

FOLLOW UP TO THE PREVIOUS REVIEW

Protection of human rights defenders

1. Colombia supported 22 recommendations to protect human rights defenders and other social and community leaders in the previous review.¹ However, violence in Colombia against human rights defenders has continued. According to the “We Are Defenders Programme” (Programa Somos Defensores), in 2019 124 human rights defenders were killed,² in 2020 199,³ and in 2021 139⁴. Meanwhile, according to the Institute for the Study of Development and Peace (Instituto de Estudios para el Desarrollo y la Paz) in 2022 189 human rights defenders were killed.⁵ Other institutions and organizations, such as the UN High Commissioner for Human Rights Office in Colombia⁶ and the Ombudsperson’s Office (Defensoría del Pueblo)⁷ have published their own reports on human rights defenders’ killings. Even though there is disparity in the numbers, the trends are worrying similar.
2. Recently the Colombian government announced measures to guarantee safe spaces for human rights defenders,⁸ but its impact is still to be seen, while some have evaluated them as ineffective.⁹ At the start of 2023, the strategy continues to focus on implementation of individual protection measures, while action towards collective and comprehensive protection measures are still pending. For that reason, even though recognizing the importance of individual protection measures, the steps taken for collective protection and the change of course of action in recent months, Amnesty International nonetheless considers that the Colombian State’s progress on the fulfilment of recommendations in this issue is insufficient and requires implementation of prompt and effective measures.

Violence against women and girls

3. Colombia supported several recommendations to take effective measures to prevent and prosecute gender-based violence, including sexual violence.¹⁰ Despite this, Amnesty International has found that Venezuelan refugee women face multiple forms of gender-based violence along migratory routes, including from their partners, in the street, and at work. Available data show a significant under-reporting of gender-based violence cases reported by Venezuelan women, which is closely related to the obstacles they face in accessing criminal complaint procedures and protection services.¹¹

Justice for human rights abuses and rights of victims

4. Colombia supported 12 recommendations to take effective measures to hold accountable those responsible for attacks against human rights defenders¹² and perpetrators of gender-based violence.¹³
5. Up until 2020, efforts by the Attorney’s General Office to combat impunity for attacks against human rights defenders were insufficient.¹⁴ According to information provided to the “We Are Defenders Programme” (Programa Somos Defensores) by the Attorney’s General Office, the institution was investigating 417 cases of killings of human rights defenders that occurred between 2016 and 2020 and had “clarified” 68.59%. Nonetheless, convictions were secured in only 89 cases, corresponding to 21.34% of the 417 cases.¹⁵ Even though there has been some progress, the level of impunity is still concerning, and Amnesty International considers that Colombia must take further and more effective measures to fulfil the recommendations on this issue.
6. In cases of gender-based violence, specifically cases of violence and attacks against women and LGBTI people by public officials or with their acquiescence in the context of protests, efforts by the State are clearly insufficient and require substantive measures that contribute to building victims’ confidence in the institutions, especially in the Attorney’s General Office. Several cases of gender-based violence have been documented where victims do not feel confident enough to approach the Attorney’s General Office to file complaints, or where they have approached it and been revictimized by public officials¹⁶ This demonstrates the need for adopting more effective measures to fulfil the recommendations on this issue.

THE NATIONAL HUMAN RIGHTS FRAMEWORK

Protection of human rights defenders

7. Protection of human rights defenders has for long been a concern in Colombia and the government has tackled it through a series of legislative and regulatory measures. In 2020, while reviewing collective protection measures for defenders of land, territory, and environment, Amnesty International identified at least 14 laws and decrees directly or indirectly addressing the protection of campesino, Indigenous and Afro-descendant communities from human rights violations in the context of the armed conflict.¹⁷ However, in reality these standards have not been effective in preventing human violations against these human rights defenders.
8. In 2021, the Colombian government approved the CONPES 4063, a planning instrument for the implementation of a public policy on guarantees for human rights defenders and social leaders. A key serious concern about this instrument is that, besides being a non-binding document, the CONPES 4063 does not recognize the role the State plays in the violence against human rights defenders. In addition, it only focuses on the individual and material scope of protection that the Colombian State has privileged historically and is not the result of applying a human rights-based approach to human rights defender policy.¹⁸

Violence against Venezuelan women and girls

9. Colombia has a human rights-based legal framework for protection of women and girls against gender-based violence. Law 1257 of 2008 sets out measures to prevent and punish forms of violence and discrimination against women;¹⁹ Law 1761 of 2015 establishes femicide as a specific offence;²⁰ Law 294 of 1996 establishes measures to prevent and eradicate domestic violence and provides for care pathways for victims of domestic violence and gender-based violence;²¹ Law 1010 of 2006 sets out measures to prevent and punish harassment at the workplace.²² Nonetheless, as mentioned above, its impact on the actual situation of refugee Venezuelan women and girls is low, given lack of implementation, *de facto* barriers for women to access services and a stigmatizing context.

THE HUMAN RIGHTS SITUATION ON THE GROUND

10. While in this submission Amnesty International is focusing on the protection of human rights defenders, violence against refugee women and girls, and unlawful use of force in the context of protests, it is important to note concerns exist regarding other issues, such as general impunity for human rights violations; attacks on the press; violence against former combatants; gender-based violence and violence due to prejudice; racist violence; the impact of poverty, inequality, and historic discrimination on the enjoyment of economic and social rights, among others.
11. Of special concern is the situation of armed violence and conflict in the country and its impact on human rights. Armed violence continues, especially in rural and marginalized areas. Armed confrontations between non-State groups and the state, or between the groups, have been registered constantly since the last review. According to the Ideas for Peace Foundation (Fundación Ideas para la Paz – FIP), between 2018 and 2022, violence in Colombia intensified and its logics and dynamics changed, passing from a context of confrontations between large-scale armed structures to local and focalized conflicts.²³ According to the same source, 2021 was the most critical year in terms of effects on civilians since the celebration of the Peace Agreement in 2016 between the state and the FARC-EP former guerrilla.²⁴

Protection of human rights defenders

12. Since 2018, violence against human rights defenders has continued and cases of killings, threats and other kinds of attacks continue to be concerning. Being a human rights defender in Colombia remains a high-risk activity and measures implemented by the state have not been enough.

13. The Colombian government has adopted measures to protect human rights defenders, but their reach and scope have been mostly focused on individual protection, including the provision of bodyguards, armoured vehicles, and other personal security arrangements. In many cases, especially those of defenders of land, territory and environment and their communities, collective protection measures are required, including analysis of the collective risks they face and plans for mitigating those risks which address their structural causes.
14. Amnesty International has followed closely the situation of four communities and the human rights defenders working with them since the previous review. These communities are the Association for the Integral and Sustainable Development of the Amazonian Pearl (ADISPA), the Black Communities Process (PCN), the Indigenous community of ASEIMPOME and, the Social Integration Committee of the Catatumbo (CISCA). A 2020 report documented the high risks faced by those communities and their leaders. Human rights defenders working with them faced and lived violence in a differentiated but equally serious manner.²⁵ Since the publication of the report, the government adopted some of the measures communities asked for to bring a structural and collective solution to their risk situation, but these measures are insufficient and the communities are still facing risks, even though some of them have evolved or diminished.
15. The government has vowed recently to implement programmes and initiatives to tackle the situation comprehensively. An emergency programme was implemented in late 2022 but its impact on the context remains to be seen.

Violence against Venezuelan women and girls

16. While there have been efforts to disseminate information about care pathways and provide orientation to women survivors of gender-based violence in the country, many Venezuelan women do not know about them or about their rights and legal actions available in Colombia. According to information received by Amnesty International, women who did have information received it during workshops from national and international organizations.²⁶
17. The lack of protection is particularly concerning for Venezuelan women who do not have regular migration status. Many Venezuelan women face serious obstacles in accessing international protection or complementary regularization mechanisms and remain irregular in the country. As a result, many are afraid to go to the relevant institutions to report gender-based violence, for fear of being deported to Venezuela (interviews carried out during in the first semester of 2022).²⁷
18. Some of those who manage to overcome these difficulties faced the authorities' refusal to take their complaint because they do not have a valid identity document, even though the law does not require it, or even due to discriminatory attitudes of the authorities because of their gender and nationality.

Freedom of expression and peaceful assembly

19. Between 2018 and 2023, worrying tendencies of the National Police to use unlawful force while policing protests were documented, especially but not exclusively during the National Strikes of 2019 and 2021. The human rights violations repertoire included extrajudicial executions, violations of the right to bodily integrity of protesters who sustained bodily injuries (including eye trauma), gender-based violence (including sexual violence), among others. Cases of official acquiescence and tolerance of attacks by armed civilian groups against protesters were also reported.
20. Amnesty International documented several cases of human rights violations during the 2021 National Strike. Among them were: (i) cases of unlawful use of force by police operatives in peaceful protests, resulting in the killing of several young men, such as the events in the so-called "Operation Siloé" in May 2021, in Cali;²⁸ (ii) cases of acquiescence of the National Police with civilian armed groups attacking Indigenous protesters, such as the events of 9 May 2021, also in Cali;²⁹ (iii) cases of unlawful use of force in coordination with armed civilians, and allegations of arbitrary detentions and torture while policing protests, such as on 28 May 2021, in the surroundings of a public university in Cali.³⁰
21. Amnesty International also documented 12 cases of unlawful use of force which resulted in irreversible eye trauma and partial or total loss of sight in one eye, eight of them during the 2021 National Strike. In one such incident, Leidy

Cadena, a young woman, sustained trauma in her right eye on 28 April 2021, in Bogotá, in the context of a police intervention in a protest.³¹

22. Finally, Amnesty International documented 28 cases of gender-based violence committed by public officials against women and LGBTI people in the context of the 2021 National Strike. The type of cases is diverse and a reflection of the specific risks that women and LGBTI people face, because of entrenched discrimination, when force is used unlawfully by the Colombian National Police. Among them were cases of sexist insults, threats, harassment, and sexual violence. One of the main findings of Amnesty International was the lack of trust that victims felt towards State institutions. Not even one of them decided to come forward publicly in Amnesty International's report for fears of reprisals or revictimizations; fears prompted in some cases by them trying to present formal complaints and being revictimized.³²

RECOMMENDATIONS FOR ACTION TO THE STATE UNDER REVIEW

Amnesty International calls on the government of Colombia to:

Protection of human rights defenders

23. When needed by human rights defenders and their communities, implement effective collective and comprehensive protection measures that approach violence by identifying and addressing its structural causes.
24. Develop, through a participatory and transparent procedure, a comprehensive, binding and coordinated policy for the protection of human rights defenders, including gender and ethnic perspectives.
25. Take urgent action to advance prompt, independent and impartial criminal investigations into allegations of attacks and threats against human rights defenders and their communities and bring to justice all those found responsible.

Violence against Venezuelan women and girls

26. Ensure that state officials who handle cases of gender-based violence and are in contact with survivors, including the police, public prosecution service and migration and health institutions, have robust protocols for providing support and addressing the specific care needs of refugee and migrant women survivors of gender-based violence as part of a gender-sensitive and intersectional approach with respect to the obligation of non-discrimination.
27. Provide appropriate, mandatory initial and ongoing training programmes that aim to actively challenge prejudices, gender stereotypes and myths around gender-based violence to all public officials providing services to all survivors of gender-based violence, including trans people and people who engage in sex work, such as police, public prosecution service, migration, and health services. Such training should include information and skills on the prevention and detection of gender-based violence, gender equality and intersectional discrimination as well as sensitization about the specific care needs of refugee and migrant women survivors of gender-based violence.
28. Address the underlying causes, structural inequalities and compounded stereotypes, based on gender, nationality and migration status, that perpetuate violence against Venezuelan women. Ensure that policies on prevention of gender-based violence include also measures to ensure provision of care to children and older people; access to decent employment with the view of enabling socio-economic integration of refugee and migrant women; and social and community integration programmes at the local level, that stimulate and strengthen support networks for refugee and migrant women, women heads of families and caregivers.

Freedom of expression and peaceful assembly

29. Reform the National Police through a transparent and participatory process that includes at least: (i) measures to demilitarize the institution; (ii) measures to prevent unlawful use of force; (iii) effective mechanisms of supervision and independent oversight and, (iv) measures to guarantee victims of human rights violations by police the rights to truth, justice, reparation, and non-recurrence.

30. Take urgent action to advance prompt, independent and impartial investigations regarding allegations of unlawful use of force and human rights violations against peaceful protestors and bring to justice all those found responsible.

- ¹ A/HRC/39/6, recommendations 120.65 [Germany], 120.57 [Plurinational State of Bolivia], 120.60 [Costa Rica], 120.55 [Austria], 120.73 [Norway], 120.30 [Australia], 120.81 [United Kingdom of Great Britain and Northern Ireland], 120.71 [Italy], 120.67 [Uruguay], 120.77 [Sweden], 120.58 [Canada], 120.59 [Congo], 120.62 [Czechia], 120.64 [France], 120.70 [Ireland], 120.72 [Netherlands], 120.75 [Republic of Korea], 120.78 [Spain].
- ² Programa Somos Defensores, *La ceguera. Informe anual 2019. Sistema de Información sobre Agresiones contra Personas Defensoras de Derechos Humanos en Colombia* – SIADDHH, 2020, <https://somosdefensores.org/informe-anual-2019-sistema-de-informacion-sobre-agresiones-contra-personas-defensoras-de-dd-hh-en-colombia-siaddhh/>.
- ³ Programa Somos Defensores, *La mala hora. Informe anual 2020. Sistema de Información sobre Agresiones contra Personas Defensoras de Derechos Humanos en Colombia* – SIADDHH, 2021, <https://somosdefensores.org/informe-anual-2020-sistema-de-informacion-sobre-agresiones-contra-personas-defensoras-de-dd-hh-en-colombia-siaddhh/>.
- ⁴ Programa Somos Defensores, *Teatro de sombras. Informe anual 2021. Sistema de Información sobre Agresiones contra Personas Defensoras de Derechos Humanos en Colombia* – SIADDHH, 2022, <https://somosdefensores.org/informe-anual-2021-sistema-de-informacion-sobre-agresiones-contra-personas-defensoras-de-dd-hh-en-colombia-siaddhh/>.
- ⁵ INDEPAZ, *Líderes sociales, Defensores de DD.HH. y firmantes de acuerdo asesinados en 2022*, <https://indepaz.org.co/lideres-sociales-defensores-de-dd-hh-y-firmantes-de-acuerdo-asesinados-en-2022/>.
- ⁶ UN OHCHR, *Homicidios de Defensores y defensoras*, <https://www.hchr.org.co/micrositios/homicidios-de-defensores-y-defensores/>.
- ⁷ Defensoría del Pueblo, *Entre enero y noviembre fueron asesinados 199 líderes, líderes sociales y personas defensoras de derechos humanos*, 7 December 2022, <https://www.defensoria.gov.co/-/entre-enero-y-noviembre-fueron-asesinados-199-l%C3%ADderes-lideres-sociales-y-personas-defensoras-de-derechos-humanos#:~:text=Entre%20el%20primer%20de%20enero,Defensor%20del%20Pueblo%2C%20Carlos%20Camargo.>
- ⁸ El Tiempo, *Gobierno Petro presenta plan de protección por la vida de líderes sociales*, 20 August 2022, <https://www.eltiempo.com/politica/proceso-de-paz/gobierno-de-petro-presenta-plan-de-proteccion-de-lideres-sociales-696155>. Unidad Nacional de Protección, *Plan de Emergencia*, 29 September 2022, <https://www.unp.gov.co/plan-de-emergencia/>.
- ⁹ Fundación Ideas para la Paz, *Petro y la estrategia de paz y seguridad. Efectos y alertas*, November 2022, p. 35.
- ¹⁰ A/HRC/39/6, recommendations 120.129 [Côte d'Ivoire], 120.135 [France], 120.143 [Malaysia], 120.134 [Finland], 120.137 [Iceland], 120.141 [Bolivarian Republic of Venezuela], 120.140 [Italy], 120.139 [Ireland], 120.145 [Poland], 120.149 [Nepal].
- ¹¹ Amnesty International, *"Unprotected: Gender-Based Violence Against Venezuelan Refugee Women in Colombia and Perú"*, 12 July 2022, <https://www.amnesty.org/en/documents/amr01/5675/2022/en/>.
- ¹² A/HRC/39/6, recommendations 120.33 [United States of America], 120.41 [Montenegro], 120.76 [Slovenia], 120.56 [Belgium], 120.73 [Norway], 120.58 [Canada], 120.59 [Congo], 120.62 [Czechia], 120.70 [Ireland], 120.72 [Netherlands], 120.75 [Republic of Korea], 120.78 [Spain].
- ¹³ A/HRC/39/6, recommendations 120.130 [Belgium], 120.148 [Sweden], 120.144 [Norway], 120.143 [Malaysia].
- ¹⁴ Amnesty International, *"Why Do They Want to Kill Us? Lack of Safe Space to Defend Human Rights in Colombia"*, 8 October 2020, <https://www.amnesty.org/en/documents/amr23/3009/2020/en/>.
- ¹⁵ Programa Somos Defensores, *Teatro de sombras. Informe anual 2021. Sistema de Información sobre Agresiones contra Personas Defensoras de Derechos Humanos en Colombia* – SIADDHH, 2022, <https://somosdefensores.org/informe-anual-2021-sistema-de-informacion-sobre-agresiones-contra-personas-defensoras-de-dd-hh-en-colombia-siaddhh/>, p. 90-91.
- ¹⁶ Amnesty International, *"The Police Does Not Care for Me. Sexual Violence and Other Gender-Based Violence in the 2021 National Strike"*, 1 December 2022, <https://www.amnesty.org/en/documents/amr23/6234/2022/en/>.
- ¹⁷ Amnesty International, *"Why Do They Want to Kill Us? Lack of Safe Space to Defend Human Rights in Colombia"*, 8 October 2020, <https://www.amnesty.org/en/documents/amr23/3009/2020/en/>, p. 7. The laws and decrees were: Law 418 of 1997; Decree 978 of 2000; Decree 2788 of 2003; Decree 2816 of 2006; Decree Law 4530 of 2008; Law 1448 of 2011; Decree 4065 of 2011; Decree 4911 of 2011; Decree 2096 of 2012; Decree 1066 of 2015; Decree 1314 of 2016; Legislative Act 05 of 2017; Decree 154 of 2017; Decree 1581 of 2017; Decree 2078 of 2017; Decree 2252 of 2017; Decree 2124 of 2017; Law 1908 of 2018 and Decree 660 of 2018.
- ¹⁸ Programa Somos Defensores, *Teatro de sombras. Informe anual 2021. Sistema de Información sobre Agresiones contra Personas Defensoras de Derechos Humanos en Colombia* – SIADDHH, 2022, <https://somosdefensores.org/informe-anual-2021-sistema-de-informacion-sobre-agresiones-contra-personas-defensoras-de-dd-hh-en-colombia-siaddhh/>, p. 76.
- ¹⁹ Sistema Único de Información Normativa, *Law 1257 of 2008*, 4 December 2008, <https://www.suin-juriscal.gov.co/viewDocument.asp?ruta=Leyes/1676263#:~:text=La%20presente%20Ley%20tiene%20por,a%20los%20procedimientos%20administrativos%20y.>
- ²⁰ Sistema Único de Información Normativa, *Law 1761 of 2015*, 6 July 2015, [https://www.suin-juriscal.gov.co/viewDocument.asp?ruta=Leyes/30019921#:~:text=Quien%20causare%20la%20muerte%20a,a%20quinientos%20\(500\)%20meses.](https://www.suin-juriscal.gov.co/viewDocument.asp?ruta=Leyes/30019921#:~:text=Quien%20causare%20la%20muerte%20a,a%20quinientos%20(500)%20meses.)
- ²¹ Sistema Único de Información Normativa, *Law 294 of 1996*, 16 July 1996, <https://www.suin-juriscal.gov.co/viewDocument.asp?ruta=Leyes/1657714#:~:text=La%20presente%20Ley%20tiene%20por,%C3%A9sta%20su%20armon%C3%ADa%20y%20unidad.>
- ²² Sistema Único de Información Normativa, *Law 1010 of 2006*, <https://www.suin-juriscal.gov.co/viewDocument.asp?id=30044240>.
- ²³ Fundación Ideas para la Paz, *Ni paz ni guerra. Escenarios híbridos de inseguridad y violencia en el gobierno de Iván Duque*, May 2022, p. 8-9.
- ²⁴ Fundación Ideas para la Paz, *Petro y la estrategia de paz y seguridad. Efectos y alertas*, November 2022, p. 17.
- ²⁵ Amnesty International, *"Why Do They Want to Kill Us? Lack of Safe Space to Defend Human Rights in Colombia"*, 8 October 2020, <https://www.amnesty.org/en/documents/amr23/3009/2020/en/>.
- ²⁶ Amnesty International, *"Unprotected: Gender-Based Violence Against Venezuelan Refugee Women in Colombia and Perú"*, 12 July 2022, <https://www.amnesty.org/en/documents/amr01/5675/2022/en/>.
- ²⁷ Amnesty International, *"Unprotected: Gender-Based Violence Against Venezuelan Refugee Women in Colombia and Perú"*, 12 July 2022, <https://www.amnesty.org/en/documents/amr01/5675/2022/en/>.
- ²⁸ Amnesty International, *"Cali: In the Epicentre of Repression. Human Rights Violations during the 2021 National Strike in Cali, Colombia"*, 30 July 2021, <https://www.amnesty.org/en/documents/amr23/4405/2021/en/>, p. 25-32/
- ²⁹ Amnesty International, *"Cali: In the Epicentre of Repression. Human Rights Violations during the 2021 National Strike in Cali, Colombia"*, 30 July 2021, <https://www.amnesty.org/en/documents/amr23/4405/2021/en/>, p. 33-37.
- ³⁰ Amnesty International, *"Cali: In the Epicentre of Repression. Human Rights Violations during the 2021 National Strike in Cali, Colombia"*, 30 July 2021, <https://www.amnesty.org/en/documents/amr23/4405/2021/en/>, p. 38-43.
- ³¹ Amnesty International, *"Shoots on Sight: Eye Trauma in the Context of the National Strike"*, 26 November 2021, <https://www.amnesty.org/en/documents/amr23/5005/2021/en/>, p. 26-29.
- ³² Amnesty International, *"The Police Does Not Care for Me: Sexual Violence and Other Gender-Based Violence in the 2021 National Strike"*, 1 December 2022, <https://www.amnesty.org/en/documents/amr23/6234/2022/en/>.