchanged relative to 2022 (187). In 2021, the number of social leaders killed was the highest in a decade, with 252. The number has never been less than 100 since 2016.³⁰⁰ The OHCHR released a verified number of 105 killings of social leaders in 2023. This number was significantly lower than the number of killings counted by Indepaz and the Defensoría. The OHCHR only included killings if it could be confirmed that the killing was related to social work or the defence of human rights by the person in question.³⁰¹ Regardless of whether the number of killings had stayed the same or decreased, all sources agreed that the number of killings was still very high and that the number of protection requests to the UNP had increased.³⁰² For the category of environmental activists (also a type of social leader), Colombia was the country with the most killings in the world. In 2022, Colombia counted sixty killings of environmental activists, accounting for more than a third of all killings of environmental activists worldwide. This figure was almost double the number of killings reported in 2021.³⁰³ The work of environmental activists often threatens the activities of illegal armed groups and/or the business community. Examples include

²⁹⁷ OHCHR, *Situation of human rights in Colombia - Report of the United Nations High Commissioner for Human Rights (A/HRC/55/23) (Unofficial English version)*, p. 9, 14 February 2024.

²⁹⁸ Indepaz, *VIOLENCIA EN COLOMBIA INFORME 2023*, p. 9, 29 December 2023.

²⁹⁹ Because organisations apply different definitions and have different methods for counting the number of killings, the figures may differ. The trends outlined by the different organisations are nevertheless almost identical.

³⁰⁰ Indepaz, *VIOLENCIA EN COLOMBIA INFORME 2023*, p. 5, 29 December 2023; Defensoría del Pueblo, *INFORME ANUAL HOMICIDIOS A LÍDERES SOCIALES Y DEFENSORES DE DDHH*, 9 January 2024.

³⁰¹ OHCHR, *Situation of human rights in Colombia - Report of the United Nations High Commissioner for Human Rights (A/HRC/55/23) (Unofficial English version)*, pp. 9–10, 14 February 2024; confidential source, 20 February 2024

³⁰² El País, *Director de Indepaz: “La violencia es muy rápida y el Gobierno va muy lento, por eso matan tantos líderes”*, 11 December 2023; Cambio, *Asesinatos de líderes sociales en Colombia disminuyeron en 2023: informe*, 9 January 2024; Caracol Radio, *En 2023 se dispararon las solicitudes de protección ante la UNP: USAID*, 29 December 2023.

³⁰³ Global Witness, *Almost 2,000 land and environmental defenders killed between 2012 and 2022 for protecting the planet*, 13 September 2023; confidential source, 20 January 2023.

environmental activists campaigning against illegal deforestation, fracking,³⁰⁴ mining or water pollution.³⁰⁵

In 2023, social leaders were killed in 26 of the 32 departments. The departments where Indepaz reported that the most killings took place were Cauca, Antioquia, Valle del Cauca and Nariño. These departments accounted for 55% of all killings.³⁰⁶ Leaders of *Juntas de Acción Comunal* (JAC: community action boards), indigenous peoples and political groups accounted for 62% of the total number of victims amongst social leaders who had been killed.³⁰⁷ According to figures from the OHCHR, leaders of the JAC were also the most frequent targets of successful assassinations (33%), and Cauca was the department with the most killings (25), followed by Nariño (14), Valle del Cauca (10), Putumayo (9), Norte de Santander (6) and Arauca (6).³⁰⁸

The OHCHR stated that non-state armed groups were responsible for 74% of all verified killings.³⁰⁹ The *Comisión Colombiana de Juristas* (CCJ: Colombian Commission of Jurists) counted 175 killings of social leaders in 2023, but was unable to name a suspected perpetrator in 132 cases. In fifteen cases, the suspected perpetrator was a member of an unspecified armed group. In ten cases, the perpetrator was a civilian. Paramilitaries were responsible for eight killings, according to the CCJ. The dissident FARC was the alleged perpetrator of six killings, and one killing of a social leader was committed by a government official, according to the CCJ.³¹⁰ Although the alleged perpetrator was not known in many cases, the CCJ wrote that selective violence was a recurrent practice of armed actors that affected a variety of leadership profiles and that occurred primarily in rural areas. The departments where the most killings were committed also have a large presence of illegal armed groups.³¹¹

The International Crisis Group (ICG) wrote that, in some cases, social leaders are left without allies as they are seen as adversaries by armed groups and the state alike. In some regions, social leaders occasionally had to do business with armed groups because they had *de facto* control over the area in question. As a result, the Colombian army could potentially perceive them as members of these armed groups and label them as 'guerrillas', for example. On the other hand, mere contact with military personnel was enough to be seen as an informant by illegal armed groups.³¹²

3.7.1.1 Risk threats and/or violence for relatives of social leaders

³⁰⁴ Fracking is a technique used to increase the permeability of rock so that oil, natural gas or geothermal energy can be more easily extracted.

³⁰⁵ France24, *Colombia deadliest country for green activists in 2022, says report*, 13 September 2023; Reuters, *How campaigners' killings hurt environmental protection in Colombia*, 11 November 2023; Al Jazeera, *Colombian environmental activists deluged by threats*, 9 May 2022.

³⁰⁶ Indepaz, *VIOLENCIA EN COLOMBIA INFORME 2023*, p. 7, 29 December 2023.

³⁰⁷ Indepaz, *VIOLENCIA EN COLOMBIA INFORME 2023*, p. 9, 29 December 2023.

³⁰⁸ OHCHR, *Situation of human rights in Colombia - Report of the United Nations High Commissioner for Human Rights (A/HRC/55/23) (Unofficial English version)*, pp. 9–10, 14 February 2024.

³⁰⁹ OHCHR, *Situation of human rights in Colombia - Report of the United Nations High Commissioner for Human Rights (A/HRC/55/23) (Unofficial English version)*, pp. 9–10, 14 February 2024.

³¹⁰ CCJ, *Violaciones al derecho a la vida de las personas defensoras, líderes y lideresas 1° de enero a 31 de diciembre de 2023*, 19 January 2024.

³¹¹ CCJ, *Patrones de violencia contra personas defensoras, líderes y lideresas sociales en Colombia durante el primer semestre de 2023*, p. 9, 9 October 2023; El País, *Colombia registra el asesinato de 215 líderes sociales en 2022*, 23 January 2023.

³¹² ICG, *Trapped in Conflict: Reforming Military Strategy to Save Lives in Colombia*, pp. 25–26, 27 September 2022; confidential source, 17 February 2024.

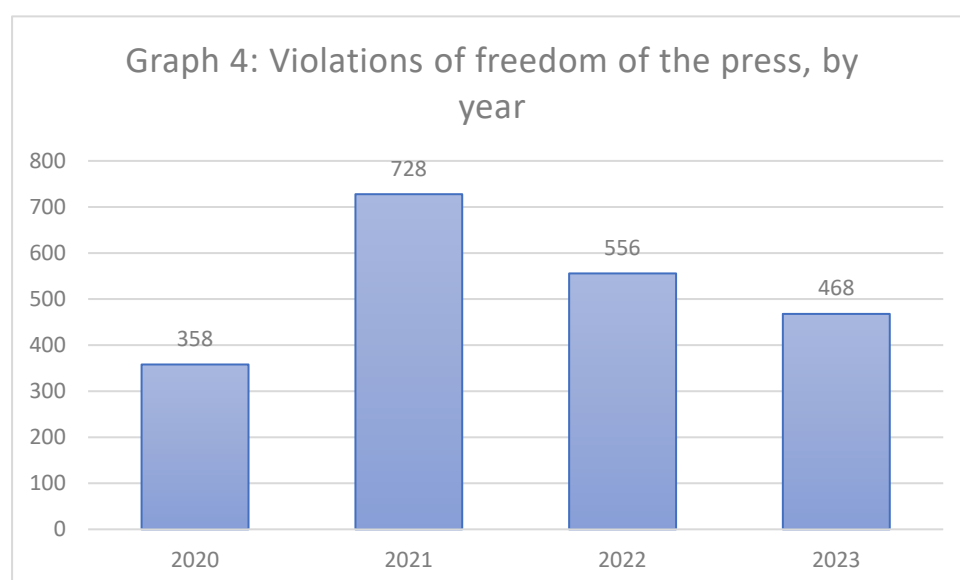
Illegal armed groups do not hesitate to threaten the relatives of social leaders or to threaten social leaders that their relatives will be harmed if they do not cease their activities. Female social leaders are more likely than their male colleagues to face threats against their families, and especially their children.³¹³ In May 2022, a social leader and three of her relatives were killed.³¹⁴ It is not known how many relatives of social leaders have actually been killed.

3.7.1.2 Members of the Juntas de Acción Comunal

Killings of JAC members rank first amongst the various organisations recording the killings of social leaders (see also subsection 3.1.3). First, the JACs are spread throughout the country, and they are also present in areas where illegal armed groups are in control. Illegal armed groups often use JAC leaders as intermediaries between the group and the local population. For example, the groups reportedly introduce their own identity cards in an area through the members of a JAC. The members of a JAC are at the centre of a community and know the people of a community, and this can be useful for illegal armed groups. These groups do not tolerate dissent in this regard, and they will not hesitate to kill JAC members who speak up against an illegal armed group and refuse to do as asked.³¹⁵

3.7.1.3 Journalists and social media activists

Data from *Fundación para la Libertad de Prensa* (FLIP: Foundation for Press Freedom) indicate that, following a 2021 peak of nearly 2,800 cases of press freedom violations (including aggression and intimidation of journalists and social media activists) in Colombia, the numbers declined in the ensuing years. In 2022 and 2023, there were 2,170 and 1,645 cases, respectively, in which press workers were obstructed in some way in their work. In 2020, there were 1,460 cases. The trend in the number of recorded cases of press freedom violations over recent years is depicted in Graph 4.



³¹³ Confidential source, 14 February 2024; confidential source, 20 February 2024; Pares, *Amenazan de muerte al excomisionado de la verdad y líder social Leyner Palacios*, 20 February 2023; Semana, *Investigación revela datos sobre asesinatos a líderes sociales desde la firma de los Acuerdos de Paz, con corte a 2022*, 9 August 2023.

³¹⁴ El Espectador, *Asesinaron a líder social y tres miembros de su familia en Chaparral, Tolima*, 25 May 2022.

³¹⁵ Confidential source, 19 February 2024; ICG, *Trapped in Conflict: Reforming Military Strategy to Save Lives in Colombia*, p. 7, 27 September 2023; confidential source, 20 February 2024; confidential source, 17 February 2024.

In 2023, journalists (including those active on social media) were particularly likely to face threats (163 cases: 35%), stigmatisation (57: 12%) and intimidation (50: 11%). Physical violence against journalists occurred 21 times (4%). Government officials accounted for the largest number of press freedom violations (121: 26%), followed by unknown perpetrators (117: 25%), private individuals (104: 22%), dissident FARC (34: 7%) and criminal gangs (35: 8%).³¹⁶

According to the NGO Reporters Without Borders (RSF), Colombia was one of the most dangerous countries for journalists in South America. Themes such as the environment, armed conflict, corruption or conspiracies between politicians, the private sector and illegal armed groups and organised crime have provoked intimidation, threats and violence.³¹⁷ Several organisations have reported intimidation, threats and violence, including the killing of journalists posting on the aforementioned topics primarily through social media channels (e.g. Facebook).³¹⁸ With regard to the number of killings of journalists in Colombia, the figures in recent years have fluctuated between four and eight killings (2020: 8 killings; 2021: 4 killings; 2022: 8 killings; 2023: 4 killings).³¹⁹ In recent years, killings have been committed in the departments of Córdoba, Nariño, Cauca and Valle del Cauca.³²⁰

The journalists killed in 2023 had reported primarily on corruption and abuses within the local authorities, including alleged ties between a municipal official and the Clan del Golfo.³²¹

Between January and April 2024, there were two cases in which journalists or social media activists were killed. In January 2024, the director of a local radio station in Sucre was killed. Authorities investigated whether the killing had been prompted by the journalist's work. In April 2024, the lawyer and social media activist Jaime Vásquez was killed in Cúcuta, Norte de Santander.³²²

3.7.1.4 Political activists

The Colombian government has no repressive policy towards political activists who oppose government policies. In principle, therefore, political activists are not at risk of threats and/or violence from the national government. For 2022, Freedom House labelled Colombia 'free' with regard to overall freedom. Political freedom has purportedly even improved slightly under Petro. According to Freedom House, individuals could normally express their political views in the larger cities. Political freedom was nevertheless limited in more remote areas where illegal armed groups in particular were present.³²³

³¹⁶ <https://flip.org.co/cifras/agresiones-a-la-libertad-de-prensa> (accessed on 1 February 2024).

³¹⁷ <https://rsf.org/en/index?year=2023> (accessed on 1 February 2024) and [Colombia | RSF](#), accessed on 14 June 2024; FLIP, *La prensa en la mirada de los grupos armados ilegales*, 18 October 2023.

³¹⁸ Freedom House, *Freedom on the Net 2023, section C7, Colombia: Freedom on the Net 2023 Country Report | Freedom House*; Reporters Sans Frontières, Colombia, link: [Colombia | RSF](#), accessed on 14 June 2024; FLIP, *La prensa en la mirada de los grupos armados ilegales*, 18 October 2023; WOLA, *Colombian Activists, Journalists and Communities Face Security Vacuum*, 19 September 2023.

³¹⁹ This sine wave has been discernible since 2004, with figures fluctuating between 12 and 4 homicides per year.

³²⁰ <https://flip.org.co/cifras/periodistas-asesinados> (accessed on 1 February 2024).

³²¹ FLIP, *Últimos tres homicidios a periodistas en Colombia permanecen en total impunidad*, 3 November 2023.

³²² FLIP, *Asesinato de Jaime Vásquez afecta el cubrimiento de temas de interés público*, 24 April 2024; FLIP, *El asesinato de Mardonio Mejía, director de la emisora Sonora Estéreo, enluta al periodismo del país*, 26 January 2024.

³²³ Confidential source, 13 February 2024; confidential source, 19 February 2024; Freedom House, *FREEDOM IN THE WORLD 2023 Colombia*, p. 30, March 2024; <https://freedomhouse.org/country/colombia/freedom-world/2023> (accessed on 13 March 2024).

Criminal groups and illegal armed groups have threatened and killed government officials and politicians. For example, the ELN threatened local political candidates who did not support the ELN.³²⁴ Of the 188 social leaders killed in 2023, Indepaz classified slightly fewer than thirty as 'politicians'. In the time leading up to the October 2023 regional elections — in which Colombians went to the polls to elect 1,102 mayors and 32 governors — at least 26 candidates had been assassinated, according to the NGO Pares. Another 106 candidates were threatened, 20 were assaulted and 152 were victims of electoral violence.³²⁵ With regard to the politicians who have been killed, confidential sources noted that it was not always clear whether they had been killed for their political activism and, for example, had fought against the (illegal) economic interests of certain parties. Cases of politicians killed precisely because of their ties to illegal armed groups also occurred. A politician who had been chosen by an illegal armed group as their candidate in mayoral elections was threatened by this group after he lost the election. In addition, politicians with ties to illegal armed groups had to fear rival illegal armed groups in the region.³²⁶

3.7.1.5 LGBTIQ+ activists

This section should be read in conjunction with subsections 3.7.2. and 3.7.3, which respectively address the position of LGBTIQ+ people in Colombia in general and, more specifically, the position of transgender people.

According to the NGO *Colombia Diversa*, which advocates for LGBTIQ+ rights in Colombia, it was important to highlight that LGBTIQ+ human rights defenders are exposed to at least three risk factors:³²⁷

1. exercising leadership in a country with a long and permanent history of armed socio-political violence;
2. having a sexual orientation and/or gender identity that differs from the heteronormative standard that is characteristic in large parts of Colombia;
3. practising activism in favour of LGBTIQ+ rights, an agenda seen by some political and social sectors as unnecessary or threatening to traditional social values.

In 2023, Indepaz counted five killings of LGBTIQ+ activists. One of those killed was both a JAC leader and LGBTIQ+ activist. The person arrested for this killing allegedly had ties to the Clan del Golfo. Another activist who was killed was non-binary. This person had previously received threats from the Clan del Golfo. Three other activists killed were trans women. As far as is known, the investigation into the killings of these individuals has yet to yield any information on possible perpetrators.³²⁸

³²⁴ USDOS, *COLOMBIA 2023 HUMAN RIGHTS REPORT*, 2024.

³²⁵ Indepaz, *LÍDERES SOCIALES, DEFENSORES DE DD.HH Y FIRMANTES DE ACUERDO ASESINADOS EN 2023*, 20 December 2023; VOA, *En Colombia, al menos 26 candidatos han sido asesinados antes de las elecciones locales y departamentales*, 30 August 2023.

³²⁶ Confidential source, 13 February 2024; confidential source, 19 February 2024

³²⁷ Colombia Diversa, *La realidad de la discriminación Situación de derechos humanos de las personas LGBTIQ+ en Colombia*, p. 119, 6 December 2023.

³²⁸ Indepaz, *LÍDERES SOCIALES, DEFENSORES DE DD.HH Y FIRMANTES DE ACUERDO ASESINADOS EN 2023*, 20 December 2023; *Semana*, *Ella es Roxana Delgado, la mujer trans que fue asesinada en los cerros orientales de Bogotá*, 15 December 2023; Infobae, *Asesinan a funcionario de la Alcaldía de Malambo, enlace de la población Lgbt*, 14 July 2023; Infobae, *Febrero cierra con 20 líderes sociales asesinados en el país, las últimas víctimas se reportaron en el Valle y en Bolívar*, 1 March 2023; El Universal, *Cayó 'el Zurdo', implicado en homicidio de miembro de comunidad LGTBIQ+*, 17 December 2023.

In 2022, Colombia Diversa registered 52 cases of threats against LGBTIQ+ activists, out of a total of 181 cases of threats against LGBTIQ+ people in that year.³²⁹ Eleven of the threats were made by armed groups (e.g. the Clan del Golfo, the ELN and the dissident FARC), three by an acquaintance of the person threatened and one by the criminal gang known as the Tren de Aragua. In 37 cases, there was not enough information to make an assessment of the offender.³³⁰

At-risk relatives of LGBTIQ+ activists

Questions concerning the extent to which there is a risk to relatives of LGBTIQ+ activists cannot be answered unequivocally. In some cases, community members receive threats from their own relatives or are ostracised by their own families. The activism in which LGBTIQ+ activists engage can be a source of negative attention from their families.³³¹

In contrast, it is also common for relatives of members of the LGBTIQ+ community — including activists — to be threatened.³³² The extent to which this occurs and whether it is only limited to threats remains unclear.

The profile of LGBTIQ+ activists who are critical of armed groups is similar to that of any social leader who is critical of armed groups. The greater the threat that an armed group perceives the activities of social leaders as posing to its economic or other interests, the greater is the risk to such leaders — and their relatives (see 3.7.2 and 3.7.2.1)

Possibility of reporting and protection for LGBTIQ+ activists

As noted in section 3.2 and subsection 3.5.2, any person in Colombia can file a police report in the case of threat. Sources have nevertheless stated that little progress has been made with regard to punishing acts of violence against LGBTIQ+ people, and particularly with regard to threats against LGBTIQ+ leaders. According to some sources, there is prejudice within the Colombian police against the LGBTIQ+ community, and police officers have also been guilty of violence against the community. For this reason, many members of the LGBTIQ+ community do not file police reports on threats or violence.³³³

Like any social leaders, LGBTIQ+ activists can request protection from the UNP (see 3.6).³³⁴ It is not known how many LGBTIQ+ activists are under the protection of the UNP. According to a confidential source, it is particularly difficult for trans people — including activists working on behalf of the trans community — to seek protection, precisely because of the large amount of discrimination and stigmatisation prevailing

³²⁹ Colombia Diversa, *La realidad de la discriminación Situación de derechos humanos de las personas LGBTIQ+ en Colombia*, pp. 81 and 89, 6 December 2023.

³³⁰ Colombia Diversa, *La realidad de la discriminación Situación de derechos humanos de las personas LGBTIQ+ en Colombia*, p. 117, 6 December 2023.

³³¹ Colombia Diversa, *La realidad de la discriminación Situación de derechos humanos de las personas LGBTIQ+ en Colombia*, pp. 104 and 125, 6 December 2023; confidential source, 9 February 2024; El País, *El riesgo de ser gay en Colombia*, 2 August 2022; CINEP, *Reclamar y morir: exterminio del liderazgo social de base en Colombia 2016-2022*, p. 274, 2023.

³³² Colombia Diversa, *La realidad de la discriminación Situación de derechos humanos de las personas LGBTIQ+ en Colombia*, pp. 82 and 104, 6 December 2023.

³³³ Colombia Diversa, *La realidad de la discriminación Situación de derechos humanos de las personas LGBTIQ+ en Colombia*, p. 124, 6 December 2023; confidential source, 14 February 2024; El País, *El riesgo de ser gay en Colombia*, 2 August 2022; confidential source, 13 February 2024; Infobae, *Denuncian violencia policial contra una mujer transgénero en Sogamoso, y no sería la primera vez que es violentada*, 14 April 2023.

³³⁴ Infobae, *Denuncian violencia policial contra una mujer transgénero en Sogamoso, y no sería la primera vez que es violentada*, 14 April 2023; confidential source, 14 February 2024.

towards the community within the bodies that are supposed to provide protection (see also 3.7.4).³³⁵

Relocation of LGBTIQ+ activists and/or their relatives

In many cases, the threat decreases if an LGBTIQ+ activist moves to a larger city where the population is generally more tolerant of the LGBTIQ+ community than is the case in rural areas. At the same time, however, LGBTIQ+ activists and their relatives under threat face the same difficulties as other people under threat face upon relocating, including with regard to the ability to support themselves after any financial support from the state or other agency ends (see 3.5.5). In addition, LGBTIQ+ activists also face the same discrimination as the LGBTIQ+ community in general.³³⁶

3.7.2 LGBTIQ+

3.7.2.1 Legislation concerning the LGBTIQ+ community

As stated in the previous COI Report, Colombia is one of the most progressive countries in the world in terms of legislation protecting rights for the LGBTIQ+ community.³³⁷ Same-sex couples can live together, marry each other, adopt children and have the same family rights as heterosexual families do. In August 2020, the Constitutional Court ruled that health insurers should bear the cost of gender-affirming and gender-adjusting surgeries for trans people.³³⁸

In 2022, the Constitutional Court urged the Ministry of Health — based on *Sentencia* T-218 DE 2022 (Ruling T-218 of 2022) — to issue clinical practice guidelines guaranteeing comprehensive health care for transgender people, especially with regard to medical procedures related to gender reassignment. In accordance with Ruling T-218 of 2018, minors are entitled to gender identity and can therefore transition.³³⁹ As far as is known, no such directive had been issued by the end of the reporting period.³⁴⁰

In October 2023, a number of conservative members of congress, including the Evangelical congress member Lorena Ríos of *Colombia Justa Libres*, introduced a draft bill in an attempt to reverse legislation allowing transition for minors. The draft bill includes a ban on surgery or hormone treatments for minors (i.e. individuals younger than 18 years of age).³⁴¹

This reporting period saw the first deployment of the Trans Voice Protocol, which aims to ensure voting rights for transgender people in the country, on equal terms and free from discrimination (National Electoral Council Resolution 3480 of 2020). The key point of the protocol is the prohibition of disqualification from voting for trans people whose documents display a gender that differs from their own identity or expression.³⁴²

³³⁵ Confidential source, 9 February 2024.

³³⁶ Confidential source, 14 February 2024.

³³⁷ The current common term is LGBTIQ+.

³³⁸ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 105, March 2022.

³³⁹ Caribe Afrimativo, *Corte Constitucional exhorta al Ministerio de Salud para que emita una guía de práctica clínica que garantice la atención integral en salud de personas con experiencia de vida trans*, 8 July 2022.

³⁴⁰ In November 2023, the Constitutional Court re-emphasised the importance of the directive in a new ruling on the medical treatment of trans persons held in prisons. Consultor Salud, *Corte Constitucional ordena tratamientos de afirmación de género para personas trans, privadas de la libertad*, 22 November 2023.

³⁴¹ Ámbito Jurídico, *Congresistas buscan limitar la edad para someterse al cambio de género*, 23 October 2023.

³⁴² Radio Nacional de Colombia, *¿Cuál es el protocolo para que las personas trans puedan acceder al derecho al voto?*, 28 October 2023; Colombia Diversa, *La realidad de la discriminación Situación de derechos humanos de las personas LGBTIQ+ en Colombia*, p. 4, 6 December 2023.

Through Ruling T-236 of 2023 (Sentencia T-236 de 2023), the Constitutional Court decreed that companies must address their transgender employees by the name with which they wish to be addressed, regardless of the gender and name appearing on their identity documents.³⁴³

In practice

In June 2022, the UN organisation UNFPA wrote that, although progress had been made in Colombia in recent years in terms of laws and regulations concerning the protection of the LGBTIQ+ community, LGBTIQ+ individuals continued to face high levels of inequality, violence and discrimination on a daily basis.³⁴⁴ Public and confidential sources confirmed this: in terms of mechanisms and legislation, Colombia is well regulated, but violence and discrimination against the LGBTIQ+ community remains high.³⁴⁵

On the LGBT Equality Index 2023, which considers rights and freedoms, as well as public opinion towards the LGBTIQ+ community, Colombia scored 75 of a possible 100 points. Other countries with similar scores include the UK (74), Argentina (75), Austria (75) and Portugal (76). The score is calculated by adding points for the applicable legal framework and public opinion towards the community and dividing by two. Colombia owes its high ranking (with a score of 98 points) mainly to the legal framework that is in place in the country. With regard to public opinion towards the LGBTIQ+ community, Colombia scored substantially lower, with 53 points — the lowest of all countries with similar final scores.³⁴⁶

With the advent of the Petro government, the LGBTIQ+ community hoped for improvement in the position of the community.³⁴⁷ In 2023, Petro established the Ministry of Equality, which was charged with monitoring and improving the rights of vulnerable communities, including the LGBTIQ+ community.³⁴⁸ A confidential source noted that, because of the focus on the Paz Total, the Petro government had little regard for the interests of the LGBTIQ+ community and that the newly established ministry had not yet done much for the community.³⁴⁹

3.7.2.2 Violence against LGBTIQ+ people by authorities and/or fellow citizens

Killings

According to figures from Colombia Diversa — which records violence against the LGBTIQ+ community in Colombia — at least 148 members of the community were killed in 2022. For the third year in a row, Colombia recorded the most killings of LGBTIQ+ people of any country in Latin America and the Caribbean. By 2022, according to a report by the Regional Network of Information on Violence against LGBTI People (*Red Regional de Información sobre Violencias LGBTI*), 43% of the 344 killings committed in ten countries (Bolivia, Colombia, México, Honduras,

³⁴³ Caribe Afirmativo, *Las empresas deben llamar a las personas trans por su nombre identitario según la Corte Constitucional*, 9 August 2023; confidential source, 14 March 2024.

³⁴⁴ UNFPA, *Igualdad de derechos para las personas LGBTIQ+, ¡ya!*, 28 June 2022.

³⁴⁵ Volcánicas, *La ley que busca garantizar los derechos de las personas trans en Colombia*, 7 July 2023; El País, *El Estado colombiano rinde cuentas sobre las violaciones de derechos humanos a personas LGBTI*, 17 May 2023; confidential source, 14 March 2024.

³⁴⁶ EqualDex, *The Most LGBT-Friendly Countries in the World*: <https://www.equaldex.com/equality-index>

³⁴⁷ El País, *La esperanza de un cambio con el nuevo gobierno marca las marchas LGTB+ en Colombia*, 4 July 2022;

³⁴⁸ El País, *Colombia estrena Ministerio de la Igualdad y la Equidad con la primera vicepresidenta afro a la cabeza*, 29 June 2023; Colombia Diversa, *La realidad de la discriminación Situación de derechos humanos de las personas LGBTIQ+ en Colombia*, p. 4, 6 December 2023.

³⁴⁹ Confidential source, 13 February 2024.

Guatemala, Dominican Republic, Perú, Ecuador, Nicaragua and El Salvador) were purportedly committed in Colombia.³⁵⁰ With 148 killings in 2022, Colombia had a reduction of 23% from 2021, when the country experienced 205 killings of LGBTIQ+ community members. In 2020, there had been 226. This was still more than in 2018 and 2019, when 109 community members were killed by violence in both years, according to figures from Colombia Diversa.³⁵¹ The Colombia Diversa figures largely match those of another LGBTIQ+ organisation, Caribe Afirmativo.³⁵²

In the report, Colombia Diversa stated that the killings had taken place in 23 of Colombia's 32 departments. Of all the killings recorded, 5% occurred in rural areas, as compared to 35% in urban areas. The organisation received no information on the location classification of the crime scene in 60% of the incidents of homicide. The organisation received no reports of killings of LGBTIQ+ people in the departments of Amazonas, Arauca, Boyacá, Caquetá, Guainía, Huila, Putumayo, Vaupés and Vichada. Almost half of such killings took place in the departments of Antioquia (33 cases), followed by Valle del Cauca (26 cases) and Bogotá (13 cases). According to Colombia Diversa, the concentration of half of the killings in these departments represented the continuation of the trend from previous years.³⁵³

According to Colombia Diversa figures, the 148 killings recorded included 66 gay men and 35 trans women. The two groups together thus constituted 68.2% of all cases.³⁵⁴ For 140 of the 148 killings committed in 2022, no information was known about the suspected perpetrator as of December 2023. Colombia Diversa had determined that 28 killings had been committed because of prejudice against the victim's sexual orientation and gender identity.³⁵⁵ Of these 28 killings, most victims were gay men (23 cases), trans women (3 cases) and bisexual men (2 cases).³⁵⁶ A confidential source reported that individuals were using Grindr to contact gay men in order to rob them during the actual encounter. These robberies sometimes ended in murder. Another confidential source reported that most of the trans women killed had been employed as sex workers.³⁵⁷

Threats

In 2022, Colombia Diversa recorded nearly double the number of threats³⁵⁸ and other types of intimidation³⁵⁹ against the LGBTIQ+ community relative to 2021: from 97 to 181. In 2019, there had been 107 cases of threats and intimidation. The group of gay men faced threats most often (68 cases), followed by trans women (43 cases). In some cases, a threat had been made against several people at the same

³⁵⁰ El Tiempo, *Colombia es el país de América Latina más letal para personas LGBTI: informe especial*, 30 June 2023;

³⁵¹ Colombia Diversa, *La realidad de la discriminación Situación de derechos humanos de las personas LGBTIQ+ en Colombia*, p. 14, 6 December 2023.

³⁵² El País, *La violencia contra la población LGBTI no cesa: 145 asesinatos en un año*, 15 March 2023.

³⁵³ Colombia Diversa, *La realidad de la discriminación Situación de derechos humanos de las personas LGBTIQ+ en Colombia*, p. 18, 6 December 2023.

³⁵⁴ Caribe Afirmativo counted 145 killings across all of 2022. According to this organisation as well, gay men and trans people constituted the largest group amongst the victims. The proportions nevertheless differed from those reported by Colombia Diversa: 47 killings of gay men and 49 killings of trans people: Caribe Afirmativo, *No se mata lo que no se olvida: Informe de Derechos Humanos de Personas LGBTIQ+ en Colombia 2022*, p. 27, March 2023

³⁵⁵ The motives for the other 120 were not known, lay in the personal sphere, or the killing had been committed for criminal or other reasons.

³⁵⁶ Colombia Diversa, *La realidad de la discriminación Situación de derechos humanos de las personas LGBTIQ+ en Colombia*, pp. 5 and 16, 31 December 2023.

³⁵⁷ Confidential source, 14 March 2024; confidential source, 14 February 2024.

³⁵⁸ By threats, the organisation means actions that warn a person of potentially more serious harm.

³⁵⁹ The organisation understands 'other types of intimidation' as offensive or insulting behaviour aimed at disturbing or changing a person.

time.³⁶⁰ Of all the threats made towards the LGBTIQ+ community in 2022, the perpetrator was unknown in 131 cases (72.4%). In 25 cases, the perpetrator was an acquaintance of the victim(s). In 24 cases, an armed organised organisation had made the threat and, in one case, the threat came from an unknown criminal gang.³⁶¹ Of these cases, 72 (39.8%) involved threats due to prejudice against the community, 28 (15.5%) involved a socio-political reason and 13 (7.2%) involved interpersonal conflict. In the rest of the cases (37.5%), the reason for the threat or other type of intimidation was not known.³⁶²

In the report, the organisation also lists the manner in which threats and intimidations were made. This occurred most commonly through the direct intimidation (33 cases) of LGBTIQ+ people who were addressed by perpetrators in forceful terms about their sexual orientation, gender identity or gender expression, after which the person was asked to leave the area under threat of death. The second most common way were threats made through telephone connections (19 cases). A third means was the distribution of pamphlets mentioning the threats (17 cases). In some cases, these pamphlets included names of victims. In addition, there were cases of threats with firearms (10 cases), text messages (6 cases), threats with stabbing weapons (5 cases) and threats through social media (2 cases). There were also 109 reported cases of threats and intimidation for which no information was available on how the threat was made.³⁶³

In the report, Colombia Diversa stated that the threats and intimidations had taken place in 27 of Colombia's 32 departments. The organisation received no reports of threats and intimidation against LGBTIQ+ people in the departments of Amazonas, La Guajira, Casanare, Guainía and Vaupés. The organisation stresses that the lack of reports from these departments cannot be interpreted as an indication of safety for LGBTIQ+ people. Factors were apparently at play that hinder the reporting of incidents. As examples, the organisation cites displacement resulting from the actions of illegal armed groups and/or other actors, as well as the concealment of sexual orientation and/or identity as a means of self-protection.³⁶⁴

It should be noted that the figures reported above refer solely to the cases of threats recorded by Colombia Diversa. In March 2023, another NGO — Caribe Afirmativo — wrote that a total of 3,527 threats had been made against the LGBTIQ+ community in 2022. With regard to this high number, the NGO made it clear that 2022 was the first year in which it had received figures from Fiscalía in addition to its own findings. For 2021, Caribe Afirmativo had counted another 97 cases of threats — the same number as Colombia Diversa.³⁶⁵ In 2022, the largest group amongst threat victims were gay men (892 victims out of 3,527 total cases), followed by lesbian women (679 victims), bisexual men (384 victims), bisexual women (372 victims) and trans people (280 victims). These proportions do not

³⁶⁰ Colombia Diversa, *La realidad de la discriminación Situación de derechos humanos de las personas LGBTIQ+ en Colombia*, p. 81, 6 December 2023.

³⁶¹ Colombia Diversa, *La realidad de la discriminación Situación de derechos humanos de las personas LGBTIQ+ en Colombia*, pp. 104–105, 6 December 2023.

³⁶² Colombia Diversa, *La realidad de la discriminación Situación de derechos humanos de las personas LGBTIQ+ en Colombia*, pp. 104–105, 6 December 2023.

³⁶³ Colombia Diversa, *La realidad de la discriminación Situación de derechos humanos de las personas LGBTIQ+ en Colombia*, pp. 90–93, 6 December 2023.

³⁶⁴ The report lists the registered incidents involving a threat and/or intimidation by department. Colombia Diversa, *La realidad de la discriminación Situación de derechos humanos de las personas LGBTIQ+ en Colombia*, pp. 90–93, 6 December 2023.

³⁶⁵ Caribe Afirmativo, *No se mata lo que no se olvida: Informe de Derechos Humanos de Personas LGBTIQ+ en Colombia 2022*, p. 16, March 2023

match those reported by Colombia Diversa, however, in which trans people comprised a larger proportion of the total number of people at risk (see above).³⁶⁶

In its March 2023 report, Caribe Afrimativo also reported the number of cases of intimidation/physical violence and discrimination for 2022 (1,725 victims in total).³⁶⁷ Homosexual men were the most frequent victims (892 victims: 694 incidents of discrimination and 198 incidents of intimidation/physical violence), followed by lesbian women (493 victims: 358 incidents of discrimination and 135 incidents of intimidation/physical violence) and trans people (174 victims: ³⁶⁸ 114 incidents of discrimination and 34 incidents of intimidation/physical violence).³⁶⁹

Police violence

Colombian police were involved in discrimination and violence against LGBTIQ+ people during the reporting period. A confidential source stated that police structurally discriminated against the trans community, and particularly against trans women working in the sex industry.³⁷⁰ Caribe Afrimativo recorded 104 victims of police violence for the year 2022, including 36 gay men, 21 lesbian women and 12 trans people.³⁷¹ In contrast, Colombia Diversa recorded 97 cases of police violence and abuse of power by the police against members of the LGBTIQ+ community for the same year. Six of the 97 cases involved multiple people, most notably lesbian couples and groups of trans women working in the sex industry. This purportedly concerned a total of about 107 people. This figure matched those for 2019 and 2021, according to Colombia Diversa.³⁷² As reported by Colombia Diversa, the trans community within the LGBTIQ+ community was the group most frequently victimised by police violence in 2022: 33 victims were trans women and 17 were trans men.³⁷³

According to Colombia Diversa, police violence consisted of 11 cases of threats and other types of intimidation; 6 cases of unlawful police procedures; 5 victims of personal injury; 3 victims of arbitrary detention and one case of extrajudicial killing. In 71 of the 97 cases recorded, the type of violence was not identified.³⁷⁴ According to a confidential source, many cases of intimidation were not recorded or reported by the victim, due to fear of reprisals. There were instances in which same-sex couples were arrested because neighbours had complained. The police could not detain these persons for long, as there was no legal basis for detention. The source noted that many of these cases remained unregistered and unpunished.³⁷⁵

³⁶⁶ Caribe Afrimativo, *No se mata lo que no se olvida: Informe de Derechos Humanos de Personas LGBTIQ+ en Colombia* 2022, p. 17, March 2023.

³⁶⁷ Caribe Afrimativo, *No se mata lo que no se olvida: Informe de Derechos Humanos de Personas LGBTIQ+ en Colombia* 2022, p. 17, March 2023.

³⁶⁸ The sum of 114 and 34 is 148, and not 174. It has not become clear whether this is an error by Caribe Afrimativo.

³⁶⁹ Caribe Afrimativo, *No se mata lo que no se olvida: Informe de Derechos Humanos de Personas LGBTIQ+ en Colombia* 2022, p. 17, March 2023.

³⁷⁰ Confidential source, 14 March 2024; confidential source, 14 February 2024; USDOS, *COLOMBIA 2022 HUMAN RIGHTS REPORT*, p. 33, 20 March 2023.

³⁷¹ Caribe Afrimativo, *No se mata lo que no se olvida: Informe de Derechos Humanos de Personas LGBTIQ+ en Colombia* 2022, p. 17, March 2023.

³⁷² According to Colombia Diversa, 2021 was not representative of the trend of police violence against the community, as the Paro Nacional led to a much higher number of incidents involving violence by the police: 151 cases, with a total number of victims amounting to 175 people.

³⁷³ Colombia Diversa, *La realidad de la discriminación Situación de derechos humanos de las personas LGBTIQ+ en Colombia*, p. 52, 31 December 2023: The victims included 15 gay men, 10 lesbian women, 9 bisexual men, 5 bisexual women and 18 victims whose exact identity could not be ascertained, although sources indicated that they were from the LGBTIQ+ community.

³⁷⁴ Colombia Diversa, *La realidad de la discriminación Situación de derechos humanos de las personas LGBTIQ+ en Colombia*, p. 53, 6 December 2023.

³⁷⁵ Confidential source, 14 February 2024.

- 3.7.2.3 Difference between the situation in larger cities and rural Colombia
Most sources agreed that the situation in Colombia's larger cities is better for the LGBTIQ+ community than it is in rural Colombia. In cities like Bogotá, Medellín and Cali, and especially in the wealthier parts of these cities, the community faces much less violence and discrimination. The rates of threats and physical violence in these cities are nevertheless high. According to some sources, this is because individuals from the LGBTIQ+ community are much more visible in these areas. Many community members from rural Colombia move to the cities to live more in line with their sexual orientation or gender identity.³⁷⁶

- 3.7.2.4 Protection by authorities in case of serious problems from fellow citizens
If a member of the LGBTIQ+ community is a social leader/human rights activist, that person can approach the UNP in case of a threat. If the member is not a social leader, the Colombian police are the appropriate entity from which to seek protection (see 3.5.1).

It should be mentioned that there is a high level of impunity with regard to criminal offences against the LGBTIQ+ community, and especially against trans people. Many murders of community members or other abuses remained unsolved. Caribe Afirmativo wrote that, of a total of 145 cases in which members of the LGBTIQ+ community were killed, the judge reached a conviction in only 18 (13%).³⁷⁷ According to Colombia Diversa, in 94.8% of all cases of police brutality against the LGBTIQ+ community, the current status of the investigation into the charges was unknown.³⁷⁸ In addition, many prejudices against the community persist amongst the authorities responsible for their protection. As mentioned above, the police were responsible for abuses towards the LGBTIQ+ community. As a result, there was reluctance within the community to file police reports and seek protection from authorities.³⁷⁹

- 3.7.2.5 Social relations between religious actors and the LGBTIQ+ community
Several sources indicated that Colombia is still a traditional and conservative country, where the church (both Catholic and Evangelical) generally speaks out against gender diversity.³⁸⁰ A confidential source noted that the Evangelical church is better organised than the Catholic church. The political party *Colombia Justa Libres* — which brings together several evangelical denominations — is trying to use parliament to reverse certain legislation regarding the LGBTIQ+ community (see 3.7.2.1).³⁸¹

Conversion therapies,³⁸² in which attempts are made to change an individual's sexual orientation or gender identity/expression according to traditional norms, are

³⁷⁶ Colombia Diversa, *La realidad de la discriminación Situación de derechos humanos de las personas LGBTIQ+ en Colombia*, pp. 16, 18 and 57, 31 December 2023; confidential source, 14 March 2024. Confidential source, 9 February 2024.

³⁷⁷ Caribe Afirmativo, *No se mata lo que no se olvida: Informe de Derechos Humanos de Personas LGBTIQ+ en Colombia 2022*, p. 33, March 2023.

³⁷⁸ Colombia Diversa, *La realidad de la discriminación Situación de derechos humanos de las personas LGBTIQ+ en Colombia*, p. 78, 6 December 2023.

³⁷⁹ Colombia Diversa, *La realidad de la discriminación Situación de derechos humanos de las personas LGBTIQ+ en Colombia*, pp. 61 and 74, 6 December 2023; El País, *Colombia replaces 'medieval' ultra-religious police chief who waged war on the devil*, 13 April 2023; OHCHR, *Situation of human rights in Colombia - Report of the United Nations High Commissioner for Human Rights (A/HRC/55/23) (Unofficial English version)*, p. 4, 14 February 2024.

³⁸⁰ Infobae, *Esto es lo que propone el proyecto de ley trans que se presentará ante el Congreso colombiano*, 8 February 2023; Volcánicas, *La ley que busca garantizar los derechos de las personas trans en Colombia*, 7 July 2023; confidential source, 14 February 2024.

³⁸¹ Confidential source, 13 February 2024.

³⁸² In Spanish: *Esfuerzo de Cambio de Orientación Sexual, Identidad y Expresión de Género* (ECOSIEG)

still allowed in Colombia.³⁸³ A survey involving more than 800 members of the LGBTIQ+ community revealed that 44% of respondents had at some point been forced by someone in their family to undergo treatment to change their sexual orientation, gender identity or gender expression. Although this treatment often starts at home, it also takes place in schools, churches and even healthcare facilities, according to the survey results. Of the respondents, 30% said that they had been encouraged by a religious leader, spiritual guide, life coach or Catholic cleric to submit to conversion therapy.³⁸⁴ A 2020 study by the Williams Institute affiliated with the University of California found that 21% of LGBTIQ+ people surveyed in Colombia had undergone some form of conversion therapy. A draft bill was proposed in 2023 to ban such therapies.³⁸⁵

- 3.7.2.6 Position of LGBTIQ+ people within the indigenous and Afro-Colombian communities
Indigenous and Afro-Colombian communities are generally traditional and conservative. Sources noted that social control and the enforcement of norms and values are much stricter within the indigenous community than they are within the Afro-Colombian community. Members of the LGBTIQ+ community usually cannot live in accordance with their sexual orientation or gender identity within these communities. Especially within Afro-Colombian communities in urban areas, there is more space for the LGBTIQ+ community (see also 3.7.4 and 3.7.3.8).³⁸⁶

- 3.7.2.7 Restriction on access to social services due to orientation
Some sources reported discrimination against the LGBTIQ+ community. In particular, it cited the trans community as a group that faced significant discrimination in accessing public services (see 3.7.3).³⁸⁷

Discrimination in schools by teachers and students led many LGBTIQ+ people, and especially trans people, to drop out of school. Lack of support within the family environment was purportedly another cause of leaving school prematurely. As a result, these individuals also had fewer opportunities in the labour market. Several sources cited examples of events demonstrating restrictions on labour market access. Examples were said to include individuals not being admitted to the building where a job application was to take place, being referred to another office and job interviews being cancelled after it was found that the name with which the person identified did not match the name on the identity document. For trans men, the requirement to present the military booklet as proof of completion of compulsory military service also poses a barrier to accessing formal employment.³⁸⁸ The US Department of State reported that the delay in providing identity documents showing the correct gender limited access to the labour market and healthcare, as the previously provided identity documents were not accepted by medical institutions or the police.³⁸⁹

In 2021, the municipality of Bogotá published a report on the state of healthcare for transgender and non-binary people. This report examines the barriers trans and

³⁸³ These therapies are also still allowed in the Netherlands.

³⁸⁴ Volcánicas, *Inconvertibles II: del hogar al consultorio médico. En Colombia las personas LGTB+ luchan por espacios libres de ECOSIEG / Parte 1*, 6 June 2023.

³⁸⁵ Ponencia 272, *INFORME DE PONENCIA PARA PRIMER DEBATE AL PROYECTO DE LEY NÚMERO 272 - 2022 CÁMARA*, 23 May 2023; confidential source, 13 February 2024.

³⁸⁶ Confidential source, 17 February 2024; confidential source, 9 February 2024; confidential source, 14 February 2024.

³⁸⁷ USDOS, *COLOMBIA 2022 HUMAN RIGHTS REPORT*, p. 33), 20 March 2023.

³⁸⁸ Alcaldía Mayor de Bogotá, *Diagnóstico y recomendaciones para la inclusión laboral de los sectores sociales LGBTI*, pp. 35–77, May 2022; L.L. Ortega, University of Gothenburg, 'If you think that you will continue to be a cisgender company and all that stuff, you're mistaken', *Exploring the Impact of Employment Discrimination on Individuals with Trans-life Experiences: A Case Study of the GAAT Foundation in Colombia*, 2023; Race & Equality, *The struggles of being Transgender and Afro-descendant in Colombia*, 2019.

³⁸⁹ USDOS, *Colombia human rights report 2023*, April 2024.

non-binary people face in accessing healthcare services. The report distinguishes between barriers to the quality of care provided, cultural barriers and administrative barriers. In the first category, the municipality identified problems including lack of interest or reluctance by medical staff, delay of priority treatments (e.g. against HIV or cancer), requiring proof of HIV infection before starting treatment for other medical care and a lack of knowledge of the specific health problems within this group. Amongst cultural barriers, the report ranked denial of gender diversity by medical staff; violence (e.g. mockery, assault and lack of acceptance of the individual's preferred name) and expression of moralistic, personal and religious views towards trans people. Administrative barriers mentioned in the report include the limited possibilities in information systems regarding the indication of gender and sexual identity, delays in starting treatments that should receive priority, referrals to other healthcare services or treatments and the temporary or permanent closure of services, thereby resulting in a lack of continuity in the care offered. As a result of the above factors, there is a lack of trust in healthcare amongst transgender people.³⁹⁰

- 3.7.2.8 LGBTIQ+ people specifically targeted by organised armed groups
Multiple sources agreed that, in areas where armed groups are present or in control, the LGBTIQ+ community is the target of focused actions. These groups generally adhere to conservative and traditional morals. The organised armed groups threatened 'social clean-ups' (Limpieza Social) of their areas. Often through pamphlets, they directly declared LGBTIQ+ activists, sex workers and individuals with HIV as undesirables. These groups — particularly the Clan del Golfo — were also linked to the killing of two LGBTIQ+ activists. Both of these cases involved trans women (see 3.7.1.5).³⁹¹ In June 2023, the Procuraduría warned of increased violence against LGBTIQ+ activists on the part of illegal armed groups.³⁹²

If the threat against a member of the LGBTIQ+ community is made by an organised armed group, it must be noted that the state has poor or no representation in many areas where these organisations are present. This further limits access to protection (see 3.5.4).³⁹³

- 3.7.2.9 Relocation to escape violence and/or threat
Information on possibilities for relocation in the event of threat from organised armed groups is presented in subsection 3.5.5.
- 3.7.2.10 Civil society organisations advocating for the rights of LGBTIQ+ people
Civil society is well organised in Colombia, including within the LGBTIQ+ community. It is important to note, however, that the organisations are located mainly in the larger cities and, in certain parts of Colombia, there are no organisations defending their rights. There are several organisations that advocate for the interests and rights of the LGBTIQ+ community. Organisations such as La Liga de la Salud Trans, Profamilia, Colombia Diversa, Corporación FAUDS, Fundación Lxs Locxs, Alienhadas, All Out, Red Comunitaria Trans, Fundación GAAT, Caribe Afirmativo and Temblores ONG advocate for the rights and interests of the community in a variety of ways. The activities of these organisations include legal assistance, monitoring and

³⁹⁰ Alcaldía Mayor de Bogotá, *Atención Integral en salud para las personas Trans y no Binarias*, June 2021.

³⁹¹ Colombia Diversa, *La realidad de la discriminación Situación de derechos humanos de las personas LGBTIQ+ en Colombia*, pp. 104–105, 113, 6 December 2023; El País, *El Estado colombiano rinde cuentas sobre las violaciones de derechos humanos a personas LGBTI*, 17 May 2023.

³⁹² Consonante, *El discurso de la 'limpieza social' ya tiene consecuencias en el sur de La Guajira*, 29 May 2023; El Tiempo, *Aumenta la violencia contra líderes LGBTIQ+ por parte de grupos ilegales: Procuraduría*, 26 June 2023; confidential source, 9 February 2024; Infobae, *Comunidad LGBTI en el Caribe colombiano preocupada por el aumento en los casos de violencia en la región*, 6 May 2023.

³⁹³ El País, *El Estado colombiano rinde cuentas sobre las violaciones de derechos humanos a personas LGBTI*, 17 May 2023.

recording incidents of violence against the community, assistance in accessing healthcare, community awareness, and projects involving education and employment.³⁹⁴

3.7.3 Transgender people

3.7.3.1 Legislation on transgender people

In recent years, laws have been passed in Colombia aimed at improving the position of the trans community. For example, Decree 1227 of 2015 allows transgender people to change their name and gender on identity documents.³⁹⁵ In Ruling T-033 of 2022, the Constitutional Court decreed that the non-binary category should be included as an option on identity cards. By the end of 2022, more than 400 people had used this option, according to news site *Infobae*.³⁹⁶

Multiple sources have reported that the progress made by the trans community in recent years came about mainly through Constitutional Court rulings, rather than through legislation. There were still many legal gaps that prevent the rights of the trans community from being equal to those of other Colombian citizens. For this reason, several NGOs submitted the Integral Trans Law (*Ley Integral Trans*) to the Colombian congress on 20 July 2023. Amongst other matters, this law was intended to prescribe measures to promote respect for diverse gender identities; to facilitate name changes and correction of the gender component in documents; to provide protection against violence in the family environment; to provide guarantees of the right to healthcare; to provide access and sustainability to education; to ensure the protection and promotion of the sexual and reproductive rights of transgender people; and to guarantee the right to social security.³⁹⁷ At the end of this reporting period, the law had not yet been passed.³⁹⁸ Some sources deemed it unlikely that the law would be passed. There is purportedly too much opposition to it, and politicians have had other priorities (e.g. the Paz Total).³⁹⁹

Information on initiatives aimed at countering existing legislation that promotes trans community rights is presented in subsection 3.7.2.1.

3.7.3.2 Existing legislation in practice

Despite existing legislation, the trans community faces restrictions and obstacles with regard to their rights. For example, one trans person had to wait eight months before the identity card with the desired gender designation was issued. This normally should take one week.⁴⁰⁰ Once in possession of the documents with the desired gender identity, some people have experienced that healthcare workers or

³⁹⁴ Radionica, *¿Qué es la Ley Integral Trans y qué propone?*, 5 July 2023; confidential source, 9 February 2024; confidential source, 14 February 2024; <https://ligadesaludtrans.org/>; <https://caribeafirmativo.lgbt/>; <https://www.temblores.org/publicaciones>.

³⁹⁵ DECRETO 1227 DE 2015

³⁹⁶ Infobae, *400 personas han cambiado su género por no binario en registro civil y cédula en Colombia*, 29 December 2022.

³⁹⁷ Radiónica, *¿Qué es la Ley Integral Trans y qué propone?*, 5 July 2023; Canal1, *Ley Integral Trans ¿Por qué es tan importante para la comunidad LGBTQ+ del país?*, 8 July 2023; Infobae, *‘Un trámite que tarda una semana duró 8 meses’: la cruzada de una joven para conseguir su documento no binario*, 19 July 2022.

³⁹⁸ The bill was nevertheless discussed by members of congress, government representatives and representatives of the LGBTQ+ community on 7 February 2024. Caribe Afirmativo, *¡Avanzamos para lograr la Ley Integral Trans en Colombia!*, 9 February 2024.

³⁹⁹ Confidential source, 13 February 2024, confidential source, 14 February 2024; Corte Constitucional, (T-231/21); El Espectador, *‘Es lamentable que el papa hable de “ideología de género”’*: ILGA, 12 March 2024; El País, *La población trans marcha en Bogotá y exige una ley que reconozca sus derechos*, 9 July 2023.

⁴⁰⁰ Infobae, *‘Un trámite que tarda una semana duró 8 meses’: la cruzada de una joven para conseguir su documento no binario*, 19 July 2022; confidential source, 13 February 2024,

police officers did not accept them and would not assist the individuals in question.⁴⁰¹ Trans people have access to gender reassignment surgery through the national health system. This requires them to be assessed by a doctor.⁴⁰² According to multiple sources, many prejudices towards the community continue to prevail within the healthcare system, such that their rights are not always assured. In addition, the healthcare system depends on local officials who do not always have the proper resources and medication. In many areas, hormones for the transition process are not in stock. In one case, a trans person had to travel to Bogotá to obtain the hormones. According to a confidential source, many people are unable to afford such a trip.⁴⁰³

3.7.3.3 Active prosecution policy against transgender people

As far as is known, the Colombian authorities have no active prosecution policy.

3.7.3.4 Violence and/or abuses from public services against trans people

As stated by Colombia Diversa, transgender people were the ones against whom the police used the most violence within the LGBTIQ+ community. The NGO had counted 53 cases of attacks on this population group by police officers in 2021.⁴⁰⁴ In July 2023, at the time of a demonstration concerning the Integral Trans Act, there was also a demonstration against police brutality against the trans community.⁴⁰⁵ Several sources agree that transgender people working especially in the sex industry are highly vulnerable to aggression, discrimination and violence by the Colombian police. Additional information on police violence against the trans community is presented in subsection 3.7.2.2.⁴⁰⁶

3.7.3.5 Cases of discrimination against transgender people by the authorities (e.g. the police) and/or by fellow citizens

Several sources reported that the trans community has experienced structural discrimination in obtaining public services. Trans people have experienced difficulties in accessing healthcare, education and the labour market.⁴⁰⁷ In November 2023, the Procuraduría reported that it had learned of 197 cases of violence/discrimination⁴⁰⁸ against trans people in that year. Of these cases, 65 involved both a lack of access to healthcare and police brutality.⁴⁰⁹

In August 2023, the Constitutional Court called for an end to the harassment and intimidation of people in the LGBTIQ+ community. The country's highest legal entity stressed the importance of countering prejudice against the community and the responsibility of the colleagues of transgender people. The court's statement was issued in response to a complaint by a trans woman who was a doctor by profession. Some of her colleagues had been involved in her gender transition. In retrospect, it was those same colleagues who had started bullying and ridiculing the trans woman. The court also had a tough nut to crack with regard to the judges who

⁴⁰¹ USDOS, *COLOMBIA 2022 INTERNATIONAL RELIGIOUS FREEDOM REPORT*, p. 33, 20 March 2023.

⁴⁰² Corte Constitucional, (T-231/21).

⁴⁰³ Confidential source, 9 February 2024; confidential source, 14 February 2024.

⁴⁰⁴ El País, *La población trans marcha en Bogotá y exige una ley que reconozca sus derechos*, 9 July 2023.

⁴⁰⁵ El País, *La población trans marcha en Bogotá y exige una ley que reconozca sus derechos*, 9 July 2023.

⁴⁰⁶ Confidential source, 13 February 2024, confidential source, 14 February 2024; USDOS, *COLOMBIA 2022 HUMAN RIGHTS REPORT*, p. 32, 20 March 2023.

⁴⁰⁷ USDOS, *COLOMBIA 2022 HUMAN RIGHTS REPORT*, p. 33, 20 March 2023; confidential source, 13 February 2024, confidential source, 14 February 2024; confidential source, 9 February 2024.

⁴⁰⁸ This refers solely to cases that were made known to the Procuraduría, and not to all cases.

⁴⁰⁹ Swissinfo, *Unas 200 personas trans sufren violencia en Colombia y 26 son mujeres asesinadas este año*, 20 November 2023.

had been hearing the case. They had allegedly made discriminatory and insulting remarks to the trans woman and mocked her.⁴¹⁰

The situation of trans people is better in larger cities than it is in rural Colombia. Trans people tend to leave areas with few major urban centres or with a large presence of illegal armed groups for cities (e.g. Medellín and Bogotá) in order to escape discrimination and violence. They nevertheless encounter stigma and discrimination in these areas as well. Many trans people end up in the sex industry because they cannot find other jobs, whether in the formal or informal labour market (see 3.7.3.11).⁴¹¹

- 3.7.3.6 Protection against violence and/or abuses from public services
As described in subsections 3.5.1 and 3.6.1, it is not an easy task to obtain protection following threats and/or violence from government agencies, fellow citizens or illegal armed organisations.

In its annual report on the human rights situation in 2022 and 2023, the United State Department of State (USDOS) wrote that Colombia was struggling with a high level of impunity for crimes against LGBTIQ+ people, and particularly against transgender people. Investigators and police often mis-recorded the gender identity of victims and interviewed community members in an improper manner. This could lead to intentional and unintentional intimidation.⁴¹² Other sources confirmed this view and reported that, despite the possibility of filing a report and requesting protection from the Colombian authorities, the likelihood of actually receiving protection was low. Due to stigmatisation within the police in particular, many trans people did not report incidents and therefore did not apply for protection.⁴¹³

Similar to the general protection situation, the situation for the trans community was better in urban centres than it was in rural Colombia. Although sources were unable to quantify this, they were of the opinion that a trans person was more likely to be protected in urban centres. In this regard, a confidential source noted that discrimination and stigmatisation of the trans community also occurred within the police in larger cities.⁴¹⁴

In theory, it is possible to stand up against discrimination by authorities by reporting it to the Procuraduría, Defensoría del Pueblo or the Personaría.⁴¹⁵ The extent to which such police reports are filed and how the authorities deal with them remained unknown.

- 3.7.3.7 Social relations between religious actors and the trans community
Further information on social relations between religious actors and the trans community is presented in subsection 3.7.2.5.

- 3.7.3.8 Transgender people within the indigenous and Afro-Colombian communities

⁴¹⁰ Radio Nacional, *Corte Constitucional se pronuncia para frenar la discriminación a personas LGBTIQ+*, 8 August 2023.

⁴¹¹ El País, *La población trans marcha en Bogotá y exige una ley que reconozca sus derechos*, 9 July 2023; USDOS, *COLOMBIA 2022 HUMAN RIGHTS REPORT*, p. 33, 20 March 2023; confidential source, 13 February 2024, confidential source, 14 February 2024; confidential source, 9 February 2024.

⁴¹² USDOS, *COLOMBIA 2022 HUMAN RIGHTS REPORT*, p. 33, 20 March 2023; USDOS, *COLOMBIA 2023 HUMAN RIGHTS REPORT*, pp. 37–38, 23 April 2024.

⁴¹³ Confidential source, 13 February 2024, confidential source, 14 February 2024; confidential source, 9 February 2024; confidential source, 14 February 2024.

⁴¹⁴ Confidential source, 13 February 2024, confidential source, 14 February 2024; confidential source, 9 February 2024; confidential source, 14 February 2024.

⁴¹⁵ See the website of the Colombian Ministry of Justice: [Ministerio de Justicia y del Derecho \(minjusticia.gov.co\)](https://minjusticia.gov.co).

Sources agree that trans people generally cannot live in accordance with their gender identity in the indigenous community. A confidential source noted that trans people stand a high chance of being ostracised by the community if they decide to live in accordance with their gender identity. In an interview with the newspaper *El País*, a transgender woman from the Amazon recounted that she and others — as indigenous trans women — had left for Bogotá to escape the problems and discrimination existing within their communities in the Amazon region.⁴¹⁶

Although the Afro-Colombian community is generally negative towards gender diversity, it is less strict and conservative than the indigenous community. The Afro-Colombian community also has a lower level of organisation than the indigenous one, thus reducing the likelihood of being ostracised. Afro-Colombian communities in urban areas are particularly likely to offer more space for the LGBTIQ+ community. For example, an Afro-Colombian trans woman from the capital of Chocó — Quibdó — was able to advocate for displaced LGBTIQ+ people within her community (see subsection 3.7.2.6).⁴¹⁷

- 3.7.3.9 Problems for trans people in obtaining identity cards
- By law, it is regulated in Colombia that trans people can obtain identity cards consistent with their gender identity. It is even possible to have non-binary or transperson listed as a gender identity (using the letter T) on their identity cards (see also 3.7.3.1).⁴¹⁸ Hundreds of trans people have made use of this possibility and received new identity cards, including the digital variant (see 2.1).⁴¹⁹ According to some sources, however, it is not a foregone conclusion that a trans person will obtain an identity card with the desired gender identity. Civil registry employees or notaries are quite autonomous in their actions and, if unwilling, can delay or disrupt the process of obtaining an identity card. The scale at which this occurs is not known.⁴²⁰

A confidential source reported that indigenous trans women faced many difficulties in obtaining identity cards once they had left their communities. Within the indigenous community, it was common for individuals not to have identity cards. For example, the indigenous trans women could not present birth certificates to obtain identity cards, and they could not return to their communities to apply for birth certificates.⁴²¹

- 3.7.3.10 Social consequences of not having an identity card with the desired gender identity
- According to a confidential source, given the structural discrimination faced by trans people in Colombia, it does not matter much whether a trans person does or does not have an identity card with the desired gender identity.⁴²² In some cases, having such an identity card eliminated confusion in relation to agencies, as the gender on the card matched the person in front of them. As reported by several sources, however, the trans community — regardless of identity card — experiences structural discrimination with regard to accessing public services. Trans people have

⁴¹⁶ *El País*, *La población trans marcha en Bogotá y exige una ley que reconozca sus derechos*, 9 July 2023; confidential source, 9 February 2024; confidential source, 13 February 2024.

⁴¹⁷ Confidential source, 9 February 2024; UNHCR, *Colombian trans woman makes advocating for displaced LGBTIQ+ people her life purpose*, 17 May 2023; confidential source, 13 February 2024; confidential source, 14 February 2024.

⁴¹⁸ *El Colombiano*, *Mike Durán tiene la primera cédula colombiana con la letra T de trans*, 16 March 2022.

⁴¹⁹ Integración Social, *100 cédulas entregadas a personas trans, beneficiarias del Chuchú de la Cédula*, 12 March 2024; *El Espectador*, *Así es el trámite de cambio de nombre y sexo en la cédula para mujeres trans*, 16 October 2021.

⁴²⁰ Confidential source, 9 February 2024; confidential source, 13 February 2024; Infobae, *Así puede realizar el trámite de corrección de nombre y sexo de su cédula de ciudadanía*, 26 June 2023.

⁴²¹ Confidential source, 9 February 2024.

⁴²² Confidential source, 14 February 2024.

experienced difficulty in obtaining healthcare and accessing education and the formal labour market (see also 3.7.3.4 and 3.7.3.11).⁴²³

3.7.3.11 Access to the formal/informal labour market

In general, access to the formal labour market in Colombia is very limited. The share of all employed people working in the informal sector for the quarter November 2023–January 2024 was 55.7%. This was a decline of 2.0 percentage points from the same quarter of the previous year (57.7%). This means that less than half of working Colombia was employed in the formal sector.⁴²⁴ According to some confidential sources, the percentage of trans people in the formal sector was many times lower. It was nevertheless impossible to give exact figures, as DANE does not track specific figures for the trans community.⁴²⁵ According to the NGO *Fundación GAAT*, which advocated for the trans community, 4 in 100 transgender people have formal jobs.⁴²⁶

A confidential source felt that the situation had improved slightly in recent years. For example, there were projects of the Colombian government and NGOs to create jobs for trans people. The exact extent to which these projects contributed to improving the position of the trans community in the formal labour market is not known. The projects had helped several dozen trans people to find work.⁴²⁷

In the previous COI Report, a confidential source reported that many trans women ended up in sex work or became hairdressers. This view persisted during the current reporting period.⁴²⁸

3.7.3.12 Transgender people active in sex work (forced or voluntary)

Although exact figures on transgender people active in forced or voluntary sex work are not known, several sources have noted that it is common for trans people — and especially trans women — to be forced to work in the sex industry in order to support themselves. In an interview with Deutsche Welle (DW), a trans woman reported having left for Bogotá because of threats from an armed organisation in her home department. Due to a lack of support and education, she had the choice of working as a sex worker or going down the criminal path. She chose the former. A project supported by the Colombian government provided a job, however, and so she was able to leave sex work. This opportunity to escape sex work was not available for everyone (see 3.7.3.11).⁴²⁹

⁴²³ USDOS, *COLOMBIA 2022 HUMAN RIGHTS REPORT*, p. 33, 20 March 2023; confidential source, 13 February 2024; confidential source, 14 February 2024; confidential source, 9 February 2024; El Colombiano, *Mike Durán tiene la primera cédula colombiana con la letra T de trans*, 16 March 2022.

⁴²⁴ DANE, <https://www.dane.gov.co/index.php/estadisticas-por-tema/salud/informalidad-y-seguridad-social> (accessed on 20 March 2024).

⁴²⁵ Confidential source, 13 February 2024; confidential source, 14 February 2024.

⁴²⁶ USDOS, *Colombia: human rights report 2023*, April 2024.

⁴²⁷ Confidential source, 14 February 2024; DW Español, *A la espera de una ley integral trans en Colombia*, 1 December 2023: <https://www.youtube.com/watch?v=ARAXXnzmKqM>; confidential source, 13 February 2024; WRadio, *La fundación que trabaja para fortalecer la empleabilidad de las personas trans*, 10 August 2023; El País, *La población trans marcha en Bogotá y exige una ley que reconozca sus derechos*, 9 July 2023.

⁴²⁸ Ministry of Foreign Affairs, General Country of Origin Information Report on Colombia 2022, p. 109, March 2022; Noticiasrcn, *Ser mujer trans y enfrentarse a todos con el filo de un tacón*, 6 October 2023.

⁴²⁹ Confidential source, 9 February 2024; DW Español, *A la espera de una ley integral trans en Colombia*, 1 December 2023: <https://www.youtube.com/watch?v=ARAXXnzmKqM>; Noticiasrcn, *Ser mujer trans y enfrentarse a todos con el filo de un tacón*, 6 October 2023.

A confidential source noted that, because of their vulnerable situation, trans women as a group are a target of organised crime. They become victims of human trafficking and forced to work as sex workers in Colombia or abroad.⁴³⁰

- 3.7.3.13 Access to social security for trans people employed as sex workers
It should be noted that access to public services (e.g. education and healthcare) for trans people is limited (see subsection 3.7.3.10). According to a confidential source, access is even more limited for trans people who are employed as sex workers. In the informal sector, they neither build up a pension nor have access to benefits.⁴³¹

- 3.7.3.14 Detention of transgender people
There is no protocol for the detention of trans people, according to a confidential source. Trans women can be placed in prisons for women, but the prison warden has autonomy to decide what happens to a trans person. A confidential source reported never having heard of a trans man being placed in a prison for men.⁴³²

Within the prison system, there is considerable discrimination and violence against transgender people, both by fellow inmates and by prison staff. Examples include withholding medication from people living with HIV or medication for the purpose of transition, in addition to cases of sexual violence.⁴³³ The likelihood of protection against such violence is minimal (see 3.7.3.6).

- 3.7.3.15 Target of armed groups
Like other members of the LGBTIQ+ community, trans people are at risk of violence and discrimination from organised armed groups (see also 3.7.2.8).

Relocation to escape violence and/or threat

Like other threatened individuals, trans people may seek to escape violence and/or threats from organised armed groups through relocation. They nevertheless face the same obstacles as other individuals (see subsection 3.5.5). In addition, transgender people also face obstacles specific to their community (see also subsection 3.7.3.11).

- 3.7.3.16 Civil society organisations for the rights of transgender people
Civil society organisations advocating for the rights of transgender people in particular include *Red Comunitaria Trans* and *Fundación GAAT*. They work on topics such as legal aid, right to education and access to healthcare.⁴³⁴

- 3.7.4 *Indigenous peoples and the Afro-Colombian population*
Compared to the previous reporting period, little has changed with regard to the position of indigenous peoples and the Afro-Colombian population (see 3.8.3 of the General Country of Origin Information Report on Colombia 2022).⁴³⁵ During the reporting period, both communities remained marginalised and vulnerable in Colombia. As noted in section 1.7, poverty rates were highest in the departments of

⁴³⁰ Confidential source, 23 February 2024.

⁴³¹ Confidential source, 14 February 2024.

⁴³² Confidential source, 13 February 2024; confidential source, 14 February 2024.

⁴³³ Confidential source, 13 February 2024; confidential source, 14 February 2024.

⁴³⁴ Radionica, *¿Qué es la Ley Integral Trans y qué propone?*, 5 July 2023; confidential source, 9 February 2024; confidential source, 14 February 2024; <https://ligadesaludtrans.org/>; <https://caribeafirmativo.lgbt/>; <https://www.temblores.org/publicaciones>.

⁴³⁵ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, pp. 100–102, March 2022.

Chocó and La Guajira: departments with large Afro-Colombian and indigenous communities, respectively.⁴³⁶

In addition, both communities often lived in areas where fighting occurred between organised armed groups. As a result, a large number of members of both communities were amongst those affected by displacement or confinement.⁴³⁷ According to OCHA figures, some 62,967 people were displaced and 87,646 trapped in 2023. About 55% of all displaced persons and 79% of people in confinement in 2023 belonged to indigenous and/or Afro-Colombian communities, even though these groups constitute only a small part of the population.⁴³⁸ According to the 2018 census, with about 1,906,000 people, the indigenous population made up about 4.4% of Colombia's entire population. The same census indicated that 9.3%⁴³⁹ of Colombia's population — which was then about 47 million people⁴⁴⁰ — described themselves as being of African origin.⁴⁴¹

A relatively large number of indigenous social leaders were also killed. In 2023, Indepaz counted 36 murdered indigenous leaders out of a total of 188 killings of social leaders (about 20%), whilst the organisation counted 8 (4%) killings of leaders of the Afro-Colombian community (see 3.7.1.1).⁴⁴² According to the OHCHR, the attacks on authorities and leaders of indigenous and Afro-Colombian populations had a negative impact on the self-governance and physical and cultural survival of these population groups.⁴⁴³ Although perpetrators are not always known, the killing of indigenous and Afro-Colombian leaders is a means for armed groups to assert or expand control over their communities. Indigenous social leaders are additionally committed to land conservation for their communities and oppose illegal activities by armed groups and/or the corporate sector. There is thus overlap between indigenous and environmental activists. Examples include opposition to deforestation for coca cultivation or mining.⁴⁴⁴

3.7.5 *Gülenists*

No information was found on the risk of being deported to Türkiye for Gülenists. When asked, a confidential source reported having no knowledge of Turkish asylum seekers in Colombia who were supporters of the religious leader Gülen.⁴⁴⁵

3.7.6 *Women*

3.7.6.1 Legislation to protect against sexual and domestic violence

⁴³⁶ Radio Nacional de Colombia, *La diversidad cultural en Colombia, una hermosa realidad*, 12 October 2023: IWGIA, *Entre Colombia y Venezuela: los wayúu frente a la pobreza, la sequía, el despojo y la violencia*, 6 December 2021.

⁴³⁷ Known as *Confinamiento* in Spanish: this refers to communities that cannot move and are confined to a particular area (e.g. due to mines, checkpoints of illegal armed groups or violence).

⁴³⁸ Naciones Unidas, *Colombia: Pese a cierta reducción de la violencia en 2023, sigue amenazada la vida de muchas comunidades*, 28 February 2024.

⁴³⁹ This percentage is disputed by various parties and is estimated to be between 15 and 30 percent.

⁴⁴⁰ Colombia had about 51 million inhabitants in 2023.

⁴⁴¹ OCHA, *Colombia: Informe de situación humanitaria 2023 - Enero a octubre de 2023*, 24 November 2023; Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 100, March 2022.

⁴⁴² Indepaz, *LÍDERES SOCIALES, DEFENSORES DE DD.HH Y FIRMANTES DE ACUERDO ASESINADOS EN 2023*, 20 December 2023.

⁴⁴³ OHCHR, *Situation of human rights in Colombia - Report of the United Nations High Commissioner for Human Rights (A/HRC/55/23) (Unofficial English version)*, p. 9, 14 February 2024.

⁴⁴⁴ France24, *Colombia deadliest country for green activists in 2022, says report*, 13 September 2023; Reuters, *How campaigners' killings hurt environmental protection in Colombia*, 11 November 2023; Al Jazeera, *Colombian environmental activists deluged by threats*, 9 May 2022; Debates Indígenas, *Indígenas, narcotráfico y geografía del terro*, 1 May 2024.

⁴⁴⁵ Confidential source, 23 February 2024.

Law 1257 of 2008 or the Women's Right to a Life Free of Violence Act is one of the most important initiatives setting standards for awareness, prevention and punishment for various forms of violence and discrimination against women, in both the domestic and the public sphere.⁴⁴⁶ Another important women's protection statute is Law 1761 of 2015 or the Rosa Elvira Cely Act, which classifies femicide as a crime in and of itself. Femicide is a hate crime, in which a woman is killed because she is a woman. Law 1719 of 2014 provides victims of sexual violence, especially in the context of armed conflict, with access to justice and guarantees a range of other measures.⁴⁴⁷ In June 2022, the Colombian parliament passed Law 2215, which implemented shelters as a protection measure for female victims of violence (in all its forms), as well as for their children and dependents (see also subsection 3.7.6.3).⁴⁴⁸

3.7.6.2 Possibility of filing a report and obtaining protection

Women have the possibility of reporting sexual (or other forms of) violence. According to figures from Colombian authorities, there was an alarming increase in cases of domestic violence and sexual crimes in Colombia in 2023. With 109,674 reported cases of domestic violence, 71% of which involved assaults against women, an average of 213 women were assaulted each day in the country. The National Institute of Health (INS: *Instituto Nacional de Salud*) wrote that there were 159,899 cases of alleged gender and domestic violence in 2023: an increase of 17% compared to the previous year. The National Police recorded 23,366 victims of these violations for 2023, with a greater share of sexual acts with minors under 14 years of age, which accounted for 39% of the total.⁴⁴⁹

3.7.6.3 Protection in practice

In practice, the number of people experiencing gender-based and domestic violence was much higher than the number of reports suggests. Many women do not report crimes for fear of reprisals from the perpetrator or because they are (financially) dependent on the perpetrator. According to the International Committee of the Red Cross, in most cases, sexual violence was not reported for fear of being victimised again or because of feelings of guilt or shame. Based on random surveys, the news channel Cambio reported that 13% of women older than 18 years of age in Bogotá said that they had been victims of violence between 2020 and 2021. This purportedly involved about 400,000 women, whereas the police received only 53,000 reports for that period.⁴⁵⁰ According to a press article, Colombian authorities recorded a 50% increase in recorded cases of family violence, including femicide and sexual violence. Between January and April 2024, 48,816 incidents were recorded, as compared to 32,342 in the same period the year before.⁴⁵¹ The NGO ACAPS identified the following barriers to reporting gender-based violence: normalisation of violence within Colombian society; insufficient knowledge about reporting mechanisms; the presence of armed groups that (amongst other things) hinder victims' freedom of movement; discrimination against the LGBTIQ+ community; lack of trust in government agencies; and economic dependence on perpetrators.⁴⁵²

⁴⁴⁶ Congreso de la República, *LEY 1257 DE 2008*, 4 December 2008.

⁴⁴⁷ El Tiempo, *¿Cuáles son las leyes que protegen a la mujer en Colombia?*, 11 April 2021.

⁴⁴⁸ Ámbito Jurídico, *Implementan casas de refugio para proteger a mujeres víctimas de violencia*, 28 June 2022.

⁴⁴⁹ Infobae, *Alarmantes cifras de violencia contra las mujeres en Colombia: ha habido 20 feminicidios en lo que va del 2024*, 8 March 2024; Cambio, *La violencia de género se disparó: 'Es la manifestación más salvaje de la violencia machista'*, 17 January 2024.

⁴⁵⁰ Cambio, *La violencia de género se disparó: 'Es la manifestación más salvaje de la violencia machista'*, 17 January 2024; confidential source, 14 February 2024; CICR, *Retos Humanitarios 2023 Colombia*, p. 5, 22 March 2023.

⁴⁵¹ La Silla Vacía, *Violencia Intrafamiliar subió un 51% este año: hay más de 48 mil casos*, 31 May 2024.

⁴⁵² ACAPS, *Colombia GBV cases and response gaps*, 11 April 2023.

Several sources, both public and confidential, agreed that impunity for violent crimes against women is very high. Without providing further details, the Fiscalía mentioned that 40% of all known sexual offences and 60% of all cases of domestic violence between 2020 and 2023 had been resolved.⁴⁵³ In this regard, it is important to note that, according to several sources, impunity for violence against women is much higher than the Fiscalía figures suggest. A confidential source stated that 96% of all violent crimes against women go unpunished. More specifically, 15% of all investigations into killings of women in 2022 purportedly led to the criminal prosecution of the perpetrator.⁴⁵⁴

According to the NGO ACAPS, there were significant gaps in primary care for victims of gender-based sexual (or other forms of) violence. For example, there is no comprehensive system of care for victims; care workers are inadequately trained and there is a high turnover of trained staff; and coordination between agencies is lacking, as are facilities, equipment and adequate care and services for the various impacts on victims (e.g. legal help, psychosocial help, shelter, medical care).⁴⁵⁵ As noted in subsection 3.7.6.1, shelters were created by law in 2022 for the protection of women who were victims of violence in all its forms and types, as well as for their children and dependents. A confidential source noted that these shelters are located primarily in the larger cities. These shelters are paid for by the Colombian government healthcare system. The number of places in the shelters was minimal, and accommodation in them is of a temporary character. According to this source, two million women and children were living in vulnerable environments in 2022. The Colombian care system was not prepared for this. For women living in areas where there was little or no state presence, access to protection was also minimal.⁴⁵⁶ It is not known whether the number of shelters increased during the current reporting period.

3.7.6.4 Protection in case of a spouse as perpetrator

In cases where the perpetrator of violence against a woman is the husband, it is important to get the woman as far away from the perpetrator environment as possible. According to a confidential source, this was also the intention of the shelters. There were instances of victims of domestic violence returning to their spouses anyway, for example because they were not financially independent.⁴⁵⁷

3.7.6.5 Relocation for women to escape violence

Women seeking to escape violence through relocation often face greater obstacles than men seeking to escape violence through relocation (see subsection 3.5.5). Women often have dependent children with them, and they are also often financially dependent on their husbands. In many cases, the husband (i.e. the perpetrator of domestic violence) is the reason for relocation.⁴⁵⁸

3.7.6.6 Possibility and effectiveness of restraining orders

⁴⁵³ Cambio, *La violencia de género se disparó: 'Es la manifestación más salvaje de la violencia machista'*, 17 January 2024.

⁴⁵⁴ Infobae, *Alarmantes cifras de violencia contra las mujeres en Colombia: ha habido 20 feminicidios en lo que va del 2024*, 8 March 2024; confidential source, 14 February 2024; Pares, *El (complicado) conteo de los feminicidios en Colombia*, 16 May 2023; USDOS, *COLOMBIA 2022 HUMAN RIGHTS REPORT*, p. 26, 20 March 2023.

⁴⁵⁵ ACAPS, *Colombia GBV cases and response gaps*, 11 April 2023. See also: InterAction, *Can afro-colombian & indigenous survivors access colombia's gender-based violence framework?*, 6 November 2023.

⁴⁵⁶ Confidential source, 14 February 2024.

⁴⁵⁷ Confidential source, 20 February 2024.

⁴⁵⁸ Confidential source, 14 February 2024.

Under Colombian law, it is possible to apply for a restraining order. Such orders are usually issued by a judge.⁴⁵⁹ The extent to which these restraining orders are imposed, effective and contribute to the protection of women remained unclear.

3.7.6.7 Other social initiatives providing protection for women

According to a confidential source, the government is not sufficiently able to provide protection for female victims of domestic violence. For this reason, they must rely on NGOs, such as *Ruta Pacífica de las Mujeres*, *Liga Internacional de Mujeres por la Paz y la Libertad* (LIMPAL Colombia) and *Corporación de Apoyo a Comunidad Populares* (CODACOP). These organisations are working together in a joint initiative known as Women Influencing Peace (*Mujeres que inciden en la paz*). These organisations do not have national coverage,⁴⁶⁰ however, and they are not represented in all departments.⁴⁶¹

3.7.7 Opportunity for female social leaders and their relatives to file police reports and find protection

The Defensoría counted 21 murders of female social leaders out of a total of 181 over the year 2023.⁴⁶² The NGO *Comisión Colombiana de Jurista* argued that the high number of casualties among female social leaders showed that female social leaders had no guarantees for carrying out their human rights defence work from the gender perspective. Furthermore, there was no adequate and effective model for the protection of women. According to the NGO, it was necessary to ensure the actual implementation of the 2018 Integral Programme of Guarantees for Women Leaders and Human Rights Defenders (*Programa Integral de Garantías para Líderesas y Defensoras de Derechos Humanos*).⁴⁶³

Like any woman, female social leaders have the possibility of filing reports, and they encounter the same obstacles (see subsection 3.7.6.2). Although the Petro government wanted to push for better protection for women leaders, several sources claimed that female social leaders encounter even greater obstacles when applying for protection than their male counterparts. Stigmas surrounding the role of female social leaders continue to persist within Colombian society, and particularly within the Colombian security apparatus. According to a confidential source, there is officially no distinction between men and women in procedures when applying for protection. The protection offered to women generally does not adequately take into account the circumstances of women, including caring for children or the elderly (a task not usually undertaken by men), access to education and/or medication for the dependents of women. As a result, women must make a trade-off between performing these types of tasks or taking advantage of the protection offered. The source of danger may also be different for women than they are for men, according to the confidential source, and this could have implications for protection options. For example, women are more likely to be victims of sexual violence, but it is rarely reported. Without a formal report of an offence, however, obtaining protection from the UNP is more difficult.⁴⁶⁴ Additional information on the protection of social leaders is presented in (sub)sections 3.5.3, 3.6.1 and 3.7.6.5.

3.7.8 Unaccompanied minors

⁴⁵⁹ El Tiempo, *¿Cómo pedir una orden de restricción?*, 25 June 2021.

⁴⁶⁰ They work for community initiatives, for example, in La Guajira, Bolívar, Nariño, Cauca, Putumayo and Meta.

⁴⁶¹ <https://mujeresincidenporlapaz.com/> (accessed on 22 March 2024); confidential source, 14 February 2024.

⁴⁶² Defensoría del Pueblo, *INFORME ANUAL HOMICIDIOS A LÍDERES SOCIALES Y DEFENSORES DE DDHH*, 9 January 2024.

⁴⁶³ CCJ, *Patrones de violencia contra personas defensoras, líderes y lideresas sociales en Colombia durante el primer semestre de 2023*, p. 5, 9 October 2023.

⁴⁶⁴ Confidential source, 20 February 2024; confidential source, 14 February 2024; Confidential source, 19 April 2024.

3.7.8.1 Age of majority

Article 1 of Law 27 of 1977 (Ley 27 de 1977) provides that eighteen years is the age at which an individual attains majority. Article 2 of this act states that, in all cases where the law specified the age of 21 years⁴⁶⁵ to be able to perform certain legal acts or as a condition for acquiring the power to exercise civil rights, it now applies to older than eighteen years of age.⁴⁶⁶

3.7.8.2 Compulsory education (and its enforcement)

According to Article 67 of the Constitution, the State, society and the family are responsible for education, which is compulsory between the ages of five and fifteen years and must include at least one year of pre-school education and nine years of primary education⁴⁶⁷.⁴⁶⁸ As far as is known, no new laws on compulsory education were passed in Colombia during this reporting period.

According to *Semana* magazine, about one and a half million minors between the ages of five and sixteen years were not attending school in 2016. That was about ten percent of all children in that age range.⁴⁶⁹ During the COVID-19 pandemic, the situation of compulsory students not attending school deteriorated. The percentage of five-year-old children not attending school was 14.4%, 19.9% and 26% in the years 2019, 2020 and 2021, respectively. For children 6–10 years of age, these figures were 3.6%, 4.6% and 5.7%, respectively, and for ages 11–14, they were 5.2%, 4.4% and 5.5% respectively.⁴⁷⁰ The extent to which compulsory education is enforced in Colombia is not known. As mentioned earlier in this report, there are areas in Colombia where the state has little or no presence. According to a confidential source, 'Pastoral Social' (the diaconal branch of the Catholic Church) provides primary school teachers in some areas where there is no government presence.⁴⁷¹

3.7.8.3 Travel and/or identity documents for minors

The various paragraphs under section 2.1 of the General Country of Origin Information Report on Colombia 2022 deal with travel and identification documents for minors and the procedures for applying for these documents. A minor must always be accompanied by a parent or legal representative when applying for and collecting a travel and/or identity document. As far as is known, no changes occurred during the reporting period.

3.7.8.4 Permission for minors to travel abroad

On 8 May 2007, Law 1098 of 2006 (Ley 1098 de 2006) came into force. Article 110 of this act states that 'if a child or adolescent⁴⁷² travels abroad with one of the parents or someone other than the legal representatives, the child must have the prior consent of the parent, or parents, who are not accompanying the child on the trip'. This is a legalised consent form that must be drawn up in writing and the signatures on which must be certified by a notary public.⁴⁷³ As far as is known, this

⁴⁶⁵ Before 1977, this had been 21 years, which was when an individual attained the age of majority in Colombia.

⁴⁶⁶ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 111, March 2022.

⁴⁶⁷ Primary education in Colombia takes nine years: primary school for five years and secondary school for four years.

⁴⁶⁸ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 111, March 2022.

⁴⁶⁹ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 111-112, March 2022.

⁴⁷⁰ El Colombiano, *Hay 206,000 niños de 5 años sin educación preescolar, ¿por qué es tan importante?*, 13 July 2022.

⁴⁷¹ Confidential source, April 2024.

⁴⁷² Article 3 of the law states that a child (*niño* or *niña*) is a person between 0 and 12 years of age and an adolescent (*adolescente*) is a person between 12 and 18.

⁴⁷³ LEY 1098 DE 2006, 8 November 2006.

law was still in force during the current reporting period (see also section 3.10 of the General Country of Origin Information Report on Colombia 2022).

- 3.7.8.5 Legal custody of a minor upon the death of one or both parents
The ICBF (*Instituto Colombiano de Bienestar Familiar*) is the competent authority for the protection of children. When a child loses the parents or if the parents lose their rights over the child, the ICBF is responsible for the child. A *defensor de familia* (family defender)⁴⁷⁴ from the ICBF evaluates the child's situation and determines which type of care (*modalidad de instituto*) the child needs.⁴⁷⁵

- 3.7.8.6 Accommodation for unaccompanied minors
In the first instance, close relatives are always regarded as the first means of accommodation for unaccompanied minors. The ICBF provides a grant to these families to take care of the child. If there are no close relatives, in most cases, the child will go to a '*hogar sustituto*' (alternative home). This is accommodation with an unrelated family. These families also receive grants. Another option is accommodation in a '*casa de protección*' (protection home). The child may eventually be adopted. An adoptive family does not receive money from the state. Unaccompanied minors who are not adopted remain dependent on the Colombian state and fall under the responsibility of the ICBF.⁴⁷⁶

The ICBF itself has no shelters for unaccompanied minors. Organisations such as private and church-based institutions providing care for unaccompanied minors must meet ICBF standards. No distinction is made based on personal characteristics (e.g. religion, ethnicity, origin) with regard to accessing accommodation for unaccompanied minors.⁴⁷⁷

- 3.7.8.7 Access to education, medical care; availability of food, clothing, hygiene and psychological help
According to a confidential source, there is no unambiguous overview of standards and benchmarks regarding the care of single children. Although the government (or the ICBF) has set standards, they are not always met, especially outside the major cities. There are major differences between the various departments. Although accommodations in big cities may be more compliant than they are in rural areas, unaccompanied minors in rural areas are more likely to be taken in by the community or family. The greatest challenge concerns the right to education and healthcare, as it is not always possible to provide these services.⁴⁷⁸

That the ICBF standards are not always met is evidenced by the number of children under ICBF responsibility who have died due to malnutrition. Of the 265 children who had died of malnutrition in La Guajira between 2019 and 2022, 95 were part of an ICBF programme. This case was not limited to unaccompanied minors. According to an inspection report by government agencies responsible for implementing childcare in La Guajira, the cause was a lack of funding allocation specifically for

⁴⁷⁴ This *Defensor* has nothing to do with the Defensoría Nacional (National Ombudsman). Although the name may be the same; the *defensor de familia* is not affiliated with the Defensoría.

⁴⁷⁵ Confidential source, 13 February 2024; Abogados de Familia, *Diferencias entre los defensores y los comisarios de familia*, 29 August 2023.

⁴⁷⁶ Confidential source, 13 February 2024; ICBF, *Proceso Administrativo de Restablecimiento de Derechos*: <https://www.icbf.gov.co/programas-y-estrategias/proteccion/proceso-administrativo-de-restablecimiento-de-derechos-1b312af4-cf5f-415f-b853-133f7f643711> (accessed on 28 March 2024).

⁴⁷⁷ Confidential source, 13 February 2024; ICBF, *Proceso Administrativo de Restablecimiento de Derechos*: <https://www.icbf.gov.co/programas-y-estrategias/proteccion/proceso-administrativo-de-restablecimiento-de-derechos-1b312af4-cf5f-415f-b853-133f7f643711> (accessed on 28 March 2024).

⁴⁷⁸ Confidential source, 13 February 2024.

programmes aimed at combating malnutrition, as well as a lack of communication between different agencies involving cases of malnutrition.⁴⁷⁹ In November 2023, the newspaper *El Espectador* charted the number of deceased foreign children based on information from the ICBF. Between 2018 and July 2023, 36 foreign children died participating in an ICBF programme. Of these children, 34 had Venezuelan nationality and 27 had been placed in foster families or in shelters through the ICBF.⁴⁸⁰

3.8 Gota a gota – irregular lending

The preceding sections discuss the position of specific groups in Colombia. The following sections describe the course of action and risks involved in irregular lending.

3.8.1 *Meaning of gota a gota*

Drop-by-drop (*gota a gota*) is a type of irregular lending to individuals who have no access to regular loans and who need a loan quickly for an acute situation. Gota a gota loans are offered primarily by armed and criminal groups, who seek to collect the money offered on short notice at extremely high interest rates. Public sources do not provide clear information with regards to the amount to be reimbursed. The newspaper *El País* wrote that interest rates can be as high as twenty percent per day of the amount borrowed. Noticias Caracol reported that the amount repaid could be up to 400% of the money borrowed. After the loan is granted, members of the criminal network engage in threats and violence if the debtor cannot repay the loan. The criminal networks do not shy away from threatening and violently confronting friends and relatives of the debtor if repayments are not (timely) made. Criminal organisations (e.g. the *Oficina de Envigado* and the *Clan del Golfo*) have the greatest involvement in gota a gota. In some cases, these organisations get smaller gangs to do the work for them. The practice has existed in Colombia for decades and has spread to other countries in Latin America. According to Insight Crime, Colombian criminal organisations have paid local drug trafficking networks in Mexico (e.g. to provide gota a gota loans in their territories).⁴⁸¹

3.8.2 *Lending methods*

If someone wants to borrow money through the gota a gota system, it can be done in person, where the debtor is given money from someone else. There are also applications, touted through Facebook or other channels, which allow a person to borrow money quickly without too much red tape. One of these applications is known as PréstamoPlus.⁴⁸² In some cases, individuals find that money has been deposited in their virtual wallets without them having requested it. Soon after depositing the initial amount — in many cases, no more than a few dozen euros worth of Colombian pesos — the recipient of the money is asked to repay, with interest charged immediately. It is difficult to ascertain who is behind the deposited

⁴⁷⁹ *El Espectador*, *En La Guajira, 95 niños y niñas que murieron por desnutrición estaban en programas ICBF*, 15 November 2023; Contraloría General de la República, *190 - Contraloría General estableció 21 hallazgos fiscales por \$12,088 millones, al verificar cumplimiento de órdenes de Sentencia de la Corte Constitucional sobre derechos fundamentales de niñas y niños Wayuú*, 2023.

⁴⁸⁰ *El Espectador*, *Los 38 menores de edad migrantes que han fallecido cuidado del ICBF*, 11 November 2023.

⁴⁸¹ Insight Crime, *Banqueros criminales en Latinoamérica: una explicación del monopolio de Colombia en el gota a gota*, 28 July 2023; *El País*, *Gota a gota: qué son y cómo funcionan los préstamos ilegales ofrecidos por grupos criminales*, 3 October 2023; confidential source, 23 January 2024; *El País*, *La lucha contra los préstamos 'gota a gota', un producto 100% colombiano*, 9 March 2024; Noticias Caracol, https://www.youtube.com/watch?v=4mDTI_gy8gM, 3 August 2023.

⁴⁸² Latina Noticias, <https://www.youtube.com/watch?v=Y2kj7qpCbmc>, 1 September 2023.

money. The individuals behind this virtual method of gota a gota have often been able to create complete profiles of their victims through social media, such that they have access to the necessary personal data.⁴⁸³

3.8.3 *Risks upon taking out a gota a gota loan*

The interest rates to be paid for a loan through the gota a gota system are many times higher than they are for a normal loan (see above). Due to these high interest rates, many debtors are unable to pay off their loans. The implications of this are discussed in the following section.⁴⁸⁴

3.8.4 *Consequences of not paying off a loan*

If a debtor is unable to repay the loan, the criminal organisation that provided the credit will resort to (death) threats and/or physical violence. In some cases, members of the criminal organisation break into the debtor's home to seize valuables.⁴⁸⁵

3.8.5 *Possibility of reporting in case of threats regarding gota a gota*

Although Colombian law does not directly criminalise borrowing money, it does criminalise usury and any form of intimidation or extortion that lenders resort to once the repayment period has expired. During the reporting period, some victims of gota a gota usury filed reports with the police. According to Noticias Caracol, however, the fear of repercussions deterred many victims from reporting. Of the eighty victims claimed by the Tren de Aragua criminal group in the Bogota suburb of Soacha, only four people filed police reports. These reports eventually led to the arrest of four of the perpetrators. In June 2023, Infobae wrote that, up to that point, 8,000 people had filed police reports as victims of the virtual gota a gota method. In a joint operation between the Fiscalía and the National Police in October 2023, nine people allegedly related to this lending method were arrested. It is not known how many reports actually lead to a criminal case and prosecution (see also subsection 3.5.2).⁴⁸⁶

3.9 **Extortion**

Increasing extortion

In Colombia, extortion is a crime, defined in the penal code as 'forcing another to do, tolerate or refrain from doing something, with the aim of obtaining an unlawful advantage for oneself or for a third party'. Most illegal armed groups are associated with this illegal practice. Extortion has become a growing source of income for these organisations in recent years, especially as it is less risky than other illegal activities (e.g. drug trafficking). According to a confidential source, reasons for the rise in extortion include the reduction in coca yields. To make money, many criminal

⁴⁸³ Noticias Caracol, https://www.youtube.com/watch?v=4mDTl_gy8gM, 3 August 2023.

⁴⁸⁴ Noticias Caracol, *Así cobran los gota a gota de Soacha: cámaras de seguridad captaron su violento accionar*, <https://www.youtube.com/watch?v=Q2GtIXdp-oQ>, 6 July 2023.

⁴⁸⁵ Noticias Caracol, *Así cobran los gota a gota de Soacha: cámaras de seguridad captaron su violento accionar*, <https://www.youtube.com/watch?v=Q2GtIXdp-oQ>, 6 July 2023; Latina Noticias, <https://www.youtube.com/watch?v=Y2ki7qpCbmc>, 1 September 2023; City TV, <https://www.youtube.com/watch?v=zwEdpqmvRCI>, 14 February 2023.

⁴⁸⁶ El País, *La lucha contra los préstamos 'gota a gota', un producto 100% colombiano*, 9 March 2024; Noticias Caracol, <https://www.youtube.com/watch?v=Q2GtIXdp-oQ>, 6 July 2023; Infobae, *Más de 8.000 personas han denunciado ser víctimas del 'gota a gota virtual'*, 29 June 2023; Redmas, *Las tácticas de los 'gota-gota virtuales' en las que han caído más de 8.000 colombianos*, 9 October 2023.

organisations have turned to extortion. According to figures from the organisation *Corporación Excelencia en la Justicia* (CEJ),⁴⁸⁷ in the first half of 2023, extortion increased by 38% relative to the same period in 2022. This translates into an average of 29 extortions committed each day during this period.⁴⁸⁸

Mode of approach

Extorting a person can be done quite anonymously, and modern technologies (e.g. mobile phone, social media) do not require physical contact with the victim. Intermediaries may be used to extort individuals. For example, the Clan del Golfo used a minor to extort shopkeepers and farmers in the departments of Casanare, Meta and Boyacá and Cundinamarca.⁴⁸⁹ Based on figures from the Colombian National Police, the CEJ wrote that the telephone was the main tool used by criminals (42.6%), followed by direct extortion (23.2%), social networks (14.6%) and extortion letters (6.7%).⁴⁹⁰

Victims

The victim of extortion is often a small shopkeeper who is required to pay so-called protection money. Other people in a community where an illegal group is active or in control, however, are not spared either. Even a small renovation can sometimes result in someone being extorted.⁴⁹¹ Almost all the intermediaries in the port city of Buenaventura are extorted by local groups: either the Shottas or the Espartanos. As noted by a confidential source, although a ceasefire has been agreed between the two groups, they continue to extort individuals unabated.⁴⁹²

In some cases, a person's car is stolen and the car is returned for payment. In particular, the Pachencas operating on Colombia's Caribbean coast receive extortion money from the tourism industry that has sprung up in the region in recent years. This group has purportedly also forced landowners to sell their properties and share some of the profits with them.⁴⁹³

Amounts and frequency of extortion payments

It is not possible to state a fixed amount of the money to be paid in extortion cases. It often involves regular payments — 'protection money'⁴⁹⁴ — instead of a one-off amount. These regular payments usually amount to several dozen euros worth of Colombian pesos. According to a confidential source, actual protection — often against other extortionists — was indeed provided in the past, but it is now common for individuals to have to make payments to multiple parties. In some cases, an individual may be asked for a one-off payment. The amounts can then add up to several thousand euros worth of Colombian pesos. In most cases, however, the

⁴⁸⁷ The organisation is a justice think tank and an opinion leader whose aim is to provide a medium and long-term strategic vision for the justice sector.

⁴⁸⁸ CEJ, *Se agudiza la criminalidad en Colombia: cada día más de mil personas son víctimas de hurtos y/o extorsión*, 21 September 2023; Razón Pública, *La extorsión, una amenaza en aumento*, 22 October 2023; confidential source, 13 February 2024.

⁴⁸⁹ France24, *In the Colombian jungle with ELN rebels*, 16 November 2023; El Tiempo, *Capturan a 20 integrantes del Clan del Golfo por extorsión, sicariato y microtráfico*, 22 September 2023; Cambio, *Clan del Golfo usaba menor para extorsiones e inteligencia*, 26 July 2023; Insight Crime, *The Shottas*, 24 November 2023; Insight Crime, *The Pachencas*, 10 May 2022; Razón Pública, *La extorsión, una amenaza en aumento*, 22 October 2023.

⁴⁹⁰ CEJ, *Se agudiza la criminalidad en Colombia: cada día más de mil personas son víctimas de hurtos y/o extorsión*, 21 September 2023.

⁴⁹¹ The extortionists believe that if someone can afford renovations, they will also be able to pay a ransom.

⁴⁹² Insight Crime, *The Shottas*, 24 November 2023; confidential source, 19 February 2024.

⁴⁹³ El Tiempo, *Capturan a 20 integrantes del Clan del Golfo por extorsión, sicariato y microtráfico*, 22 September 2023; Cambio, *Clan del Golfo usaba menor para extorsiones e inteligencia*, 26 July 2023; Insight Crime, *The Shottas*, 24 November 2023; Insight Crime, *The Pachencas*, 10 May 2022.

⁴⁹⁴ The small amounts paid with money from extortion are known as 'vacuna' (vaccination).

extortion does not stop at a single payment. A confidential source noted that, as long as extortionists still believe they can get money from someone, they will continue to extort.⁴⁹⁵

Collection methods

As with the approach, there are several ways in which the money is collected. It can be done in person, through online payments or through intermediaries.⁴⁹⁶

Harassment, threats and physical violence — including the killing of relatives — are ways in which victims are forced to pay. In some cases, extortionists also appropriate the property of victims if they do not pay. To ensure payments, relatives and employees (if any) are threatened as well. Incidents are known in which shopkeepers or farmers (or their employees) were killed because they refused to pay extortionists.⁴⁹⁷ For example, in December 2023, the newspaper *El Tiempo* reported that a shop employee was killed after the shop owner refused to pay. According to the article, the police then offered protection to the owners, both for the storefront and for personal protection. Purportedly, however, the owner decided to leave the country after the incident.⁴⁹⁸ In early January 2024, a shop owner was killed in Bogota, reportedly by the criminal gang 'Los Satanas', after he refused to pay. According to reports, the owner had reported the threats he had received in late December 2023.⁴⁹⁹ In January 2024, the news channel Noticias RCN reported that many shop owners in Bogota had closed their shops for fear that the threats they had received would be carried out. The reports used the example of a man who had opened a shop in Bogota after fleeing violence from one of the conflict zones. Shortly after opening his shop, he was sent pamphlets and an audio message stating that he had to pay one million pesos (about EUR 250). If he did not pay, he would be killed and his shop set on fire. The man decided to close his shop as a result of the threats.⁵⁰⁰ Extortionists may demand possessions (e.g. cars, houses or jewellery) when the debtor has no money to pay. A confidential source noted that the extortionists are generally interested in making quick money and are not interested in taking over houses.⁵⁰¹ The administrative arrangements by which debts are repaid by transferring property or other assets is not known.

Reporting to the police in case of extortion

Reports may be filed with the police in case of extortion. According to the information and statistics system of the Colombian National Police (SIEDCO), 6,529 cases of extortion had been reported as of 31 August 2023. Most extortion cases took place in the department of Antioquia (1,041 cases), followed by Atlántico (832

⁴⁹⁵ Infobae, *Tienen doce horas para pagar o le 'explotan' el negocio: así extorsionan a comerciantes en el sur de Bogotá*, 23 October 2023; *El Tiempo*, *Capturan a 20 integrantes del Clan del Golfo por extorsión, sicariato y microtráfico*, 22 September 2023; DW, *La 'vacuna', un delito que erosiona la economía colombiana*, 17 January 2023; confidential source, 19 February 2024; confidential source, 13 February 2024

⁴⁹⁶ France24, *In the Colombian jungle with ELN rebels*, 16 November 2023; *El Tiempo*, *Capturan a 20 integrantes del Clan del Golfo por extorsión, sicariato y microtráfico*, 22 September 2023; *Cambio*, *Clan del Golfo usaba menor para extorsiones e inteligencia*, 26 July 2023; Insight Crime, *The Shottas*, 24 November 2023; Insight Crime, *The Pachencas*, 10 May 2022; Razón Pública, *La extorsión, una amenaza en aumento*, 22 October 2023.

⁴⁹⁷ *El Tiempo*, *Asesinan a empleado de tienda en Sincelejo porque su jefe se negó a pagar extorsiones*, 26 December 2023; Infobae, *Tienen doce horas para pagar o le 'explotan' el negocio: así extorsionan a comerciantes en el sur de Bogotá*, 23 October 2023; Insight Crime, *The Pachencas*, 10 May 2022; confidential source, 20 February 2024; Colombia Diversa, *La realidad de la discriminación Situación de derechos humanos de las personas LGBTIQ+ en Colombia*, p. 16, 6 December 2023.

⁴⁹⁸ *El Tiempo*, *Asesinan a empleado de tienda en Sincelejo porque su jefe se negó a pagar extorsiones*, 26 December 2023.

⁴⁹⁹ Infobae, *Asesinaron a comerciante en Bogotá tras negarse a pagar una extorsión*, 9 January 2024

⁵⁰⁰ Noticias RCN, *Víctima de extorsión por miedo de ser asesinado a manos de 'Los Satanas' cerró su negocio*, 20 January 2024.

⁵⁰¹ Confidential source, 13 February 2024.

cases), Cundinamarca (797 cases) and Valle del Cauca (662 cases).⁵⁰² According to police figures, the number of reports had gone from 9,791 cases in 2022 to 10,263 in 2023 — an increase of 5%. Of all individuals filing police reports in 2023, 77% purportedly had not eventually acceded to the demands of the extortionists. By 2023, 2,775 people had purportedly been arrested by Colombian police for extortion practices.⁵⁰³ After extortion charges were filed against a subdivision of the Clan del Golfo — the ‘Gonzalo Oquendo Urrego’ — a joint action by the army, air force and the CTI of the Fiscalía arrested four members of the criminal group (for more information on charges, see 3.2).⁵⁰⁴

According to confidential sources, these successes stand in stark contrast to the extremely high level of impunity surrounding extortion practices. Due to intimidation, direct threats, violence and fear of reprisals, many victims dare not file police reports on the crime, and perpetrators remain unpunished.⁵⁰⁵

3.10 Compulsory military service

In principle, compulsory military service is required for every young man who has reached the age of eighteen years. As stated in the previous COI Report, men belonging to certain categories (e.g. members of indigenous communities, only sons, conscientious objectors) did not have to serve. There was also an option to buy out of compulsory military service. Men failing to appear when called up for compulsory military service and who had not received exemption were required to pay a fine that increased along with the length of the delay. More detailed information on compulsory military service in Colombia is presented in subsection 3.12.6 of the General Country of Origin Information Report on Colombia 2022.⁵⁰⁶

In late 2021, Colombia’s Constitutional Court ruled that members of the Afro-Colombian, Raizal and Palenquero⁵⁰⁷ communities were also excluded from compulsory military service. Previously, only young men from the indigenous community were exempt from compulsory military service. The Constitutional Court’s decision also exempted members of other minorities in Colombia from compulsory military service.⁵⁰⁸

As stated in the previous COI Report, trans men were not exempt from compulsory military service. It was purportedly also not an option for them to fulfil such service, however, due to the fear of discrimination and possible aggression, given the macho culture in the Colombian military. Trans men therefore encountered difficulties in the labour market, as they were unable to produce a military booklet (*libreta militar*) when asked to do so.⁵⁰⁹ According to several sources, this situation had not changed

⁵⁰² Razón Pública, *La extorsión, una amenaza en aumento*, 22 October 2023.

⁵⁰³ El Tiempo, *En seis ejes concentra la Policía Nacional ruta para reducir la extorsión en Colombia*, 14 January 2024.

⁵⁰⁴ Cambio, *Clan del Golfo usaba menor para extorsiones e inteligencia*, 26 July 2023.

⁵⁰⁵ Confidential source, 19 February 2024; confidential source, 23 February 2024; Colombia Diversa, *La realidad de la discriminación Situación de derechos humanos de las personas LGBTQ+ en Colombia*, p. 101, 6 December 2023.

⁵⁰⁶ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, pp. 123–124, March 2022.

⁵⁰⁷ The Raizales constitute an ethnic community, as they have their own language and culture. Their Afro-Anglo-Antillean cultural roots are reflected in a strong cultural identity that sets them apart from the rest of the Colombian population. The Palenquero people are the only Afro-Colombian people in mainland Colombia that still speak a language of African origin: Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 24, March 2022.

⁵⁰⁸ El País, *Comunidades negras, raizales y palenqueras no tendrán que prestar servicio militar obligatorio*, 10 December 2021.

⁵⁰⁹ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 123, March 2022.

during the reporting period of this COI Report.⁵¹⁰ During the reporting period, a bill was debated in parliament to ensure that compulsory military service would no longer be mandatory for women, trans people and non-binary people. The Senate had yet to consider the draft bill.⁵¹¹ According to USDOS, religious groups noted that it remained difficult for individuals to be exempted from military service on religious grounds.⁵¹²

During the current reporting period, Law 2341 of 2023 was passed, which stipulates that Colombians who are regarded as draft evaders will be given the opportunity to resolve their situation. Draft evaders are individuals who did not complete their compulsory military service when they should have done so. Amongst other provisions, the law stipulates that young men over 24 years of age and university students who have completed at least five semesters will be fully exempted from fines if they had not completed their compulsory military service or if they had not been exempted from compulsory military service. They will nevertheless still be required to pay a compensatory fee to obtain a military booklet. This amount was calculated in proportion⁵¹³ to income.⁵¹⁴

3.11 Recruitment of minors

Despite the government's efforts to make peace with illegal armed organisations, the forced recruitment of minors by these organisations continued to be one of the country's greatest challenges. As of 2021, there were about 350 cases of recruitment of minors, with more than half of them (184 cases) in 2023. According to the National Ombudsman, indigenous minors were the most frequent victims of recruitment, accounting for 68.4% of all cases. Of the 184 cases, 59.8% of the victims were male (110 cases) and 40.2% were female (74 cases). The departments with the highest number of reported cases in 2023 (the period from January to November) were Cauca (125 cases); Norte de Santander (fourteen cases); Nariño (ten cases); Arauca and Putumayo (six cases each); Valle del Cauca and Caquetá (five cases each). Although there was purportedly recruitment in urban centres as well, exact figures are not known.⁵¹⁵ According to the Defensoría, however, its figures did not reflect reality. The actual number was probably higher.⁵¹⁶

According to the Defensoría, both factions of the dissident FARC and the ELN were responsible for most cases of forced recruitment, accounting for 91% and 7% of all cases, respectively.⁵¹⁷ According to some sources, the number of minors forcibly recruited by illegal armed groups was consistently decreasing. In response to the

⁵¹⁰ Confidential source, 14 February 2024; confidential source, 13 February 2024.

⁵¹¹ Caribe afirmativo, *Se aprueba en segundo debate de la Cámara de Representantes el proyecto de ley para que las mujeres, personas trans y no binarias no sean obligadas a prestar el servicio militar*, 29 February 2024.

⁵¹² USDOS, *COLOMBIA 2022 INTERNATIONAL RELIGIOUS FREEDOM REPORT*, p. 8, 20 March 2023.

⁵¹³ In 2023, that amount ranged between 58,000 Colombian pesos (about 14 euros) for those with no income and 580,000 Colombian pesos (about 140 euros) for those who earned four times the legal monthly minimum wage (1,160,000 Colombian pesos, about 272 euros).

⁵¹⁴ El Tiempo, *Ojo, remisos: estos serán los precios de la libreta militar; le quitarán sanciones*, 30 November 2023.

⁵¹⁵ Caracol Radio, *La Defensoría del Pueblo registró 184 casos de reclutamiento de menores en 2023*, 13 February 2024; Save the Children, *Crítica situación de desaparición y reclutamiento de niñas, niños, adolescentes y jóvenes en el departamento del Cauca: 140 casos reportados en 2023*, 31 August 2023; VOA, *Reclutamiento de menores en Colombia no se detiene pese a las apuestas por la paz*, 24 November 2023; confidential source, 11 January 2024; confidential source, 7 December 2023; El Tiempo, *En 2022, Colombia fue incluido de nuevo en el informe sobre Niños y Conflictos Armados de la ONU*, 2 December 2023.

⁵¹⁶ Defensoría, *El reclutamiento de niñas, niños y adolescentes es un crimen de guerra que debe parar de inmediato*, 12 February 2024.

⁵¹⁷ Caracol Radio, *La Defensoría del Pueblo registró 184 casos de reclutamiento de menores en 2023*, 13 February 2024.

deteriorating humanitarian situation in the country, minors joined organised armed groups based on the promise of food, clothing and a roof over their heads. In May 2023, four indigenous boys in the Putumayo department were reportedly killed by a faction of the EMC known as the Caroline Ramírez Front. They had purportedly tried to escape after the group forced them to join their ranks (see subsection 1.1.2).⁵¹⁸

According to a report by International Crisis Group (ICG), the trends in the recruitment of minors align with the reasons for which older people (including young adults) join armed and criminal groups. Demobilised members of these groups who had left their groups in the period 2018–2022 shared that their motivation to join the groups was due to lack of access to education, lack of financial resources, the possibility of holding a position of power and family ties. In the descriptions of their own recruitment, these demobilised individuals mentioned intimidation, displacement, tricks and temptations, promises of material support, abuse in the home situation that had led them to seek alternatives and gradually becoming involved in illegal activities.⁵¹⁹

3.12 Freedoms

3.12.1 *Freedom of religion and belief*

Article 13 of the Colombian constitution states that everyone is born free and equal, will enjoy the same protection from the authorities and have the same rights, freedoms and opportunities, regardless of such reasons as political, philosophical or religious beliefs.⁵²⁰ As in the year 2021, Freedom House wrote that, in general, the Colombian government respected freedom of religion and belief in 2022.⁵²¹ The Colombian Ministry of the Interior's Department of Religious Affairs provided support to the 32 departments for the implementation of the national government policy on religious freedom. Religious and interfaith NGOs continued to promote religious freedom and tolerance through their programmes and community engagement.⁵²² According to USDOS, religious groups noted that it remained difficult for individuals to be exempted from military service on religious grounds (see also 3.10).⁵²³ No further information is known about this.

The Attorney General's Office (Fiscalía) reported that non-state actors had killed three religious leaders in 2022, as compared to none in 2021. NGOs and church representatives reported that illegal armed groups continued to kill, threaten or displace human rights defenders, including some religious leaders. The religious leaders had not been killed because of their denomination, but because, by virtue of their positions, they were engaged in activities promoting human rights, supporting internally displaced persons, assisting with land restitution claims and discouraging coca cultivation. Consequently, they could be seen as social leaders. These activities were a thorn in the side of illegal armed groups.⁵²⁴

⁵¹⁸ VOA, *Reclutamiento de menores en Colombia no se detiene pese a las apuestas por la paz*, 24 November 2023; confidential source, 6 December 2023; El País, *Los fuegos nunca pararon: la paz total mantiene solo dos de sus cinco ceses*, 23 May 2023; Infobae, *Revelaron nuevos detalles de la masacre de cuatro menores indígenas en Putumayo*, 21 May 2023; ICG, *Trapped in Conflict: Reforming Military Strategy to Save Lives in Colombia*, pp. 6–7, 27 September 2022; confidential source, 7 December 2023; France24, *Colombia: ¿hacia la 'paz total' o parcial?*, 14 December 2023.

⁵¹⁹ ICG, *Protecting Colombia's Most Vulnerable on the Road to 'Total Peace'*, 24 February 2024.

⁵²⁰ Constitución Política Colombia, *TÍTULO II DE LOS DERECHOS, LAS GARANTÍAS Y LOS DEBERES*, artículo 13, 1991.

⁵²¹ Freedom House, *Freedom in the World 2023*, D2, 2 February 2023.

⁵²² USDOS, *COLOMBIA 2022 INTERNATIONAL RELIGIOUS FREEDOM REPORT*, pp. 2, 6–7, 20 March 2023.

⁵²³ USDOS, *COLOMBIA 2022 INTERNATIONAL RELIGIOUS FREEDOM REPORT*, p. 8, 20 March 2023.

⁵²⁴ Infobae, *Colombia entre los países donde crece la persecución contra los cristianos, asegura ONG holandesa*, 10 February 2022; El Tiempo, *Exclusivo: el lío de tierras que estaría detrás del asesinato de pastor en Cartagena*, 16 May 2023; USDOS, *COLOMBIA 2022 INTERNATIONAL RELIGIOUS FREEDOM REPORT*, p. 1, 20 March 2023.

3.12.2 *Freedom of expression*

Colombia's 1991 Constitution guarantees freedom of expression.⁵²⁵ Colombia nevertheless scored low on the Reporters Without Borders (RSF) index of press freedom. In 2023, the country was ranked 139th out of 180 countries. This placed it slightly higher on the list than in 2022, when it had ranked 145th, but still lower than in previous years. In 2020 and 2021, it had ranked 130th and 134th, respectively, on the press freedom index.⁵²⁶

With regard to developments in 2022, Freedom House wrote that the government did not restrict internet access or censor websites. Twitter and other social media were said to be important platforms for political discussion, but large parts of Colombia had no access to local news, as it was not reported. Individuals could usually express their opinions freely in the larger urban centres. In contrast, freedom of expression was reportedly under pressure, in more remote areas, where the state, rebels and criminals were fighting over control. Government officials, including President Petro, reportedly made disparaging remarks about members of the press for making negative comments about the government. A similar situation was outlined for 2023.⁵²⁷ A confidential source confirmed this view, stating that freedom of expression is poor in areas where the state has little presence and where organised armed groups are in control or present.⁵²⁸

Specific targets

Anyone speaking out against the economic (or other) interests of organised armed groups or publishing about corruption and abuses within local authorities (including alleged links between local authorities and organised armed groups) risked intimidation, threats or physical violence (see also subsection 3.7.1.3).

Monitoring of posts to Facebook, X (previously Twitter) and internet discussion groups

A confidential source stated that, during Petro's government, no cases were reported in which the state tried to monitor social media platforms.⁵²⁹

In 2022, news reports stated that members of the Colombian army had kept illegal files on dozens of politicians, judges, former members of the Colombian armed forces, human rights activists and journalists. In 2019 as well, the army had purportedly carried out surveillance activities unlawfully (see also subsection 3.8.2 of the General Country of Origin Information Report on Colombia 2022). According to a confidential source, nothing had been done with this information, and those responsible for such illegal practices had not been held accountable.⁵³⁰

3.12.3 *Freedom of demonstration*

As stated in the General Country of Origin Information Report on Colombia 2022, in late April 2021, Colombians had taken to the streets because of an unpopular tax reform by the then Duque government. The demonstrations grew into a mass protest known as the *Paro Nacional* (National Strike). The demonstrations were, amongst others, directed against the increased poverty rates due to COVID-19,

⁵²⁵ <https://rsf.org/en/country/colombia> (accessed on 1 February 2024).

⁵²⁶ <https://rsf.org/en/index?year=2023> (accessed on 1 February 2024).

⁵²⁷ <https://freedomhouse.org/country/colombia/freedom-world/2023> (accessed on 1 February 2024);

<https://freedomhouse.org/country/colombia/freedom-world/2024> (accessed on 25 March 2024); FLIP, *El presidente Petro endurece su discurso contra el periodismo y alienta su criminalización*, 12 May 2023.

⁵²⁸ Confidential source, 12 February 2024

⁵²⁹ Confidential source, 12 February 2024

⁵³⁰ Confidential source, 12 February 2024; Freedom House, *Freedom on the Net 2023, Colombia*, [Colombia: Freedom on the Net 2023 Country Report | Freedom House](#), Section C5.

human rights violations and what the protesters saw as the Duque government's failing policies to counter these violations.⁵³¹ Due to crackdowns and excessive force by the national police, and the *Escuadrón Móvil Antidisturbios* (ESMAD: Mobile Unit) in particular, there were dozens of fatalities (with estimates ranging from forty to about ninety) and hundreds of injured. Members of the *primera línea* (the first line)⁵³² of the demonstrators had purportedly been threatened by the police, and some were said to have been victims of targeted killings. In defence of the police crackdown, the top national police boss argued that the protesters had exhibited a great deal of violence and vandalism. Two of the verified fatalities during the demonstrations were reportedly police officers killed by violence on the part of the protesters.⁵³³

After Petro took office, critics of the actions of the Duque government during the *Paro Nacional* themselves became part of the government.⁵³⁴ The Petro government has also faced demonstrations. For example, there were demonstrations against reforms and policy proposals by the government in 2023. Thousands of people took to the streets, especially in major cities, to demonstrate against various issues, including the increase in fuel prices, the Paz Total and the intention to reform the labour market. There were also demonstrations in response to the scandals surrounding Petro's entourage. For example, in early March 2024, tens of thousands of people took to the streets in major cities (e.g. Bogotá, Medellín and Cali) to demonstrate against the Petro government. As far as is known, the demonstrations proceeded without any significant incidents.⁵³⁵

3.12.3.1

Consequences of participating in the 2021 demonstrations

Following the *Paro Nacional*, hundreds of young people who had participated in the demonstrations were arrested. The Fiscalía reported that, as part of the 2021 demonstrations, 630 people (580 men, 50 women) were prosecuted for alleged crimes committed during these protests.⁵³⁶ Of the convictions, the most notable were those handed down by a judge in November 2022 against four members of the *primera línea*. The four young people were sentenced to 14 years and seven months in prison for torturing citizens they suspected of being undercover agents.⁵³⁷

According to a confidential source, at the beginning of 2024, around sixty people were still in detention because of their participation in the *Paro Nacional*. The source noted that the Colombian authorities may still be looking for individuals involved in serious disturbances during their participation, including violence against Colombian security forces.⁵³⁸ The extent to which Colombian authorities are actually taking action on this is not known.

⁵³¹ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 12, March 2022.

⁵³² The *Primera Línea* consisted of protesters who had set themselves the task of protecting the other protesters. To this end, they often wore helmets and other protective clothing, had shields and were sometimes even armed with sticks. There were also instances in which they had thrown Molotov cocktails at the police.

⁵³³ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 73, March 2022.

⁵³⁴ El País, *Cuatro años de un paro nacional que cambió la historia de Colombia*, 21 November 2023.

⁵³⁵ Euronews, *Colombia | Protestas y bloqueos por el aumento del precio de la gasolina*, 29 August 2023; France24, *Miles protestaron en Colombia contra el Gobierno de Petro mientras caía la reforma laboral*, 21 June 2023; El Tiempo, *Nadie les impedirá marchar': presidente Petro sobre protestas contra su Gobierno*, 16 August 2023;⁵³⁵ confidential source, 20 January 2023; BBC Monitoring, *Briefing: 'Tens of thousands' in Colombia join anti-government protests*, 6 March 2024.

⁵³⁶ Of those prosecuted, 185 were charged and held in custody, 79 were placed under house arrest and 52 were placed in pre-trial detention or received an alternative to detention. In some cases, individuals were released on the grounds that the deadline had expired or due to omissions in the supporting documents of the Fiscalía.

⁵³⁷ Caracol Radio, *Los registros judiciales de La Primera Línea*, 5 December 2022; OHCHR, *Situation of human rights in Colombia - Report of the United Nations High Commissioner for Human Rights (A/HRC/55/23) (Unofficial English version)*, p. 11, 14 February 2024.

⁵³⁸ Confidential source, 14 February 2024.

President Petro has a different take on the Paro Nacional than his predecessor Duque. A former member of the primera línea, Gareth Steven Sella Forero, is even part of Petro's cabinet as the Deputy Youth Minister. In December 2022, the newly inaugurated President Petro declared that his government intended to release the young people — who were still being detained for their participation in the demonstrations — within the framework of the Paz Total. According to the Minister of Justice, this did not constitute a general release from prison, but would involve examining the trial of each of the individuals involved.⁵³⁹ The minister also stated that none of those who were targeted for release had been charged with crimes against humanity, murder, sexual offences, crimes against minors or torture.⁵⁴⁰

In response to Petro's statement, then Attorney General Barbosa noted that it would be a judge, and not the president, who would have to review the requirements and decide on granting freedom to prisoners.⁵⁴¹ The constitutional court agreed with Barbosa, stating in November 2023 that, as a rule, the president and the executive could not order the release of someone deprived of liberty by a court order.⁵⁴² Meanwhile, four young people who had participated in the Paro Nacional had already been released within the framework of the Paz Total. Thirteen young people who had been arrested were released because the prosecution could not prove that they were criminally responsible for the crimes with which they had been charged.⁵⁴³ As far as is known, none of the young people who were released have been re-arrested by authorities.

Some confidential sources reported that individuals who had participated in the Paro Nacional may still receive threats from the police. This involved people who had been arrested, assaulted or had witnessed police assault of protesters. These individuals had been pressured by the police not to report the abuses. According to some sources, many people therefore keep quiet and do not file reports with the police.⁵⁴⁴

Abuses by police or other parts of the Fuerza Publica can be reported to the Procuraduría, after which the Fiscalía will investigate (see subsection 3.13.2). According to the US State Department, however, there continued to be impunity amongst members of the security forces. Obstacles to addressing such impunity were said to include inadequate protection of witnesses and investigators, delaying tactics by defence lawyers and lack of oversight by the judiciary to handle cases effectively and in a timely manner.⁵⁴⁵

3.12.4

Unions

Colombian law gives workers the right to form and join trade unions, bargain collectively and hold strikes. Members of the military and police are nevertheless

⁵³⁹ OHCHR, *Situation of human rights in Colombia* UNOFFICIAL ENGLISH VERSION OF REPORT A/HRC/52/25, p. 12, 20 February 2023.

⁵⁴⁰ Infobae, *Dos integrantes de la primera línea de Bucaramanga fueron liberados para convertirse en voceros de paz*, 4 January 2023; Infobae, *Gareth Sella, viceministro de la Juventud, se refirió a la derogación del decreto sobre drogas: ¿qué dijo?*, 11 December 2023.

⁵⁴¹ Semana, *Fiscal Francisco Barbosa: 'Los jueces tendrán la última palabra', tras reunión con Gustavo Petro quedaron claros los límites del Gobierno con liberaciones de la primera línea*, 16 December 2022.

⁵⁴² El País, *Corte Constitucional determinó que miembros de Primera Línea no podrían ser liberados sin justificación del Gobierno*, 1 December 2023.

⁵⁴³ Infobae, *Danilo Rueda responde por la libertad de Primera Línea tras decisión de la Corte Constitucional: 'Ellos se manifestaron sin violencia armada'*, 3 December 2023.

⁵⁴⁴ Confidential source, 14 February 2024; confidential source, 13 February 2024; Amnesty International, *Pum! Cayó conmemora con música a las víctimas de represión policial de protestas en Colombia*, 30 April 2024.

⁵⁴⁵ USDOS, *COLOMBIA 2023 HUMAN RIGHTS REPORT*, 2024.

prohibited from forming or joining trade unions.⁵⁴⁶ As in the previous reporting period, trade union leaders were threatened and killed during this reporting period as well. In 2023, Indepaz counted nine killings of union leaders.⁵⁴⁷ According to USDOS, around 250 union leaders were purportedly receiving protection from the UNP in June 2022.⁵⁴⁸ For most of these killings, neither the motive nor the perpetrator was known. In most cases, it was noted that the killings had been committed in areas where organised armed groups were active. In one case, an offender had been arrested who had alleged ties to the Clan del Golfo. In addition to being union leaders, those killed were also members of the Defensoría, local politicians, teachers or journalists.⁵⁴⁹

President Petro's current left-wing government is generally on good terms with most unions. At a pro-government demonstration in June 2023, several trade unions were represented and spoke in favour of the government.⁵⁵⁰

3.13 Fuerza Pública

3.13.1 Current state of affairs

The General Country of Origin Information Report on Colombia 2022 reported that, in accordance with the Colombian constitution, the Fuerza Pública (general armed forces) consists of the military forces and the national police. All Colombians are obliged to take up arms when required by the public interest to defend national independence and public institutions. The Fuerza Pública falls under the Ministry of Defence.⁵⁵¹ There had purportedly been calls to remove the police from under the banner of defence. For the Duque government, however, this had been out of the question.⁵⁵²

Under President Petro as well, it seems as if the police will remain under the Ministry of Defence as part of the Fuerza Pública. As noted by a confidential source, although the Petro government wishes to change the structure of the Fuerza Pública, it is not prioritising this. There is too much resistance from the opposition to any change.⁵⁵³ The current government did replace the leadership of the army and police, largely because many of them were haunted by scandals involving corruption and violence. Dozens of generals were discharged, and most were replaced by young officers.⁵⁵⁴

⁵⁴⁶ USDOS, *COLOMBIA 2022 HUMAN RIGHTS REPORT*, p. 33, 20 March 2023.

⁵⁴⁷ Indepaz, *LÍDERES SOCIALES, DEFENSORES DE DD.HH Y FIRMANTES DE ACUERDO ASESINADOS EN 2023*, 20 December 2023.

⁵⁴⁸ USDOS, *COLOMBIA 2022 HUMAN RIGHTS REPORT*, p. 38, 20 March 2023.

⁵⁴⁹ Infobae, *Asesinó a un profesor en frente de sus alumnos mientras entregaba notas: capturaron a alias Isaza*, 21 September 2023; Canal1, *Asesinan a Freddy Reinhals, servidor público de la Defensoría del Pueblo*, en Maicao, 7 September 2023; El Heraldo, *Funcionario de la Defensoría muere durante labores en el sur de Córdoba*, 26 August 2023; El Heraldo, *Exconcejal de San Diego fue asesinado en La Guajira*, 12 August 2023; Infobae, *Líder social Jairo Enrique Tombé y su esposa, reportados como desaparecidos, fueron hallados sin vida. Su entierro fue en Cauca*, 6 June 2023; Infobae, *Ofrecen 50 millones de pesos de recompensa por información sobre el asesinato del líder social Carlos Julio Tautiva*, 22 April 2023; Caracol Radio, *Asesinaron a un líder sindical en Carepa, Urabá antioqueño*, 20 February 2023; Infobae, *Asesinan a la líder social Mariela Reyes Montenegro en Santander de Quilichao, Cauca*, 4 January 2023.

⁵⁵⁰ El País, *'Petro no está solo': el presidente logra una gran marcha en Bogotá en medio de la crisis política*, 7 June 2023; El País, *'Fuera Petro': la oposición colombiana se pelea la mayoría en las calles*, 20 June 2023.

⁵⁵¹ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 73, March 2022.

⁵⁵² Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, pp. 71–72, March 2022.

⁵⁵³ Confidential source, 14 February 2024; confidential source, 20 January 2023.

⁵⁵⁴ Confidential source, 20 January 2023; El País, *Colombia replaces 'medieval' ultra-religious police chief who waged war on the devil*, 13 April 2023.

The army, which was already facing a shortage of finances and resources, purportedly lost clout due to Petro's policies. Multiple confidential sources agree that many experienced officers have been replaced by inexperienced young officers, which has had an impact on the professionalism of the army.^{555 556}

3.13.2 *Current record on classic human rights*

The previous COI Report reported abuses within the Fuerza Pública and the excessive force used against civilians by the army and police — and especially by the police during the Paro Nacional (see 3.4.1 of the General Country of Origin Information Report on Colombia 2022).

After decades of fighting against internal enemies — the guerrillas and paramilitaries — the army and police continue to view civilians in areas where armed organised groups are present as potential opponents, with all the consequences that this entails.⁵⁵⁷ Several sources agree that abuses within the Fuerza Pública continue to exist, but that much has improved since Petro took office. For example, the number of civilian deaths due to violence by Colombian security forces has decreased since the new government took office (see also subsection 1.5.2). With regard to 2023, the OHCHR received 37 reports of alleged arbitrary fatalities from violence on the part of the police and armed forces. Thirty of these reports had been confirmed by the UN organisation, and seven were still under investigation in March 2024. For 2022, the OHCHR had verified 71 cases of arbitrary fatalities at the hands of the army and armed forces. For 40 of these 71 cases, the Colombian Ministry of Defence had concluded that international humanitarian law had not been violated or that members of the Fuerza Pública had not been responsible.⁵⁵⁸

The OHCHR also received 36 allegations of other alleged human rights violations by members of the security forces in 2023, 18 of which have been verified. These violations included torture, cruel, inhuman or degrading treatment; gender-based violence, including sexual violence; threats to personal integrity; arbitrary detention; and discrimination (see also subsections 3.7.3.2 and 3.7.4.4 particularly with regard to police violence against members of the LGBTIQ+ community).⁵⁵⁹

As noted in the previous COI Report, there was no proper mechanism for monitoring the actions of soldiers, although the government had intensified human rights training and investigated violations by security force personnel in recent years.⁵⁶⁰ After taking office in August 2022, the Petro government also sought to address human rights violations by members of the Fuerza Pública and to ensure that perpetrators are arrested and tried. Despite good intentions, impunity remained high and few cases were actually addressed. A confidential source noted that the Ministry of Defence discloses little information.⁵⁶¹ In a military operation against the dissident FARC in the department of Putumayo, eleven people, most of them civilians, lost their lives. Given that this involved possible abuses within the Fuerza Pública, the agency was not allowed to investigate itself. In this case, the Fiscalía

⁵⁵⁵ Semana, 'Quieren volver al Ejército una empresa de vigilancia privada', 13 March 2024; confidential source, 14 February 2024; confidential source, 14 February 2024; confidential source, 13 February 2024.

⁵⁵⁶ ICG, *Trapped in Conflict: Reforming Military Strategy to Save Lives in Colombia*, p. 19, 27 September 2022.

⁵⁵⁷ ICG, *Trapped in Conflict: Reforming Military Strategy to Save Lives in Colombia*, p. 10, 27 September 2022; confidential source, 20 February 2024.

⁵⁵⁸ OHCHR, *Situation of human rights in Colombia - Report of the United Nations High Commissioner for Human Rights (A/HRC/55/23) (Unofficial English version)*, p. 4, 14 February 2024; OHCHR, *Situation of human rights in Colombia UNOFFICIAL ENGLISH VERSION OF REPORT A/HRC/52/25*, p. 10, 20 February 2023.

⁵⁵⁹ OHCHR, *Situation of human rights in Colombia - Report of the United Nations High Commissioner for Human Rights (A/HRC/55/23) (Unofficial English version)*, p. 4, 14 February 2024.

⁵⁶⁰ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 73, March 2022.

⁵⁶¹ Confidential source, 20 February 2024; confidential source, 14 February 2024.

had to investigate. The Fuerza Pública nevertheless started the investigation and later transferred the case to the Fiscalía. According to a confidential source, this had delayed the investigation.⁵⁶²

3.14 Intelligence and security services

Further details on the various services in Colombia are discussed in section 3.3 of the General Country of Origin Information Report on Colombia 2022. As far as is known, there have been no organisational changes of these services.

The new director of the National Intelligence Directorate (DNI: Dirección Nacional de Inteligencia), Alberto Casanova, is a close confidante of President Petro, in addition to being a former member of M-19.⁵⁶³ Although the intelligence service, which reports and is directly accountable to the president may not be used for the personal (or other) interests of the president, it purportedly did so. The news medium La Silla Vacía wrote that Petro had used the civilian DNI to get rid of senior officers within the army who were suspected of corruption. According to that news outlet, it was also possible that Petro had used intelligence from the DNI to sideline opponents within the military with whom he has a difficult relationship.⁵⁶⁴

In June 2023, former Attorney General Francisco Barbosa confirmed that President Petro's chief of staff, Laura Sarabia, had ordered the tapping of the phone of her son's nanny, Marellys Meza. Sarabia suspected Meza of theft. Both the Fiscalía and Procuraduría said that they would conduct further investigation into the alleged illegal eavesdropping practices. Sarabia eventually resigned as Petro's chief of staff (see subsection 1.1.1). The allegations reported above were a slap in the face to Petro, who has been adamant about wanting to eliminate the abuses existing within previous governments that had used the intelligence apparatus for their own purposes.⁵⁶⁵ In early 2024, Sarabia regained a senior position in the Colombian government. The outcomes of the promised investigations by the Fiscalía and Procuraduría are not known.⁵⁶⁶

3.15 Arrests, custody and detentions

As stated in the General Country of Origin Information Report on Colombia 2022, various sources have reported that, as a whole, conditions in Colombian prisons and detention centres were poor. With the exception of a few new facilities, prisons and detention centres suffered from overcrowding, poor sanitation, poor healthcare and lack of other basic facilities.⁵⁶⁷

With regard to 2022, USDOS wrote that the situation in prisons and detention centres were still severe and life-threatening, due to overcrowding, poor sanitation, poor healthcare and lack of basic services. Prison staff were poorly trained and

⁵⁶² Swissinfo, *Investigan a 6 altos militares por operación que dejó 11 muertos en Colombia*, 16 February 2023; confidential source, 20 February 2024.

⁵⁶³ El Colombiano, *Casanova, el misterioso hombre que dirige la DNI*, 28 August 2022.

⁵⁶⁴ BBC Monitoring (La Silla Vacía), *Colombian president used spy agency to purge 'corrupt' army officers-report*, 20 November 2023; Al Poniente, *La Dirección Nacional de Inteligencia, ¿qué es?*, 26 June 2023.

⁵⁶⁵ Infobae, *La niñera de la discordia: así se orquestó el mayor escándalo del gobierno de Gustavo Petro que cobró las cabezas de Laura Sarabia y Armando Benedetti*, 2 June 2023; El País, *Colombia's citizen surveillance methods once again under scrutiny*, 7 June 2023.

⁵⁶⁶ El Tiempo, *Presidente Petro posesionó este viernes a Laura Sarabia como directora del Dapre*, 23 February 2024.

⁵⁶⁷ Ministry of Foreign Affairs, General Country of Origin Information Report on Colombia 2022, p. 125, March 2022.

posed a problem across the entire prison system.⁵⁶⁸ The International Committee of the Red Cross also wrote that in 2022, the penitentiary system remained in a difficult situation, due to constant violations of the fundamental rights of detainees. Although overcrowding had decreased in prisons following the COVID-19 pandemic, it continued to be a problem in detention centres. In correctional centres, it was difficult to ensure access to basic services (e.g. healthcare, water, food, hygiene and sufficient living space). According to the International Committee of the Red Cross, prisons are said to be poorly maintained. The organisation also reported the poor level of staff training and the lack of training and rehabilitation projects within the prison system.⁵⁶⁹

3.16 Assault and torture

Several sources reported that, although prohibited by Colombian law, torture continued to occur during the current reporting period (see also subsection 3.13.2). Torture was used by both illegal armed actors and the state for purposes including to curtail the exercise of various rights and to silence individuals. In 2023, the OHCHR recorded and investigated allegations of torture, cruel, inhuman or degrading treatment; gender-based violence, including sexual violence and rape; threats to personal integrity; arbitrary detention and discrimination. Between 1 January 2015 and 30 June 2022, 495 cases of torture were documented, according to the CCJ. Of these cases, 52.5% were attributed to government officials, 14.9% to paramilitaries, 4.8% to guerrillas, 3.6% to social intolerance⁵⁷⁰ groups and 2.6% to acts of paramilitary groups operating in collusion with state officials. In 21.4% of these cases, the suspected perpetrator of torture was not known.⁵⁷¹

According to the OHCHR, the case of William Castro Muñoz, an Afro-Colombian social leader from Nariño, was illustrative of what human rights violations social leaders were facing. Although Muñoz received protection from the UNP, he was abducted and held for nine months by an illegal armed organisation. During his abduction, Castro Muñoz was tortured, subjected to ill treatment and forced to work for the group.⁵⁷²

As is the case for other crimes in Colombia, the level of impunity for torture is high, according to several sources. A confidential source noted that, during the Paro Nacional, many protesters were tortured by Colombian security forces or injured by excessive force. Many of these cases went unpunished, however, including during the reporting period. The source nevertheless noted that no official figures exist, thus making it difficult to estimate the extent of impunity.⁵⁷³

⁵⁶⁸ USDOS, *COLOMBIA 2022 HUMAN RIGHTS REPORT*, p. 8, 20 March 2023.

⁵⁶⁹ CICR, *Retos Humanitarios 2023 Colombia*, p. 9, 22 March 2023.

⁵⁷⁰ It is not clear what the CCJ means by this.

⁵⁷¹ CCJ, *Colombia pasará a examen ante la ONU sobre prevención y atención de la tortura*, 19 April 2023; HRW, *Colombia Events of 2022, 2023*; USDOS, *COLOMBIA 2022 HUMAN RIGHTS REPORT*, p. 7, 20 March 2023; OHCHR, *Situation of human rights in Colombia - Report of the United Nations High Commissioner for Human Rights (A/HRC/55/23) (Unofficial English version)*, pp. 5 and 9, 14 February 2024.

⁵⁷² OHCHR, *Situation of human rights in Colombia - Report of the United Nations High Commissioner for Human Rights (A/HRC/55/23) (Unofficial English version)*, pp. 5 and 9, 14 February 2024.

⁵⁷³ Confidential source, 14 February 2024; USDOS, *COLOMBIA 2022 HUMAN RIGHTS REPORT*, p. 8, 20 March 2023.

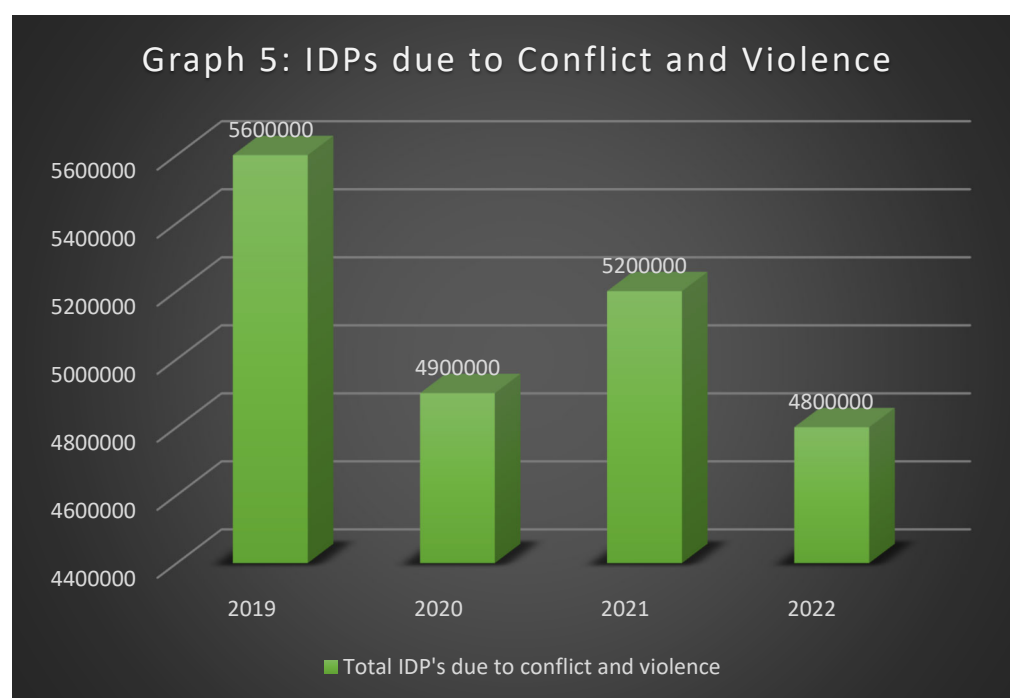
4 Displaced persons and refugees

4.1 Influx of displaced persons and refugees

Displaced persons

During the current reporting period, Colombia was the country with the second highest number of internally displaced persons in the world, following Syria. The internal armed conflict (see 1.6) continued during the current reporting period, flaring up in some regions of the country, which was the main reason for new cases of displacement.⁵⁷⁴ The *Registro Único de Víctimas por eventos de desplazamiento forzado* (Single Registry of Victims for instances of forced displacement) reported 8,375,715 displaced persons from 1985 to 31 December 2022.⁵⁷⁵

According to the Internal Displacement Monitoring Centre (IDMC), the number of internally displaced persons on 31 December 2022 was 4,766,280. Although new displaced persons have been added every year, figures from the Internal Displacement Monitoring Centre (IDMC) do not indicate an increase in the total number of displaced persons. In 2022, the number had even decreased relative to 2021 (see Graph 5). One reason for this may be that some displaced people have returned to their original homes.⁵⁷⁶

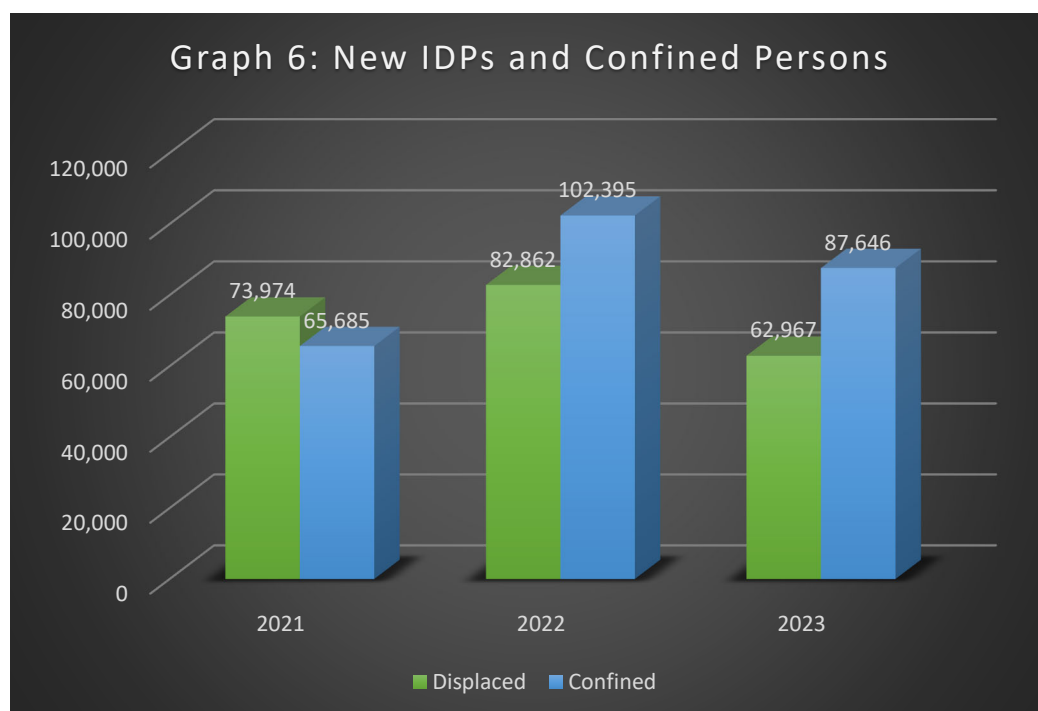


⁵⁷⁴ VOA, 'Colombia, el segundo país del mundo con mayor cifra de desplazados' ACNUR, 26 June 2023; UNHCR, Global Trends, Forced Displacement in 2022, p. 26, 14 June 2023.

⁵⁷⁵ IDMC, *Las cifras que presenta el Informe Global sobre Desplazamiento 2023*, 11 May 2023.

⁵⁷⁶ IDMC, *Global Report on Internal Displacement 2023*, pp. 71–71 and 77, 11 May 2023; <https://www.internal-displacement.org/database/displacement-data> (accessed on 25 January 2024).

According to OCHA figures, there were about 62,967 new cases of displacement in 2023, and 87,646 cases of confinement.⁵⁷⁷ These figures represent a 22.9% decrease in displacement and a 14.3% decrease in confinement, relative to data from 2022. In 2022, 82,862 people had been displaced and 102,395 had faced confinement. The 2022 figures represented an increase over 2021, with 73,974 displaced persons and 65,685 confined persons (see Graph 6).⁵⁷⁸



About 55% of all displaced persons and 79% of persons in confinement in 2023 belonged to indigenous and Afro-Colombian population groups.⁵⁷⁹ According to the UN, the departments⁵⁸⁰ that were most severely affected by displacement were Bolívar, Cauca, Nariño and Valle del Cauca, and those most severely affected by confinement were Caquetá, Cauca, Chocó and Nariño.⁵⁸¹ According to a press release from the Colombian authorities, the departments of Nariño, Choco, Valle del Cauca, Antioquia, Cauca and Bolívar (in this order) were the most affected departments in terms of the number of incidents leading to mass forced displacement. The message does not address the number of displaced people by department. In terms of confinement, the most affected departments were Chocó,

⁵⁷⁷ There is nevertheless no uniformity with regard to the numbers of newly displaced persons. Different sources cite different figures. The trends outlined do tend to coincide.

⁵⁷⁸ Naciones Unidas, *Colombia: Pese a cierta reducción de la violencia en 2023, sigue amenazada la vida de muchas comunidades*, 28 February 2024; OHCHR, *Situation of human rights in Colombia UNOFFICIAL ENGLISH VERSION OF REPORT A/HRC/52/25*, p. 8, 20 February 2023.

⁵⁷⁹ Naciones Unidas, *Colombia: Pese a cierta reducción de la violencia en 2023, sigue amenazada la vida de muchas comunidades*, 28 February 2024; OHCHR, *Situation of human rights in Colombia UNOFFICIAL ENGLISH VERSION OF REPORT A/HRC/52/25*, p. 8, 20 February 2023.

⁵⁸⁰ Sources often mention these departments as the hardest hit, but some sources also mention Norte de Santander and Arauca, for example, as areas where the population is being displaced.

⁵⁸¹ The source does not elaborate on displacement in these areas. It is thus unclear whether these areas have the highest number of IDPs or, for example, were the most frequently affected by incidents leading to displacement. OHCHR, *Situation of human rights in Colombia - Report of the United Nations High Commissioner for Human Rights (A/HRC/55/23) (Unofficial English version)*, p. 3, 14 February 2024; Infobae, *Colombia en la encrucijada: desplazamientos forzados continúan en aumento*, 5 November 2023.

Putumayo, Nariño, Arauca, Valle del Cauca and Cauca. This observation also assumes the greatest number of incidents of confinement.⁵⁸²

Refugees

Colombia hosts the largest number of Venezuelans who have left Venezuela due to the political and humanitarian situation there. In January 2021, there were more than 1.7 million Venezuelans in Colombia. At the end of the previous reporting period — March 2022 — there had been some 2.5 million Venezuelans in Colombia.⁵⁸³ In February 2024, the head of the Colombian government's migration authority, Fernando Garcia, stated that the number of Venezuelan migrants living in the country had decreased for the first time in a decade. Garcia reported that, between December 2022 and December 2023, the number of Venezuelans residing in Colombia had decreased by 1.1%. According to the Colombian government, the Venezuelan population had declined by 32,000 in 2023, from its peak of 2,896,748 in 2022.⁵⁸⁴ These figures refer to Venezuelans legally residing in Colombia. The actual number is probably higher, with estimates likely ranging from 300,000 to 800,000 more, according to the BBC.⁵⁸⁵

One reason for the decline in numbers may have been the improved relationship between Colombia and Venezuela, although it could also be due to the deteriorating economic situation in Colombia, according to several sources. For this reason, many Venezuelans decided to travel north to the United States in the hope of finding a better life there.⁵⁸⁶ According to Colombian authorities, from January to October 2023, a total of 458,228 people of various nationalities migrated north through the Darién (also known as the Darién Gap and Tapón del Darién).⁵⁸⁷ These migrants included 294,598 Venezuelans, followed by Ecuadorians (51,129), Haitians (41,489), Chinese (18,501) and Colombians (15,897). Smaller groups of migrants came from twenty-five other countries, including Cameroon, Vietnam, Somalia, Cuba, Dominican Republic, Eritrea and Syria.⁵⁸⁸

4.2 Measures regarding the residence of Venezuelans in Colombia

Amongst other statements, the General Country of Origin Information Report on Venezuela of June 2020 indicated that there were various types of special permissions for residence (PEP: *Permiso Especial de Permanencia*). This gave Venezuelans in Colombia the right to work, education and healthcare. Despite the various PEPs, more than half of all Venezuelans had no documentation in 2020. Many of them therefore struggled to access such essential services as healthcare, education and employment. In early February 2021, then-President Duque announced that Venezuelan migrants and refugees were entitled to temporary

⁵⁸² Defensoría del Pueblo, *Durante el 2023 en Colombia, cerca de 121.00 personas fueron víctimas de desplazamiento forzado masivo y confinamiento*, 29 January 2024.

⁵⁸³ UNCHR/ACNUR, *ACNUR EN COLOMBIA: quiénes somos: Colombia* | ACNUR (accessed on 4 January 2024); UNHCR/ACNUR, *ACNUR: Informe semestral de tendencias 2022 (Américas)*, p. 2, November 2022; Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 131, March 2022.

⁵⁸⁴ Bluradio, *Colombia registra la primera disminución de población venezolana en el país después de una década*, 21 February 2024.

⁵⁸⁵ BBC, *'Ya no nos quieren acá': los miles de venezolanos que ahora se enfrentan a ser indocumentados en Colombia*, 14 July 2023.

⁵⁸⁶ Bluradio, *Colombia registra la primera disminución de población venezolana en el país después de una década*, 21 February 2024; confidential source, 8 January 2024.

⁵⁸⁷ Darién is a large region with difficult terrain consisting of swampland and jungle on the border between Panama and Colombia.

⁵⁸⁸ WRadio, *Migración en Colombia aumentó en un 214% entre enero y octubre de 2023*, 4 December 2023.

protection status (ETP: *Estatuto Temporal de Protección*), which would be valid for ten years (until 31 May 2031).⁵⁸⁹

The ETP consisted of the Single Register of Venezuelan Migrants (RUMV: *Registro Único de Migrantes Venezolanos*), in which refugees and migrants from Venezuela were required to register, and the Temporary Protection Permit (PPT: *Permiso por Protección Temporal*), an identification and regularisation document that gave Venezuelans access to facilities including healthcare, employment and education. With the advent of the PPT, the various PEPs disappeared. The registration periods for Venezuelans were as follows:

1. From 5 May 2021 to 28 May 2022: for Venezuelans with regular or irregular residence in Colombia prior to 31 January 2021.⁵⁹⁰ Venezuelans with a PEP had until 28 May 2022 to register in the RUMV.
2. From 29 May 2022 to 24 November 2023: for individuals who entered Colombian territory through an official border crossing point in the period from 29 May 2021 to 28 May 2023 (the first two years of the statute's validity).
3. Until 30 May 2031: for Venezuelan children and adolescents, including those enrolled in educational institutions (up to secondary school) in Colombia.⁵⁹¹

Of the 2,864,796 Venezuelans living in Colombia at the beginning of 2024, according to Migración Colombia, 2,505,346 had ultimately enrolled in the RUMV. By early 2024, 2,004,503 PPTs had been approved. Of these documents, 1,931,587 had been printed, and 1,868,264 had been issued to recipients.⁵⁹² According to a confidential source, the difference between the number of registered Venezuelans and the number of documents issued was related to the fact that some Venezuelans had eventually left Colombia — particularly in order to return to Venezuela or to head towards the United States — or because they had since been involved in a crime and were thus no longer eligible for a PPT.⁵⁹³

Venezuelans who had entered by regular means until May 2023 could still register in the Registro Unico de Migrantes, so that they could eventually obtain a PPT. A confidential source stated that it was no longer possible for anyone who had illegally crossed the border between Venezuela and Colombia after 1 February 2021 to use the ETP. For those who were no longer eligible for a PPT, the only option was to request a visa⁵⁹⁴ or asylum in Colombia.⁵⁹⁵

Through Resolution 5477, the Ministry of Foreign Affairs made several adjustments regarding visas for Colombia. The focus was on a new type of visa known as the 'Visa for the application of temporary protection status for Venezuelan migrants' (*Visa por aplicación del Estatuto Temporal de Protección para Migrantes*)

⁵⁸⁹ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 133, March 2022.

⁵⁹⁰ This applied only to Venezuelans residing in Colombia illegally on 31 January 2021 who could provide summary evidence that they had been residing in Colombia before that date. Individuals who entered Colombia illegally after this date would purportedly not be eligible for the ETP and could pursue residence through other means (e.g. by applying for asylum).

⁵⁹¹ Migración Colombia, <https://twitter.com/MigracionCol/status/1518243366789476355?s=20&t=SQM3qGkzF2msM-7UI7rqOw>, 24 April 2022; Colombia Check, *Explicador: lo que todo migrante venezolano debe saber sobre el trabajo en Colombia*, 11 May 2022; Colombia Check, *Paso a paso: cómo hacer completo el Registro Único de Migrantes Venezolanos*, 25 August 2021; R4V, *Estatuto Temporal de Protección para Venezolanos (ETPV)*, pp. 2, 10 and 17, 2021.

⁵⁹² El Espectador, *Tres años del ETPV: logros y retos*, 1 March 2024.

⁵⁹³ Confidential source, 23 February 2024.

⁵⁹⁴ This visa can also be applied for in Colombia.

⁵⁹⁵ Confidential source, 11 January 2024.

Venezolanos), which could be requested as of 1 June 2023.⁵⁹⁶ Venezuelans were required to have a passport in order to obtain a visa. According to a confidential source, however, many Venezuelans in Colombia did not have such a document.⁵⁹⁷

Some sources reported that Colombia's asylum system was slow and that it did not function properly. Of more than 50,000 asylum applications made in Colombia in recent years, about 1,500 had been granted as of June 2023. A confidential source stated that it was possible for Venezuelans to have a PPT and seek asylum. At some point, however, they would have to choose one of the routes.⁵⁹⁸

4.3 Situation in practice for Venezuelans

In September 2022, with regard to the ETP for Venezuelans, President Petro stated that the temporary protection status allowed them to remain in Colombia, but did not give them access to rights in Colombia. Petro promised that his government would try to improve the conditions of Venezuelans in Colombia.⁵⁹⁹ According to both public and confidential sources, the situation for Venezuelans had worsened since Petro took office. For example, many Venezuelans could not renew their residence permits or status, and others who were new to Colombia could not formalise their status. As a result, they either remained in Colombia illegally or returned to Venezuela. According to some sources, the cause was Petro's desire to promote the return of Venezuelans (whether voluntary or involuntary).⁶⁰⁰

In principle, a Venezuelan with a PPT or refugee status has access to services such as healthcare, employment and education. According to confidential sources, however, it is common for the PPT not to be recognised by the commercial and financial sectors, or even by government agencies. As a result, Venezuelans with PPT or refugee status experience restrictions in access to formal employment, education and healthcare.⁶⁰¹

Freedom of movement with a residence permit

With a residence permit (e.g. a PPT), an individual may move freely throughout Colombia.⁶⁰² It is important to note that, in some areas, freedom of movement is restricted (e.g. due to the presence of organised armed groups; see subsection 1.5.6).

4.4 Return for Venezuelans with expired/valid residence permits

Loss of PPT and residing in Colombia again

⁵⁹⁶ Pablo Jose Perez Herrera (LinkedIn), *A partir del 2023 los venezolanos que obtuvieron PEP en agosto de 2017 pueden solicitar Visa de Residente en Colombia*, 16 August 2023.

⁵⁹⁷ Confidential source, 11 January 2024.

⁵⁹⁸ Confidential source, 23 February 2024; confidential source, 18 December 2023.

⁵⁹⁹ El Tiempo, *Petro: Migración deberá levantar órdenes de prohibición de entrada a Colombia*, 28 September 2022.

⁶⁰⁰ Confidential source, 18 December 2023; BBC, *'Ya no nos quieren acá': los miles de venezolanos que ahora se enfrentan a ser indocumentados en Colombia*, 14 July 2023.

⁶⁰¹ Confidential source, 23 February 2024; confidential source, 11 January 2024.

⁶⁰² Confidential source, 23 February 2024.

A Venezuelan in possession of a valid residence permit (e.g. PPT)⁶⁰³ may travel into and out of the country.⁶⁰⁴ The Colombian Special Administrative Unit for Migration (*Unidad Administrativa Especial Migración Colombia*) proceeds to revoke the PPT by administrative decision when the permit holder has been absent from the national territory for more than 180 days.⁶⁰⁵ According to a confidential source, the law decrees that this cancellation is not subject to appeal. In this regard, the law leaves the door open for addressing possible exceptional situations through the courts. For example, if a person leaves Colombia and has an accident that forces a stay outside Colombia for more than 180 days, it is possible — with the intervention of a judge — to request that such a provision not be applied. In that case, proof of the reason for the extended stay must be provided.⁶⁰⁶

The confidential source adds that, with regard to leaving Colombia, the context of territorial borders and the weakness of border control should also be taken into account. For example, a person entering or leaving Colombia through an illegal border crossing (*trocha*) is not registered.⁶⁰⁷

Those whose PPT has been cancelled and who wish to reside in Colombia again can apply for a visa or try to obtain refugee status through an asylum procedure. According to a confidential source, these procedures do not guarantee that Venezuelan citizens will be allowed to reside in Colombia again.⁶⁰⁸

Proof of withdrawal of PPT

In its own system, the Colombian migration service (Migración Colombia) keeps track of which PPTs have been cancelled. Any individual whose PPT has been cancelled must receive written notice (administrative action) of the cancellation. This notification should be sent to the email address of the person in question. According to a confidential source, this did not always happen. In addition, Migración Colombia has a link⁶⁰⁹ that can be consulted. The source reported knowing of an example in which someone whose PPT had been cancelled checked the link and could not retrieve any information.⁶¹⁰

Re-applying for an expired residence permit

According to a confidential source, an individual who has left Colombia and who is in possession of an expired residence permit is not automatically eligible for a new residence permit. Individuals whose residence permits have been cancelled can apply for a visa or try to obtain refugee status through an asylum procedure.⁶¹¹

4.5 Residence in general

4.5.1 Distinction in law and/or practice by nationality

⁶⁰³ Because the PPT is not a travel document, Venezuelans with a PPT must also have a valid travel document.

⁶⁰⁴ R4V, *Estatuto Temporal de Protección para Venezolanos (ETPV)*, pp. 2, 10 and 17, 2021.

⁶⁰⁵ Cancillería, *Abecé del Estatuto Temporal de Protección para Migrantes Venezolanos*, 5 March 2021.

⁶⁰⁶ Confidential source, 4 February 2024.

⁶⁰⁷ Confidential source, 4 February 2024.

⁶⁰⁸ Confidential source, 4 February 2024.

⁶⁰⁹ <https://apps.migracioncolombia.gov.co:8443/consultappt/>

⁶¹⁰ Confidential source, 4 February 2024.

⁶¹¹ Confidential source, 23 February 2024.

Temporary protection status (ETP) is only for individuals of Venezuelan nationality (see section 4.2). According to a confidential source, no distinction is made between nationalities in access to the asylum procedure.⁶¹²

4.5.2 *Cases of refoulement of refugees and migrants by authorities*

There are no known cases in which Colombian authorities have forcibly returned refugees and migrants who were in Colombian territory. Current rules on the procedure for determining refugee status do not allow migration officers to receive asylum applications in transit zones at airports. According to a confidential source, at the El Dorado international airport, several dozen individuals who stated that they were in need of international protection were denied permission to enter the country.⁶¹³

4.5.3 *Return after staying abroad with lawful residence*

Venezuelans with a PPT can return to Colombia, provided they have not stayed abroad for more than 180 days (see section 4.4). Regardless of their nationality, individuals in the asylum procedure are not allowed to leave Colombia. Leaving the territory while the application for recognition of refugee status is being processed is considered a withdrawal of the application.⁶¹⁴

4.5.4 *Return after staying abroad with an expired residence permit*

A person with an expired residence permit may seek to re-enter the country under the current visa regime.⁶¹⁵

4.5.5 *UNHCR refugee work activities in Colombia*

The UNHCR is active in Colombia in refugee work through advocacy with the responsible authorities, including the Ministry of Foreign Affairs and the Ministry of Labour, as well as through strategic litigation in the Constitutional Court. In Colombia, the UNHCR cooperates to protect internally displaced persons, refugees and migrants from Venezuela, people involved in transcontinental movements and people at risk of statelessness. Services provided by the UNHCR include humanitarian assistance in emergencies (e.g. mass displacement of persons) and promoting access to public services (healthcare and education). The organisation particularly supports children to access and stay enrolled in school..⁶¹⁶

⁶¹² Confidential source, 23 February 2024.

⁶¹³ Confidential source, 23 February 2024.

⁶¹⁴ UNHCR, Solicitantes de asilo -Derechos de solicitantes de asilo: <https://help.unhcr.org/colombia/derechos-y-obligaciones/solicitantes-de-asilo/> (accessed on 26 March 2024).

⁶¹⁵ Confidential source, 23 February 2024.

⁶¹⁶ UNHCR, *Fact Sheet ACNUR Colombia | 2023, 2023.*

5 Return

5.1 **Problems with authorities upon return to Colombia (either enforced or voluntary)**

As stated in the previous COI Report, the Colombian authorities and related mechanisms had resolved to provide support to Colombians wishing to return to Colombia. A dignified return was purportedly not guaranteed by the Colombian government. There were nevertheless no known cases in which Colombians (forcibly) returning to Colombia experienced problems with the Colombian authorities (see Chapter 5 of the General Country of Origin Information Report on Colombia 2022).⁶¹⁷

During the current reporting period as well, no cases were reported of Colombians who (were forcibly) returned to Colombia and encountered problems with the Colombian authorities upon their return. A confidential source stated that there were cases of Colombians who had been deported (e.g. by the United States) and arrived at the Bogotá international airport turned to the authorities for assistance. Because of alleged threats from organised armed groups, they were purportedly unable to return to the areas from which they came. Given that the Colombian authorities had no functioning mechanism for receiving and supporting individuals stranded at the airport, they had to turn to other aid organisations.⁶¹⁸

⁶¹⁷ Ministry of Foreign Affairs, *General Country of Origin Information Report on Colombia 2022*, p. 137, March 2022.

⁶¹⁸ Confidential source, 23 February 2024.

6 Map of Colombia⁶¹⁹

The islands of San Andrés y Providencia are not shown on the map of Colombia below.

Source: www.kaartenatlassen.nl



⁶¹⁹ The boundaries and names on this map and the designations used should not be construed as an endorsement or acceptance thereof by the Kingdom of the Netherlands.

7 List of abbreviations

ACSN	Autodefensas Conquistadoras de la Sierra Nevada
APOLO	Autenticación Personal
CCJ	Comisión Colombiana de Juristas
CD	Centro Democrático
CEJ	Corporación Excelencia en la Justicia
CIDH	Comisión Interamericana de Derechos Humanos
CODACOP	Corporación de Apoyo a Comunidad Populares
CTI	Cuerpo Técnico de Investigaciones
DANE	Departamento Administrativo Nacional de Estadística
DAS	Departamento Administrativo de Seguridad
DIJIN	Dirección de Investigación Criminal e INTERPOL
DNI	Dirección Nacional de Inteligencia
DW	Deutsche Welle
ELN	Ejército Nacional de Liberación
EMC	Estado Mayor Central
ERPAC	Renacer Ejército Revolucionario Popular Antisubversivo de Colombia
ESMAD	Escuadrón Móvil Antidisturbios
ETP	Estatuto Temporal de Protección
FARC	Fuerzas Armadas Revolucionarias de Colombia
FARC-EP	Fuerzas Armadas Revolucionarias de Colombia – Ejército Popular
FIP	Fundación Ideas para la Paz
FLIP	Fundación para la Libertad de Prensa
GAO	Grupos Armados Organizados
GDCO	Grupos de Delincuencia Común Organizada
GDO	Grupos Delictivos Organizados
ICBF	Instituto Colombiano de Bienestar Familiar
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IDMC	Internal Displacement Monitoring Centre
INS	Instituto Nacional de Salud
JAC	Juntas de Acción Comunal
JEP	Jurisdicción Especial para la Paz
LIMPAL	Liga Internacional de Mujeres por la Paz y la Libertad
MOE	Misión de Observación Electoral
OHCHR	Office of the United Nations High Commissioner for Human Rights
PAO	Plan de acción oportuna
PBI	Peace Brigades International
PEP	Permiso Especial de Permanencia
PMU	Puestos de Mando Unificado por la Vida
PPT	Permiso por Protección Temporal
RSF	Reporters Without Borders
RUMV	Registro Único de Migrantes Venezolanos
RUV	Registro Único de Víctimas
SIOPER	Sistema de Información Operativo
Sivigila	Sistema de Vigilancia en Salud Pública
SNARIV	Sistema Nacional de Atención y Reparación Integral a las Víctimas
SPOA	Sistema Penal Oral Acusatorio
UNP	Unidad Nacional de Protección
UPV	Unidad para las Víctimas
USDOS	United States Department of State

WJP World Justice Project

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